

Appeal No. 1289/2018
Samiullah vs Govt

22.11.2021


Appellant in person present.

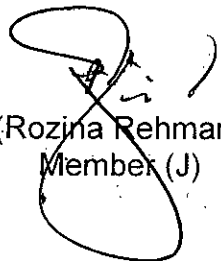
Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mr. Hamdullah A.D (Legal) and Dr. Hameed Ullah Senior Research Officer for the respondents present.

Former requested for withdrawal of the instant service appeal through written request.

In view of above, instant service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.

Announced
22.11.2021


(Atiq-Ur-Rehman Wazir)
Member (E)


(Rozina Rehman),
Member (J)

07.07.2021

Nemo for appellant.

Muhammad Adeel Butt learned Additional Advocate General alongwith Hameed Ullah S.R.O and Ijaz Muhammad Superintendent for respondents present.

Appellant/counsel be put on notice for 22.11.2021 for arguments before D.B.


(Rozina Rehman)
Member(J)


Chairman

Jiv Nadeed
22-11-21
R 72

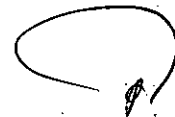
19.11.2020 Appellant present in person.

Muhammad Jan learned Deputy District Attorney alongwith Hameed Ullah SRO and Arif Wazir A.D for respondents present.

Former made a request for adjournment as his counsel is not available. Adjourned. To come up for arguments on 02.02.2021 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

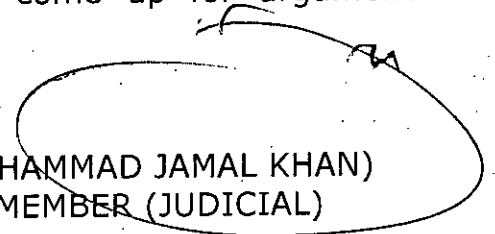
02.02.2021

Appellant is present in person. Mr. Muhammad Rasheed, Deputy District Attorney and Mr. Hameed Ullah, Senior Research Officer, for the respondents are also present.

Appellant stated that he is in search of retrieval of certain record which has not been retrieved so far and requested for adjournment. The request is acceded to, the appeal is adjourned to 06.04.2021 on which date file to come up for arguments before D.B.



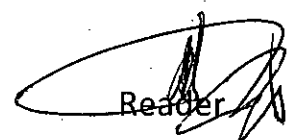
(ATIQU-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

06.04.2021


Due to demise of Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned to 07.07.2021 for the same.



Reader

7-5 .2020

Due to COVID19, the case is adjourned to
27/ 7/2020 for the same as before.


Reader

27.07.2020

Due to COVID-19, the case is adjourned. To come
for the same on 17.09.2020 before D.B.



Reader


17.09.2020

Nemo for appellant.

Mr. Muhammad Jan learned Deputy District Attorney
alongwith Hameed Ullah SRO for respondents present.

Due to Reader's note, process could not be issued in
the present case. As such, notice be issued to appellant
and his counsel for 19.11.2020 for arguments, before
D.B.


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

22.11.2019

Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Dr. Hameed Ullah, Senior Research Officer and Muhammad Arif, AD for the respondents present. Appellant seeks adjournment to file rejoinder. Adjourned to 21.01.2020 for rejoinder and arguments before D.B.

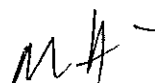

(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

21.01.2020

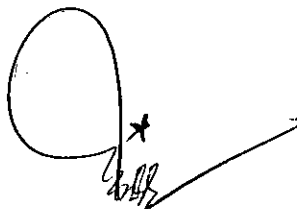
Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG for the respondents present. Adjourned to 06.03.2020 for rejoinder and arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

06.03.2020


Appellant with counsel present. Mr. Ziaullah, DDA alongwith Dr. Hameedullah, SRO and Muhammad Haseeb, Assistant for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.05.2020 before D.B.


Member


Member

19.06.2019

Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Dr. Hameed Ullah, Senior Research Officer for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further adjournment. Adjourned but as a last chance. Case to come up for written reply/comments on 16.07.2019 before S.B.


(Muhammad Amin Khan Kundi)
Member

16.07.2019

Appellant in person and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Mr. Anwar Ali, SRO for respondents No. 1 & 2 and Muhammad Haseeb, Litigation Assistant for respondent No. 3 present.

Representative of the respondents submitted reply/parawise comments which are placed on record. To come up for arguments before D.B on 08.10.2019. The appellant may submit rejoinder, if any, within a fortnight.

Chairman 

08.10.2019

Appellant absent. Learned counsel for the appellant absent. Asst: AG alongwith Dr. Sajid, SRO and Mr. M. Haseeb, Assistant for respondents present. Notice be issued to the appellant for appearance. Adjourn. To come up for arguments on 22.11.2019 before D.B.


Member


Member

1189/18

04.2.2019

Counsel for the appellant has submitted an application for permission to deposit the security and process fee as ordered on 13.12.2018.

Application is allowed and appellant is directed to make the requisite deposit within one week from today, where-after notices be sent to respondents for submission of written reply/comments on 27.3.2019 before S.B.

Appellant Deposited
Security & Process Fee

Chairman

27.03.2019

Appellant in person present. Dr.Hamid Ullah SRO for respondent No.1 & 2 and Muhammad Haseeb Assistant for respondent No.3 present. Written reply not submitted. Representatives of the respondent department seeks time to furnish written reply/comments. Granted. To come up for written reply/comments on 26.04.2019 before S.B

Member

26.04.2019

Nemo for appellant. Addl. AG alongwith Dr. Hameedullah, SRO and Muhammad Islam, Assistant for the respondents present.

Representatives of respondents request for adjournment. Adjourned to 19.06.2019 for submission of written reply/comments.

Chairman

13.12.2018

Appellant Samiullah Khan in person present. Preliminary arguments heard. It was contended by the appellant that he was serving in live Stock Department and later on he was transferred to Transport Department as Assistant. He further contended that he was dismissed from service by the competent authority vide order dated 26.02.2018 with effect from 01.08.2016 on the allegations of willful absence from duty and ~~convicted~~^{conviction} by the NAB Court. He further contended that he filed departmental appeal on 20.03.2018 which was rejected on 17.09.2018 hence, the present service appeal on 10.10.2018. The appellant further contended that he has challenged the conviction and sentenced order and the appeal of the appellant is sub-judice before the august Supreme Court of Pakistan. He further contended that he was falsely involved in the NAB case and since the appeal is sub-judice before the august Supreme Court of Pakistan therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notice be issued to the respondents for written reply/comments for 04.02.2019 before S.B.


Muhammad Amin Khan Kundi
Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1289/2018

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 10/10/2018 | <p>The appeal of Mr. Sami Ullah presented today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR 10/10/18</p> |
| 2- | 12-10-18 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>26-10-2018</u></p> <p style="text-align: right;"><i>[Signature]</i> Member</p> |
| | 26.10.2018 | <p>Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 13.12.2018.</p> <p style="text-align: right;"><i>[Signature]</i> Reader</p> |

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 1289/2018

Samiullah Khan Durrani

versus

Secretary & Others

I N D E X

| S.# | Description of Documents | Annex | Page |
|-----|--|-------|-------|
| 1. | Memo of Appeal | | 1-5 |
| 2. | Appointment order dated 20-06-2006 | "A" | 6 |
| 3. | Letter for requisition to Transport department dated 28-04-2015. | "B" | 7-8 |
| 4. | Letter of NOC dated 28-08-2015 | "C" | 9 |
| 5. | Permanent absorption in TD and order dated 06-10-2015 and 09-03-2016 | "D" | 10-12 |
| 6. | Promotion order to post of AD, B-17 dated 19-04-2016 | "E" | 13 |
| 7. | Non displacement letter dated 13-07-2016 | "F" | 14 |
| 8. | Withdrawn letter dated 01-08-2016 | "G" | 15 |
| 9. | Reliving letter dated 05-09-2016 | "H" | 16 |
| 10. | Relieving Order Dated 09-09-2016 | "I" | 17 |
| 11. | Pay slip October, 2016 | "J" | 18 |
| 12. | Representation dated 03-02-2017 | "K" | 19-20 |
| 13. | Order of undergone dated 04-10-16 | "L" | 21-34 |
| 14. | Arrival report dated 01-11-2017 | "M" | 35-36 |
| 15. | Cr.PLA October, 2017 | "N" | 37-48 |
| 16. | Dismissal order dated 26-02-2018 | "O" | 49 |
| 17. | Representation dated 20-03-2018 | "P" | 50-53 |
| 18. | Subsequent representation, 27-06-2018 | "Q" | 54-57 |
| 19. | Rejection order dated 17-09-2018 | "R" | 58 |

Appellant

Through



Saaduliah Khan Marwat
Advocate
21-A Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph: 0300-5872676
0311-9266609

Dated: 08-10-2018

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWARS.A No. 1289 / 2018

Samiullah Khan Durrani,
 Ex-Assistant Director Transport
 Directorate of Transport, Peshawar
 House No.232 Sector K-2, Street #10
 Phase 3 Hayatabad, Peshawar Appellant

Khyber Pakhtunkhwa
Service TribunalDiary No. 1519Date: 10-10-2018**VERSUS**

1. Director General (Research),
 Directorate of Livestock & Dairy
 Development Department, KP,
 Peshawar.
2. Secretary, Govt. of KP, Agriculture,
 Livestock & Dairy Development
 Department, Peshawar
3. Secretary, Transport &
 Mass Transit Department,
 Government of Khyber
 Pakhtunkhwa, Civil Secretariat,
 Peshawar. Respondents

⊕<=>⊕<=>⊕<=>⊕<=>⊕

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT,
 1974 AGAINST OFFICE ORDER DG (R) L & DD / E-
 II / PF (186) 2013 / 2053-57 DATED 26-02-2018
 OF R. NO. 01 WHEREBY APPELLANT WAS
 DISMISSED FROM SERVICE ON THE SCORE OF
 ABSENCE FROM DUTY AND THE SAID PERIOD WAS
 TREATED AS WITHOUT PAY AND OFFICE ORDER
 NO. SO (LFC) AD-2 (123) / PF / 2012 DATED 17-
 09-2018 OF R. NO. 02 WHEREBY DEPARTMENTAL
 APPEAL OF APPELLANT WAS REGRETTEED FOR NO
 LEGAL REASON.**

⊕<=>⊕<=>⊕<=>⊕<=>⊕

Filed to-day
 Registrar
 10/10/18



Respectfully Sheweth:

Short facts giving rise to the present appeal are as under:-

1. That appellant was appointed as Assistant BPS-16 in Agriculture, Livestock & Dairy Development Department Khyber Pakhtunkhwa vide order dated 20-02-2006. He was performing his official duties with devotion & to the entire satisfaction of his superiors without any complaint. (Copy as annex "A")
2. That issue cooked up when services of appellant were requisitioned by the Special Assistant to CM for Transport and Mass Transit Department, Khyber Pakhtunkhwa & in this respect, Private Secretary to the Special Assistant to CM for Transport wrote a letter to R. No. 01 to requisition his services against the vacant post of Assistant in the Directorate of Transport vide letter dated 28-4-2015, followed by subsequent letter dated 10-08-2015. (Copies as annex "B")
3. That on 28-08-2015, R. No. 01 wrote letter to Secretary to Government of Khyber Pakhtunkhwa for Transport and Mass Transit Department, R. No. 03 that he has no objection, if appellant is adjusted on any vacant post in borrowing Department. (Transport & Mass Transit Department). (Copy as annex "C")
4. That on 06-10-2015, no objection certificate on transfer & permanent absorption in Transport Department was issued by R. No. 02 and then on 09-03-2016, services of appellant were placed at the disposal of Transport Department for further posting, meaning thereby that the matter of transfer / posting between Agriculture Department & Transport and Mass Transit Department was finalized. (Copy as annex "D")
5. That on 19-04-2016, Director Transport issued office order wherein appellant was promoted from the post of Assistant BPS-16 to Assistant Director BPS-17 with immediate effect. (Copy as annex "E")

6. That on 13-07-2016, Special Assistant to CM for Transport and Mass Transit Department namely Shah Muhammad Wazir wrote letter to Secretary Transport, R. No. 03 not to disturb/displaced the officers mentioned in the letter ibid including the name of appellant at serial No.2. (Copy as annex "F")
7. That on 1-08-2016, without any reason and justification order of the appellant of transfer/posting was withdrawn by the Secretary Transport with direction to report back to his parent Department with immediate effect. (Copy as annex "G")
8. That on 05-09-2016 letter was issued by Transport Department to relieve appellant as the Special Assistant to CM for Transport became displeasure over him, yet the main cause was of his illegality, irregularity & corruption of the Special Assistant to CM in Transport Department as appellant was not supporting the said cause of the Special Assistant to CM for Transport. (Copy as annex "H")
9. That on 09-09-2016, Director Transport Department issued order of relieving of appellant from his duties w.e.f 1-09-2016. (Copy as annex "I")
10. That last pay was withdrawn by the appellant from Transport Department vide pay roll on October, 2016. (Copy as annex "J")
11. That from time to time numerous unique orders of posting & transfer of services of the appellant were issued which created ambiguity and to clear the position, appellant submitted representation before Secretary Transport, R. No. 03 to release my monthly salaries and to issue guidelines to the quarter concerned for the purpose vide representation dated 03-02-2017. (Copy as annex "K")
12. That in the meanwhile, appellant was arrested by NAB authorities on 11-02-2017 on charges of giving assistance to NAB authorities by providing mobile SIM but such allegation was totally false and absolutely incorrect.
13. That appellant filed appeal for acquittal against the conviction and sentence before the Peshawar High Court, Peshawar which came for hearing on 04-10-2017 and the conviction and sentence for seven

years was modified into undergone. And then he was released from jail on 24-10-2017 (Copies as annex "L")

14. That on 01-11-2017, appellant submitted arrival report for duty before R. No. 3. And assume the charge of the post on 15-11-2017. (Copies as annex "M")
15. That in November, 2017 appellant filed CPLA before the Apex Supreme Court of Pakistan to set aside the undergone sentence which is pending disposal before the apex court. (Copy as annex "N")
16. That on 26-02-2018 appellant was dismissed from service by R. No. 1. (Copies as annex "O")
17. That on 20-03-2018 appellant submitted departmental appeal before R. No. 2 for reinstatement in service to set-aside order from dismissal from service. (Copies as annex "P")
18. That on 27-06-2018, appellant submitted subsequent representation before R. No. 3 which was rejected on 17-09-2018. (Copies as annex "Q"&"R")

Hence this appeal, inter alia, on the following grounds:

GROUND S

- a. That appellant served the department for more than 11 years without any complaint.
- b. That transfer from Agriculture department to Transport department created problems for appellant and discharge of his duties and he was confronted with agonies stated in the body of appeal.
- c. That appellant was made shuttle cock between the two organs for ulterior motive as one organ was throwing responsibility to other. Appellant has no laxities in the same.
- d. That the pay of appellant was also held since November, 2016 for no legal reason but for the high handedness of the two organs.

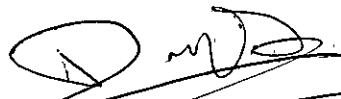
- e. That appellant was allowed promotion by the Transport department and not by the Agriculture department, so he became permanent employee of the Transport department and his repatriation to Agriculture department was illegal and of no legal effect.
- f. That neither any Notice was served upon appellant in the matter nor any enquiry was conducted, so the impugned orders are ab-initio void and based on malafide.

It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 26-02-2018 and 17-09-2018 of the respondents be set aside and appellant be reinstated in service in Transport department or as the case may be, with all consequential benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Through

Appellant,


Saadullah Khan Marwat


Amjad Nawaz
Advocates,

Dated 06-10-2018

DIRECTORATE
LIVESTOCK RESEARCH AND DEVELOPMENT
NWFP, PESHAWARORDER

On the recommendation of the Departmental Selection and Promotion Committee Mr. Samiullah Khan Durrani S/O Amanullah Khan Durrani is hereby appointed with effect from 15-02-2006 against the vacant post of Computer-Cum-Office Assistant BPS-11 Viz (Rs.2980-200-8980) at Directorate of Livestock Research and Development, NWFP, Peshawar under contract policy of the Government of NWFP on the following terms and conditions:

1. He will be placed minimum BPS-11 of basic pay scale of the Government employees under the contract policy.
2. He will be entitled for all such allowances and benefits which are admissible under the contract policy of the Government.
3. Either party can terminate the contract on 15 days notice or 15 days salary will be forfeited.
4. He will be governed by all Rules/Regulations applicable to the Government employees of the same category such as leave, training etc.
5. He will not continue G.P. Fund and will not be entitled for pension and gratuity benefits.
6. He will produce medical fitness certificate from the Medical Superintendent of the Government Hospital before joining his duty.
7. He will produce a bond duly attested by the Oath Commissioner for acceptance of this post with the above terms and conditions.
8. No TAVDA will be granted to him for joining the duty.

If he accepts the post of Computer-Cum-Office Assistant BPS-11 on the above terms and conditions he should report for duty to the undersigned within 15 days from the date of issuance of this order.

(DR. FIDA MOHAMMAD)
DIRECTOR

NO.DLR&D/Est-35/Vol.II/2006/382-88

Dated Peshawar the 21/02/2006

Copy of the above is forwarded to:-

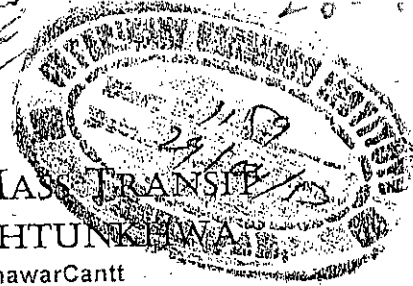
1. P.S to Minister for Agriculture, Livestock & Cooperative Department, NWFP, Peshawar for his kind information please.
2. P.S to Secretary Agriculture, Livestock and Cooperative Department, NWFP, Peshawar for information.
3. Director General (Research), NWFP Agriculture University, Peshawar for information please.
4. Mr. Samiullah Khan Durrani S/O Mr. Amanullah Khan Durrani House No.300 Sector K-II Street # 13Phase-III, Hayatabad, Peshawar for information and compliance.
5. Assistant Budget and Accounts Livestock Research & Development NWFP, Peshawar for information and necessary action.
6. Personal File.
7. Office Order file.

(DR. FIDA MOHAMMAD)
DIRECTOR.

Handwritten signature and initials

B

7



DIRECTORATE OF TRANSPORT & MASS TRANSIT
GOVERNMENT OF KHYBER PAKHTUNKHWA

Ground Floor, Benevolent Fund Building, Peshawar Cantt
Tel: 091-9214185

No: Dir/Tpt/3044-45
Dated: April 28, 2015.

To


The Director General,
Livestock Research & Diary Development Department,
Khyber Pakhtunkhwa.

Subject: REQUISITION OF SERVICES OF MR. SAMIULLAH KHAN DURRANI,
ASSISTANT, DIRECTORATE GENERAL LIVESTOCK RESEARCH &
DIARY DEVELOPMENT DEPARTMENT, KHYBER PAKHTUNKHWA.

Dear Sir,

Kindly refer to the subject noted above.

The Services of Mr. Samiullah Khan Durrani, Assistant, are requisitioned against the vacant post of Assistant in Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa.


Director Transport & Mass Transit
Khyber Pakhtunkhwa

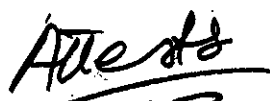

Endst of even no and date:

A copy is forwarded for information to P.S to Special Assistant to CM for Transport & Mass Transit Department, Khyber Pakhtunkhwa, Peshawar.

Director Transport & Mass Transit
Khyber Pakhtunkhwa

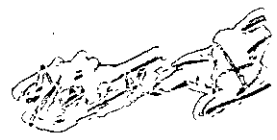
OSLE)


29/4/15.

8

10-8-15



MAJID HUSSAIN MUHAMMADI KHAN VASHEE

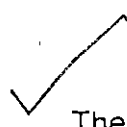
SPECIAL ASSISTANT

To the Govt. Transport, Mass Transit & Tech. Edu.
Khyber Pakhtunkhwa

No. PS/SA to CM/T&TE/1-18/2014
Dated Peshawar the, 10th August, 2015

MOST IMMEDIATE

To



The Secretary to Govt. of Khyber Pakhtunkhwa,
Transport & Mass Transit Department.

Subject :- **REQUISITION**

Dear Sir,

I am directed to refer to the subject noted above and to state that Mr. Samiullah Durrani serving as Office Assistant (BPS-16) in the Directorate of Livestock & Dairy Development (Research Wing) Khyber Pakhtunkhwa. His services are required to the Director Transport & Mass Transit Khyber Pakhtunkhwa.

It is, therefore, requested that case of the above named official may be taken-up with the Agriculture Department to place his services at the disposal of Director Transport & Mass Transit Khyber Pakhtunkhwa on priority basis in the best interest of public.

Yours faithfully,

(FAZLE HAQ KHATTAK)
PRIVATE SECRETARY
091-9223646

Received
10/8



DIRECTORATE GENERAL (RESEARCH)
LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT,
KHYBER PAKHTUNKHWA, PESHAWAR

No. DG(Res)L&DD/Est.II/PF(186)/2006/Vol.III/ Dated Peshawar the 28/08/2015.
3963

To

The Secretary,
Government of Khyber Pakhtunkhwa,
Agriculture, Livestock and Cooperatives
Department, Peshawar.

Attention: Section Officer(LFC)

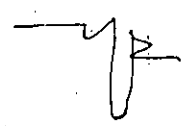
Subject: REQUISITION OF SERVICES OF MR. SAMIULLAH KHAN DURRANI,
ASSISTANT, DIRECTORATE GENERAL(RESEARCH) LIVESTOCK
AND DAIRY DEVELOPMENT DEPARTMENT, KHYBER
PAKHTUNKHWA, PESHAWAR.

Please refer to this office letter of even No. 1967 dated 30-04-2015 on the subject noted above.

It is please stated that the service of Mr. Samiullah Khan Durani Assistant was requisitioned by the Transport and Mass Transit Department vide their letter No. Dir/Tpt/3044-45 dated 28-04-2015. This department had already presented no objection if he is adjusted on any post at the borrowing department for further placement.

It is requested that the fate of his case is still pending and the progress is still awaited which may kindly be intimated please.

Encl: 02


(DR. AHMAD NAVEED)
Director General (Research)

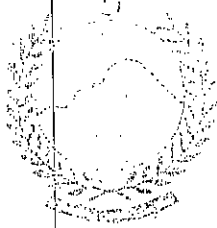
ATAAS
3

28-8-15

D.

10

6-10-15



**GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT**

Dated Peshawar the 6th October 2015

NOTIFICATION

NO.SO(LFC)AD-2(123)/2015: The Government of Khyber Pakhtunkhwa, Agriculture, Livestock & Cooperative Department has no objection on transfer and permanent absorption of Mr. Samiullah Khan Dirrani in the Transport Department as per rules.

Sd/-
SECRETARY AGRICULTURE

ENDST. NO. & DATE EVEN.

Copy forwarded to the:-

1. Director General (Research), Livestock & Dairy Development, Khyber Pakhtunkhwa, Peshawar w/r to his letter No. DG(Res)L&DD/Est.II/PP(186)/2006/Vol.III/3963, dated 28.08.2015.
2. Section Officer (Admn), Transport & Mass Transit Department w/r to his letter No. SO(G)/3-1/2014/4877-80, dated 03.09.2015.
3. PS to Secretary Agriculture, Livestock & Cooperative Department.
4. Master File.

(DR. MIR AHMAD KHAN)
SECTION OFFICER (LFC)

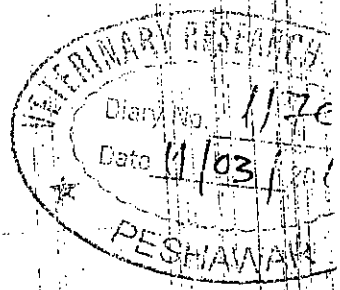
Amir
3

9-3-16

11



GOVERNMENT OF
KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT



Dated Peshawar the 9th March, 2016.

NOTIFICATION.

NO.SO(LFC)AD-2(123)PF/2015.-

The Competent Authority is pleased to place the services of Mr. Samiullah Khan Durrani, Office Assistant (BS-16) Livestock & Dairy Development Department (Research Wing) at the disposal of Transport Department for further posting.

Sd/-
SECRETARY AGRICULTURE.

ENDST. NO. & DATE EVEN.

Copy forwarded for information and necessary action to:-

1. The Director General (Research) Livestock & Dairy Development, Khyber Pakhtunkhwa, Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. The Director General/Director of Transport and Mass Transit, Khyber Pakhtunkhwa, Peshawar.
4. The Section Officer (Admn) Government of Khyber Pakhtunkhwa Transport & Mass Transit Department.
5. PS to Special Assistant to Chief Minister for Transport & Mass Transit Department, Khyber Pakhtunkhwa.
6. PS to Special Assistant to Chief Minister for Livestock & Dairy Development, Khyber Pakhtunkhwa.
7. Official concerned!
8. PS to Secretary Agriculture, Livestock & Dairy Development.

(MUHAMMAD TAHIR)
SECTION OFFICER (LFC)

SRO (M)

Place on file 11/3/16

ASE

11/3/16

Handwritten signature

E

13

19-4-16



**Directorate of Transport & Mass Transit
Khyber Pakhtunkhwa**

Ground Floor, Benevolent Fund Building, Peshawar Cantt
Tel: 091-9214185/9212061

No.Dir/TPT/488-93
Dated: 19-4-2016

ORDER

On the recommendations of the Departmental Promotion Committee in exercise of power conferred under the Khyber Pakhtunkhwa Civil Servants (appointment, promotion and Transfer) Rules 1989, Mr. Samiullah Khan Durrani Assistant BPS-16 is hereby promoted to Assistant Director BPS-17 with immediate effects.

DIRECTOR
Transport & Mass Transit

Endst: No & Date of Even:

A copy is forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa.
2. Section Officer (Admn), Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa.
3. PS to Special Assistant to CM for Transport and Mass Transit Department Khyber Pakhtunkhwa.
4. The Officer concerned.
5. Master file.

DIRECTOR
Transport & Mass Transit



MALIK SHAH MUHAMMAD KHAN WAZIR

SPECIAL ASSISTANT
To CM for Transport & Mass Transit
Khyber Pakhtunkhwa

No. PS/SA to CM/T&MT/1-5/2014/Transport
Dated Peshawar the, 13-07-2016

To

The Secretary to Govt: of Khyber Pakhtunkhwa,
Transport & Mass Transit, Department.

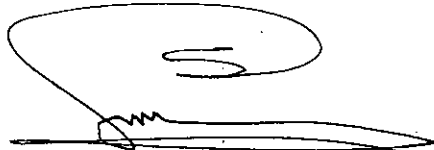
Subject :- **NON DISPLACEMENT OF OFFICERS**

I would like to state that the services of the following officers have been requisitioned/posted by the undersigned due to acute shortage of staff in the Department for smooth running of the official business :-

1. Mr. Muhammad Arif Khan, Asstt: Director DT&MT
2. Mr. Sami Ullah Durrani, Asstt: Director (P&T), DT&MT.
3. Mr. Fazal Rehman, Acting Secretary RTA Kohat.

Keeping in view of the above, you are hereby directed not to displace any of the above officers from their present place of posting as the Department is already facing acute shortage of staff and some more employees are also needed for the smooth running of official business in the best public interest.

It is further stated that vacant position in the Department may also be discussed with the undersigned to solve the issue for improvement of performance of the Department.


(MALIK SHAH MUHAMMAD KHAN WAZIR)

Copy is forwarded to the :-

1. Addl: Secretary, Govt: of Khyber Pakhtunkhwa, Transport Department.
2. Director Transport & Mass Transit, Khyber Pakhtunkhwa, Peshawar.

(MALIK SHAH MUHAMMAD KHAN WAZIR)

*Request of Sp
Asst may be
sent to Kohat*

*We have taken up
the matter with Establishment
Dept, and they have directed
to send back some of these to their
parent dept. (Fazal Rehman)*

*Enquiries are
also pending
against Jam Ullah
Kohat may be informed.*

14th July 2016

Attd




9/15

GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT

[Handwritten signature]

Dated Peshawar the, 01-08-2016

ORDER

No.SO(G)/TD/3-1/2014:The Competent Authority has been pleased to withdraw this Department order No.SO(G)/TD/3-1/2014/2159-65 dated 20/07/2016, regarding withdrawal of repatriation of Muhammad Fazal Rahman and Mr. Samiullah Khan Durrani to their parent Departments. Both the officers are directed to report back to their parent Departments, with immediate effect.

Sd:-

SECRETARY
Govt. of Khyber Pakhtunkhwa
Transport & Mass Transit Department

Endst: No. & Date Even/2337-43

Copy for information to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director Transport & Mass Transit/Coopted Chairman RTAs, Khyber Pakhtunkhwa.
3. PS to Secretary, Workers Welfare Board Khyber Pakhtunkhwa.
- ✓ 4. Secretary Live Stock & Dairy Development Department, Khyber Pakhtunkhwa.
5. District Accounts Officer, Kohat.
6. PS to Special Assistant to CM for Transport & Mass Transit, Khyber Pakhtunkhwa.
7. PS to Secretary Establishment Department, Govt. of Khyber Pakhtunkhwa.
8. PS to Secretary Transport & Mass Transit Department, Govt. of Khyber Pakhtunkhwa.
9. Officers Concerned.
10. Master File.

[Handwritten signature]
(KHALID KHAN)
SECTION OFFICER (ADMN)
Transport & Mass Transit Deptt

[Handwritten signature]
Secretary Agriculture

3112
3-8-16

[Handwritten notes and signatures]
D/S
MIA
put up

[Handwritten signature]
11/08/16
5/1/2016

H 16 5-9-16



GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT

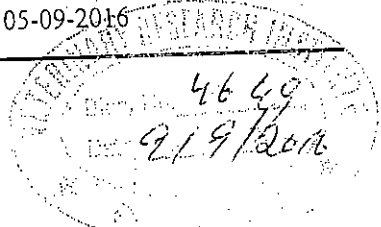
(Mian Rasheed Hussain Shaheed Memorial Block, Civil Secretariat Khyber Pakhtunkhwa Peshawar)

Ph: 091-9223546

No. SO (G)TD/3-1/2016/ 3137-42

Fax: 091-9212536

Dated: 05-09-2016



To

The Director Transport & Mass Transit,
Khyber Pakhtunkhwa.

Subject: RELIEVING OF SAMIULLAH DURRANI, ASSISTANT DIRECTOR.

Reference this Department letter No.SO(G)/TD/3-1/2014 dated 01/08/2016, I am directed to state that Samiullah Durrani, an employee of Directorate of Live Stock and Dairy Development Peshawar, who was ordered to report back to his parent department, may please be relieved to his parent department immediately under intimation to this Department and his salary may also be stopped immediately.

The Special Assistant to CM for Transport & Mass Transit has also conveyed his displeasure at the working of Samiullah Durrani and directed that he may be made OSD, as he has disobeyed and proved his incompetence.

The parent department of Samiullah Durrani is requested to act upon the recommendations of Special Assistant to CM for Transport & Mass Transit, once he joins service there (letter of Special Assistant to CM for Transport & Mass Transit is enclosed).

(FAZAL-E-SUBHAN)
SECTION OFFICER (ADMN)
Transport & Mass Transit Deptt.

Encl: AA (01 page)
Endst: No. & Date Even

Copy for information to the:

1. PS to Special Assistant to CM for Transport & Mass Transit, Khyber Pakhtunkhwa, with reference to his letter No.PS/SA to CM/T&MT/1-5/2014/Transport dated 26/08/2016
2. PS to Secretary Agriculture, Live Stock & Dairy Development Department, Govt. of Khyber Pakhtunkhwa. The official is hereby relieved and directed to report to his parent Department. His services are no more required.
3. DG, Live Stock Research & Dairy Development, Peshawar. The official is hereby relieved and directed to report to his parent Department. His services are no more required
4. PS to Secretary Establishment Department, Govt. of Khyber Pakhtunkhwa.
5. P.S to Secretary Transport & Mass Transit Department, Govt. of Khyber Pakhtunkhwa.
6. Master File.

7/9/16
350

SECTION OFFICER (ADMN)
Transport & Mass Transit Deptt.



I 17/10
9-9-16
**DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA**

No. Dir/TPT/ 488-92
Dated: 09-09-2016.

ORDER


In pursuance of the Special Assistant to Chief Minister for Transport and Mass Transit, Khyber Pakhtunkhwa letter No. PS/SA to CM/T&MT/1-5/2014/Transport dated 26-08-2016, Mr. Sami Ullah who was working as Assistant Director (P&T) in Directorate of Transport and Mass Transit is hereby relieved from his duty with effect from 01-09-2016 A.N.

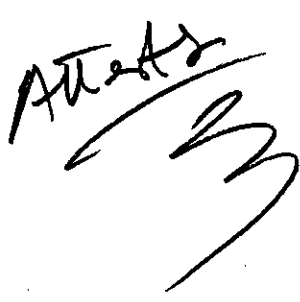
DIRECTOR
Transport & Mass Transit
Khyber Pakhtunkhwa

Endst: No & Date Even:

A copy is forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa.
2. PS to Special Assistant to Chief Minister for Transport and Mass Transit Department Khyber Pakhtunkhwa.
3. PS to Secretary, Transport and Mass Transit Department, Government of Khyber Pakhtunkhwa.
4. PS to Secretary, Livestock & Dairy Development Department, Government of Khyber Pakhtunkhwa.
5. Officer concerned.


DIRECTOR
Transport & Mass Transit
Khyber Pakhtunkhwa



Government of Khyber Pakhtunkhwa
Accountant General Khyber Pakhtunkhwa, Peshawar
Monthly Salary Statement (October-2016)



Personal Information of Mr SAMI ULLAH KHAN DURRANI d/w/s of AMANULLAH KHAN

Personnel Number: 00310370 CNIC: 1730186220589 NTN:
 Date of Birth: 08.09.1984 Entry into Govt. Service: 21.02.2006 Length of Service: 10 Years 08 Months 012 Days

Employment Category: Active Temporary

Designation: ASSISTANT DIRECTOR 80004039-GOVERNMENT OF KHYBER PAKH

DDO Code: PR5122-Directorate of Transport Khyber Pkhtunkhwa.

Payroll Section: 008 GPF Section: 001 Cash Center:
 GPF A/C No: Interest Applied: Yes GPF Balance: 150,219.00

Vendor Number: - Pay scale: BPS For - 2016 Pay Scale Type: Civil BPS: 16 Pay Stage: 7

| Wage type | | Amount | Wage type | | Amount |
|-----------|---------------------------|-----------|-----------|---------------------------|----------|
| 0001 | Basic Pay | 24,840.00 | 1001 | House Rent Allowance 45% | 2,727.00 |
| 1210 | Convey Allowance 2005 | 5,000.00 | 1947 | Medical Allow 15% (16-22) | 1,500.00 |
| 1948 | Adhoc Allowance 2010@ 50% | 2,460.00 | 2148 | 15% Adhoc Relief All-2013 | 740.00 |
| 2199 | Adhoc Relief Allow @10% | 504.00 | 2211 | Adhoc Relief All 2016 10% | 2,484.00 |

Deductions - General

| Wage type | | Amount | Wage type | | Amount |
|-----------|---------------------------|-----------|-----------|---------------------------|---------|
| 3016 | GPF Subscription - Rs2806 | -2,806.00 | 3501 | Benevolent Fund | -250.00 |
| 3609 | Income Tax | -139.00 | 4004 | R. Benefits & Death Comp: | -650.00 |

Deductions - Loans and Advances

| Loan | Description | Principal amount | Deduction | Balance |
|------|-------------|------------------|-----------|---------|
| | | | | |

Deductions - Income Tax

Payable: 1,661.18 Recovered till October-2016: 556.00 Exempted: 0.74- Recoverable: 1,105.92

Gross Pay (Rs.): 40,255.00 Deductions: (Rs.): -3,845.00 Net Pay: (Rs.): 36,410.00

Payee Name: SAMI ULLAH KHAN DURRANI

Account Number: 1113-7000060801

Bank Details: HABIB BANK LIMITED, 221113 HAYATABAD, PESHAWAR HAYATABAD, PESHAWAR, PESHAWAR

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: P Domicile: NW - Khyber Pakhtunkhwa Housing Status: No Official

Temp. Address:

City: Email: samidurrani8984@gmail.com

Attest

K

19

3-2-1
[Handwritten signature]

**PRESENTATION BEFORE THE WORTHY SECRETARY TRANSPORT AND MASS TRANSIT DEPARTMENT
KHYBER PAKHTUNKHWA, AGAINST THE ILLEGAL STOPPAGE OF SALARY AND FAKE RELIEVING
ORDERS BY DIRECTORATE UNDER FR & SR OF CIVIL SERVANT & UNDER SECTION 199 OF
CONSTITUTION OF PAKISTAN**

Respectfully sheweth!

The appellants submits, inter-alia, as under

- 1:- That the Appellant is most competent and qualified and is working as Assistant Director in Directorate of Transport Khyber Pakhtunkhwa Peshawar.
- 2:- That the Transport Department requested for requisition of services of the Appellant in its Directorate by itself through requisitioned Letter No.Dir/Tpt/3044-45 dated 28th April 2015.
- 3:- That on 6th October 2015, Agriculture Department Notified through Notification No.SO(LFC)AD-2(123)/2015 that they have no objection on transferring/absorption of the services of Appellant, & subsequently on 9th March 2016 the Services of the Appellant given/transferred to Transport Department through Notification No.SO(LFC)AD-2(123)/2015 Dated 9th March 2016 after fulfilling all the rules and codal formalities.
- 4:- That on 12th April Transport Department issued order of the Appellant and posted Assistant Director in the Directorate of Transport which is later circulated/issued by Director Transport Khyber, Pakhtunkhwa.
- 5:- That from beginning of the joining to Transport Department, the Appellant compelled & targeted with unknown war based on unknown issues just to pressurize or may be to kick out from the Government service. As it in in your kind information Sir, that there were some issues which were taken birth due to my legality & unwanted to others, I badly suffered, just standing on fact & following the rules/regulation. From this stage some misunderstanding were also created and taken birth which is badly condemned by the appellant & ready to clarify his position every time whenever asked.
- 6:- That from November 2016 the salary of the appellant is stopped without any notice and information. The salary is stopped with mentioning cause that he is absent but neither I am absent nor left the job. The salary is stopped by Assistant Director(Legal) through letter addressed to Accountant General Office subjected on Absent, which is totally bios. The Assistant Director (legal) proceeded illegally without justification and against the norms of humanity and ethical codes violating the civil and legal rights of the Appellant.

[Handwritten signature]
13/12/2017
SECRETARY
TRANSPORT AND MASS TRANSIT
DEPARTMENT
KHYBER PAKHTUNKHWA

[Handwritten signature]

20

7:- That the Assistant Director is duty bound to obey & follow all legal and justifiable orders of the superiors through proper channel which is not followed in the instant case of the appellant.

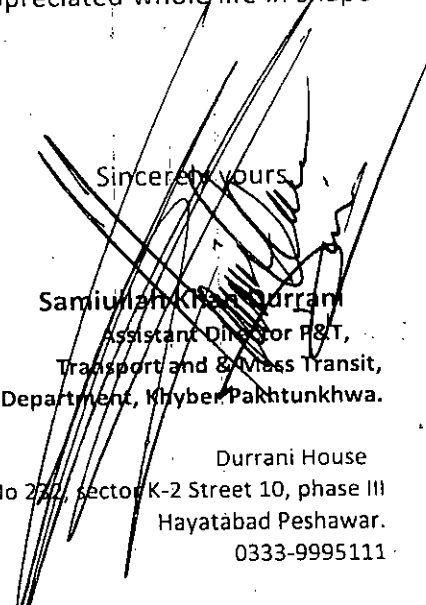
8:- That the Appellant has gotten the rights to seek for the better future of his career and this right of the plaintiff cannot be infringed by anyone.

9:- That in the best interest of justice and fair play and beside the other rights the appellant has got the constitutional rights for its transfer/placement and adjustment on the said post as already admitted on record.

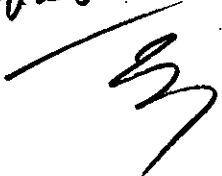
It is, therefore, most humbly requested that on acceptance of this presentation the salary of appellant may kindly be start & released with immediate effect and obliged. The Appellant will be highly thankful and this act of kindness will be appreciated whole life in shape of prayers.

Dated: 03-2-2017

Sincerely yours,


Samiullah Khan Durrani
Assistant Director P&T,
Transport and Mass Transit,
Department, Khyber Pakhtunkhwa.

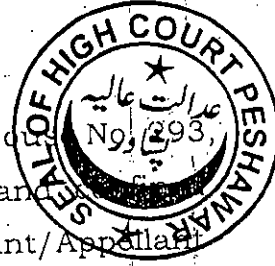
Durrani House
No 232, sector K-2 Street 10, phase III
Hayatabad Peshawar.
0333-9995111

Attest


21 4-10-17
IN THE PESHAWAR HIGH COURT PESHAWAR

NAB Cr.A No. 01-f of 2017

Sami ullah Durani S/o Aman ullah Durani R/o Hd
EC, Tehsil Street, Bannu City. Presently, convict and
in Central Jail, Peshawar.....Applicant/Appellant



VERSUS

1. The State
2. Director General National Accountability Bureau, Khyber
Paktunkhwa Hayatabad PeshawarRespondents

APPEAL, U/S 32 OF N.A.O 1999 AGAINST THE
JUDGMENT AND ORDER OF CONVICTION, DATED
11.02.2017 PASSED BY THE LEARNED
ACCOUNTABILITY COURT NO. 1 PESHAWAR,
WHEREBY THE APPELLANT WAS/IS CONVICTED
OF OFFENCE PUNISHABLE U/S 10 OF THE
NATIONAL ACCOUNTABILITY ORD.1999 AND
WAS/IS SENTENCED TO IMPRISONMENT OF 07
YEARS (R-I) WITH A FINE OF RS.50,00,00/-
FAILING WHICH HE SHALL FURTHER UNDERGO A
SENTENCE OF SIX MONTHS.

PRAYER IN APPEAL:

By accepting this appeal the impugned
order and judgment of the Accountability
Court No.1, Peshawar dated 11.02.2017 in
reference No.05/2016 may please be set
aside and the appellant be acquitted of
all the charges leveled against him and
be set at liberty forthwith.

Respectfully Sheweth:

FILED TODAY

Deputy Registrar

The grounds of appeal are as under:

16 FEB 2017

ATTESTED

EXAMINER
Peshawar High Court

24 OCT 2017

Attest

22

Judgment Sheet

IN THE PESHAWAR HIGH COURT
PESHAWAR
(Judicial Department)



Eh: Cr.Appel No. 01-P/2017.

Samiullah Durrani Vs NAB etc.

JUDGMENT

Date of hearing. 04.10.2017

Petitioner(s) by: *Ahmed Latif Afandi & Iqbal Ahmad -
Advocates*

State by: *Uma Farooq ADG.*

IKRAMULLAH KHAN, J:- This single

judgment shall dispose of instant Eh: Cr.A
No.01/2017 filed by Sami Ullah Durrani and Eh:Cr.A
No.03/2017 filed by Chairman NAB, as both the
appeals have been preferred against one and same
impugned judgment of learned trial
Court/Accountability Court-I, Peshawar dated
11.2.2017.

2. In essence, the appellant/convict Sami
Ullah as well as acquitted co-accused Saqib Farooq,
were arrested by NAB on the allegation that
acquitted accused had blackmailed one Dr. Fida

ATTESTED

EXAMINER
Peshawar High Court

24 OCT 2017

Muhammad (complainant) for extortion of money on the pretext that the acquitted accused will extend cooperation and favour to complainant in a NAB inquiry. The version of prosecution was that one Dr. Fida, the then Director Livestock & Research Development, Peshawar, approached the NAB authorities, particularly (PW.4 Arbab Naveed Akbar) and reported to him that one Saqib Farooq (accused/respondent in connected appeal) the Investigation Officer, is blackmailing him and demands Rs.5 millions as bribe in order to extend his favour in some NAB inquiry. The PW.4 after consultation with the highups, directed the complainant to keep contact with acquitted accused, however, he shall inform the authorities in case of any further development. Thereafter as per version of complainant, the amount of bribe was fixed Rs.15,00,000/- between them to be paid to acquitted accused at Yousafzai Market, Hayat Abad, Peshawar. On the request of Deputy Prosecutor General NAB, learned Sessions Judge, Peshawar authorized a Magistrate for conducting/supervising raid/trap

24 OCT 2017

while taking money, who accompanied by other NAB officials conducted the same and required money was handed over to a person allegedly deputed by accused. However, he was arrested red handed alongwith gratification given by complainant. The name of arrested accused came out to be Shahzad alias Rauf, who was produced before Judicial Magistrate, where he confessed his guilt exposing therein the name of Sami Ullah (appellant/convict) that he was deputed by appellant in order to take some documents from the complainant. Thereafter appellant Sami Ullah was arrested. After completion of investigation against all the three accused, a formal Reference was placed before the Accountability Court, where after framing of formal charge against accused, the prosecution in order to prove its case, examined as many as 17 PWs alongwith 5 CWs. On closure of prosecution evidence, statements of accused u/s 342 Cr.PC were recorded by learned trial Court, wherein only appellant Sami Ullah opted to be examined on oath u/s 340(2) Cr.PC. At conclusion of trial, the learned

ATTESTED

EXAMINER
Peshawar High Court

24 OCT 2017

trial Court vide impugned judgment dated 11.2.2017, acquitted the accused/respondent Saqib Farooq from the charges leveled against him whereas appellant Sami Ullah was convicted u/s 10 of NAB Ordinance 1999 and sentenced to undergo 7 years R.I alongwith fine of Rs.5,00,000/- failing which, he shall further undergo a sentence of six months. The other co-accused Shehzad alias Rauf being Afghan refugee had absconded, who was declared Proclaimed Offender. Hence, the instant criminal appeal has been preferred by appellant/convict Sami Ullah Durrani whereas connected appeal has been preferred by Chairman NAB etc, against acquittal of accused/respondent Saqib Farooq.

3. Learned counsel for appellant/convict contended that the appellant has been implicated in this case with malafide intention of NAB authorities while prosecution has not proved its case against him beyond any reasonable doubt; that the learned trial Court has not properly appreciated the prosecution evidence in its true perspective and even not discussed the statement of appellant/convict

APPROVED

EXAMINER
Peshawar High Court

24 OCT 2017

tendered on oath u/s 340(2) Cr.PC; that there is no iota of evidence against the appellant to connect him with the commission of offence.

4. On the other hand, learned counsel for NAB contended that the prosecution has proved its case not only against the appellant/convict but also against acquitted co-accused Saqib Farooq beyond reasonable doubt; that both the accused have committed the offence falling under Section 9 of the NAB Ordinance 1999, punishable u/s 10 of the Ordinance ibid but learned trial Court has awarded lesser punishment to the appellant/convict while acquitted accused/respondent Saqib Farooq despite production of sufficient evidence against him which prima facie connects him with the commission of offence.

5. We have heard learned counsel for the appellant/convict, acquitted accused/respondent as well as NAB and have gone through the record.

6. The record reveals that appellant/convict has specifically been mentioned by absconding co-accused with specific role of directing

ATTESTED

EXAMINER
Peshawar High Court

24 OCT 2017

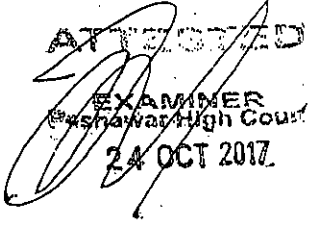
the absconding co-accused to receive the amount offered by complainant. In his confessional statement u/s 164/364 Cr.PC, the absconding co-accused has stated that he went to the place known as Yousafzai Market for receiving some documents on the direction of his friend Sami Ullah and after his apprehension by NAB authorities, he came to know that it was not documents but Rs.1500,000/-. It is established principle of law that confessional statement would be accepted as a whole or to be negated. Likewise, confessional statement of co-accused could not be treated as a true statement, which was recorded after 65 days of his arrest who remained during said 65 days in the custody of NAB authorities. The Investigation Officer even in his Court statement admitted that the recovered amount was not Rs.1500,000/- but except a few original notes, other papers were placed between original notes. So the confessional statement of co-accused could not be accepted to be true.

7. As per data placed on record Ex.PW.8/1, two mobile numbers i.e, 0304-5849462 (recovered

ATTORNEY
EXAMINER
Peshawar High Court
24 OCT 2017.

from absconding accused) & 0304-9009697 (recovered from appellant) were in active contact with each other on 19.10.2006. Likewise, mobile No. 0304-9051919 (owned by appellant Sami Uilah) was in contact with mobile No. 0300-5967034, PTCL office No.091-9213294 and home PTCL No.091-5818865 of complainant on 19.10.2006. The prosecution has succeeded in determining that the above number (0300-5967034) was owned by Mr. Akmal Fida(son of complainant) however, no such data is placed on file that the same number was in contact with the doubtful numbers allegedly owned by appellant. However, as per record the above numbers i.e, 0304-9009697(recovered from appellant) and 0304-5849462 (recovered from absconding co-accused) remained in contact inter se according to Ex.PW.8/6. The number 0304-9051919 was used in phone set recovered from appellant, which had been issued to him by Paktel Franchise. It is also proved on record that the sample of voice of appellant recorded in presence of Judicial Magistrate had matched with the one recorded by complainant's

ATTESTED


 EXAMINER
 Peshawar High Court
 24 OCT 2017

son. The appellant/convict had specifically been asked by learned trial Court while recording his statement u/s 342 Cr.PC in respect of mobile set as well as SIM lying/fixed therein and the expert report in respect of SIM number, from which the complainant was contacted but the appellant had denied ownership of both the SIMs. However, during course of recording statement on oath u/s 340(2) Cr.PC, the appellant/convict had not mentioned those two SIM numbers in mobile taken into possession by NAB authorities at the time of his arrest. The prosecution has not proved by any cogent evidence that who was the owner of SIM No.0304-5849462 & 0321-9004571 recovered from absconding co-accused at the time of his arrest. The NAB authorities in presence of Judicial Magistrate recovered one shopping bag, one pistol .30 bore, four cartridges, one mobile set Nokia, in which two Sims containing Nos. 0304-5849462 & 0321-9004571 were installed apart from some other currency. The data placed on file by prosecution, confirm and proves that the mobile number 0304-5849462 was

ATTESTED
EXAMINER
Peshawar High Court
24 OCT 2017

in contact with mobile No.0304-9009697 on 19.10.2006. In such view of the matter, the link between all the above mentioned three mobile numbers and that of complainant is well established.

8. No doubt the prosecution has proved its case against appellant/convict without any reasonable doubt, however, the legal proposition would be that whether the appellant has committed any offence falling within the purview of Section 9 of the National Accountability Ordinance 1999. The charge framed by learned trial Court against appellant is also not exhaustive, cogent and no any meaning could be ascertained that under what offence, the appellant as well as absconding co-accused were charged, however, at Para 8 of the charge, the appellant is charged for abetment, assistance & conspiracy in commission of offence allegedly committed by principal accused Saqib Farooq.

9. The Accountability Court has the jurisdiction to prosecute any person who has either committed an offence u/s 9 of the NAO 1999 or the

ATTESTED

EXAMINER
Peshawar High Court

24 OCT 2017

offences mentioned in the schedule attached thereto. Keeping in view the acquittal of co-accused namely Saqib Farooq, who was a NAB official, has been acquitted by learned trial Court from the charges leveled against him whereas prosecution has failed to bring on record an iota evidence that any criminal proceedings, inquiry or investigation was in progress against complainant and no any evidence has been brought on record by prosecution that the acquitted accused was in league with the appellant/convict or other absconding co-accused nor any link of acquitted co-accused with the appellant/convict has been proved by prosecution. So this is an independent offence committed by appellant/convict with the help of absconding co-accused therefore, what may be the offence committed by appellant/convict does not come in any clause of Section 9 of the NAO 1999 nor in schedule offence. From the bare reading of evidence brought on record by prosecution, it reveals that the appellant/convict has attempted to extort money from complainant by putting them in fear of involving him in criminal case.

ATTESTED
EXAMINER
Peshawar High Court
24 OCT 2011

Such like extortion is punishable u/s 384 PPC, which

reads as:-

"384. Punishment for extortion. Whoever commits extortion shall be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both."

10. From the giving facts & circumstances of the case, prosecution has proved a case against the appellant as that of extortion defined u/s 383 PPC, which is punishable u/s 384 PPC. This fact could not be made disputed that being an appellate Court where Cr.PC is being applied while hearing appeal against judgment of Accountability Court, this Court may exercise all the powers & jurisdiction of trial Court as well as the powers conferred on this Court u/s 423 Cr.PC. The instant appeal (Eh:Cr,A No.01-P/2017) is partially allowed, the impugned conviction is altered to Section 511 PPC and consequently, the appellant/convict is found guilty u/s 511 PPC, who is sentenced to one already undergone.

ATTORNEY
EXAMINER
Peshawar High Court
24 OCT 2017

11. The connected Eh:Cr.Appeal No.03-P/2017 filed by Chairman NAB against acquittal of accused/respondent Saqib Farooq is dismissed.

Announced:-

28/10/2017

Saqib Farooq

JUDGE
Ikramullah Khan

JUDGE
Lal Jan Khattak

CERTIFIED TO BE TRUE COPY
Peshawar District Court, Peshawar
Authorized Officer Article 177 of
the Constitution of Pakistan 1973
24.OCT 2017



"A.Qayum PS" (DB) Justice Ikramullah Khan & Justice Lal Jan Khattak

No. 10975
Date of Presentation of Application 24/10/17
No of Pages 13
Copying Fee
Urgent Fee
Total
Date of Preparation of Copy 24/10/17
Date of Delivery of Copy 24/10/17
Received By *[Signature]*

ATMS
[Signature]

15/11/10

34

24-10-17

ACCOUNTABILITY COURT NO.1, PESHAWAR.

U/S 9/10 National Accountability Ordinance, 1999.

Reference No.05/2016

Release Order.


State.....Vs..... Sami Ullah Durani S/O Aman Ullah Durani,
R/O House No.293, EC Tehsil Street, Bannu City,
(Presently detained in Central Jail, Peshawar).

To
The Superintendent,
Central Jail, Peshawar.

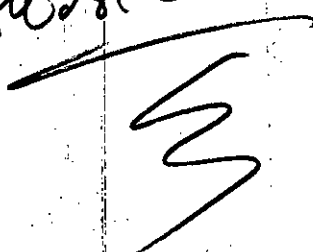
Whereas in the above noted case the Hon'ble Peshawar High Court,
Peshawar vide Order dated 04-10-2017 passed in Eh.Cr.A.No.01-P/2017
titled Samiullah Durrani Vs NAB etc has ordered the release of the above
named accused.

You are, therefore, required to release the said Sami Ullah Durani
from Jail in compliance with the order of the Hon'ble Peshawar High Court,
Peshawar, if he is not liable to be detained for any other matter / Reference.

Given under my hand and the seal of the Court this 24th day of
October, 2017.


Judge,
Accountability Court No.1,
Peshawar.



Attested


M

35

Amber-K

1-11-17

To

The Director,
Transport & Mass Transit Department,
Khyber Pakhtunkhwa , Peshawar.

Subject:- ARRIVAL REPORT/JOINING REPORT FOR DUTY

Please refer to the subject noted above.

It is please stated that I **Mr. Samiullah Khan Durrani** Assistant Director Transport was confined in the jail by the orders of Accountability Court Peshawar in reference No. 05/2016 U/S 9/10 National Accountability Ordinance, 1999. The undersigned approached to High Court Peshawar against the Accountability Court orders, which accepted and High Court issued orders to release the undersigned.

Therefore I submit my arrival/joining report for duty today on 01-11-2017 forenoon and your kind honor is requested to issue further orders for duty.(court release order is attached as Annex: A)

Sincerely yours,

Dated: 01-11-2017

SAMIULLAH KHAN DURRANI
Assistant Director
Transport and Mass Transit Department,
Khyber Pakhtunkhwa

Copy of the above is forwarded for information to the;

1. P.S to Secretary Transport & Mass Transit Department, Khyber Pakhtunkhwa Peshawar.
2. Director General (Research) Livestock & Diary Development Khyber Pakhtunkhwa, Peshawar.

Amber-K
[Signature]

SAMIULLAH KHAN DURRANI
Assistant Director
Transport and Mass Transit Department,
Khyber, Pakhtunkhwa

36

Area-K2

15-11-17

To

The Worthy Secretary,
Government of Khyber Pakhtunkhwa,
Transport and Mass Transit Department,
Peshawar

Attention: Section Officer Admin

Subject:- CHARGE ASSUMPTION REPORT

Sir,

It is please stated that I was working at the Directorate General(Research) Livestock and Dairy Development Department, Khyber Pakhtunkhwa, Peshawar. Later on I intend to be posted at the Transport Department for which proper No Objection Certificate was issued by the Secretary to Government of Khyber Pakhtunkhwa, Agriculture, Livestock, Cooperatives and Fisheries Department. Consequently my services were placed at the disposal of Transport department where I was posted as Assistant Director (P&T).

During working at the transport department some personal grudges were developed between me and Mr. Salman Nisar Assistant Director who is now Deputy Director who made false and concocted charges against me and wrote to my parent department that my services were no more required to them.


During these personal grudges I was detained to prison in an old NAB case on 11-02-2017 wherein the Honorable Peshawar high Court ordered for my release and on 23-10-2017 and subsequently after release I again joined the Transport department on 01-11-2017.

During my period at Central jail Peshawar they declared me as absent and began to initiate a meaningless inquiry against me which cannot ascertain the true story behind their game that who was the main culprit.

It is very humbly requested that my arrival report for duty which has already been submitted to the Director Transport may be accepted and case may please be re-opened to evaluate the actual situation.

Thanking you very much in anticipation.

Dated: 15-11-2017



(SAMULLAN KHAN DURRANI)
ASSISTANT DIRECTOR (P&T)

N

37

-11-17

**IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)**

In Re: Cr.PLA No. _____/2017

Samiullah Durrani s/o Amanullah Durrani

Presently: **Assistant Director**

Transport and Mass Transit Department

Government of Khyber Pakhtunkhwa, Peshawar

R/o House No. 293, EC, Tehsil Street, Bannu City

.....*Petitioner*

Versus

1. **The State**

2. **Director General**

National Accountability Bureau, Khyber Pakhtunkhwa,
Hayatabad, Peshawar

.....*Respondents*

CRIMINAL PETITION FOR LEAVE
TO APPEAL UNDER ARTICLE 185(3)
OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN,
1973 AGAINST THE JUDGMENT
DATED 23.10.2017 in Eh. Cr.
APPEAL No. 01-P/2017 PASSED BY
THE HONOURABLE PESHAWAR
HIGH COURT, PESHAWAR.

1. Name of accused(s):

- 1. Saqib Farooq s/o Muhammad Ashraf**
Assistant Director (Investigation Officer), NAB(F), Peshawar

- 2. Samiullah Dirrani s/o Aman Ullah Durrani**
R/o House No. 293, EC, Tehsil Street, Bannu City

- 3. Shahzad Alias Rauf s/o Hilal**
R/o St. No. 14, Taj Abad, Board, Peshawar

Note: Accused No. 1 was charged as principal accused for blackmailing Complainant namely: Dr. Fida Muhammad for demanding illegal gratification Rs. 5 million for closing NAB inquiry whereas Accused No. 3 Shahzad was arrested on 19.10.2006 at the spot while receiving the amount from Complainant as nominee of Accused No. 1. Later on, after 48 days of occurrence on 07.12.2006 Accused No. 2 was arrested on the statement of Accused No. 3 that instead of Accused No. 1, he was sent for the task by Accused No. 2. During framing of charge, the Accountability Court charged Accused No. 2 & 3 for aiding and assisting the Accused No. 1.

| <i>Trial Court decision</i> | <i>High Court Decision</i> |
|--|--|
| <p>The learned Accountability Court-I <i>vide</i> Order dated 11.02.2017 acquitted the principal Accused, Saqib Farooq for lack of evidence whereas Petitioner Sami Ullah was convicted u/s 10 of the National Accountability Ordinance, 1999 for seven (7) years (R.I) along with fine of Rs. 500,000/-, failing which, further to undergo a sentence of six (6) months whereas perpetual warrant of arrest was issued against the Accused No. 3 Shahzad Alias Rauf for being absconder after recording the evidence.</p> | <p>The Honourable Peshawar High Court, Peshawar heard the two Appeals. Eh. Cr. Appeal No. 01-P/2017 filed by Petitioner Sami Ullah against the aforesaid conviction whereas NAB filed Eh. Cr. Appeal No. 03-P/2017 against Accused No. 1 Saqib Farooq's acquittal.</p> <p>The NAB Eh. Cr. Appeal No. 03-P/2017 was dismissed against acquittal of Saqib Farooq whereas the Petitioner Eh. Cr. Appeal No. 01-P/2017 was partially succeeded by declaring that the offence committed by the Petitioner "does not come in</p> |

| | | | | | | |
|-----|--|----------------|--|-----------------|-----------------------|--------------------|
| | any clause of section 9 of NAO, 1999 nor in schedule offence". Yet, purportedly exercising power u/s 423 of Cr.PC charge was altered to section 511 PPC and convicted the Petitioner u/s 511 PPC for sentence already undergone. | | | | | |
| 2. | Name of deceased | | N/A | | | |
| | b) Injured persons | | N/A | | | |
| 3. | Date & time of occurrence | | 19.10.2006 at 1600 hours | | | |
| - | Place of occurrence | | Hayatabad, Peshawar | | | |
| 4. | FIR No. & Police Station | | Reference No. 15/2007 | | | |
| (a) | Lodged by | | National Accountability Bureau (F), Peshawar | | | |
| (b) | Recorded by | | N/A | | | |
| (c) | Date of arrest of accused | | 07.12.2006 | | | |
| (d) | Recovery from spot | | Rs. 40,000/- along with white papers | | | |
| (e) | Recovery from accused | | Accused No. 3 – Shahzad Alias Rauf | | | |
| | Name of accused | Kind of weapon | Date of recovery | Whether matched | Whether blood stained | Recovery witnesses |
| | - | - | - | - | - | - |

5. Medical - N/A

6. Motive - N/A

7. **PROSECUTION CASE BRIEFLY.**

On 12.10.2006, Dr. Fida Muhammad, Director Livestock Research & Development, Peshawar complained to the NAB Peshawar that Accused No. 1 Saqib Farooq working as Assistant Director / Investigating Officer in the NAB (F), Peshawar was blackmailing him by demanding illegal gratification for closure of pending inquiry against him. He was advised to remain in contact with Saqib Farooq. Meanwhile, Saqib Farooq (0304-9051919) had 46 conversations with Dr. Fida Muhammad (0300-5967094) by using their respective number out of which 24 conversations were made alone on

19.10.2006 when his nominee Accused No. 3 Shahzad Alias Rauf was arrested on that trap day along with Rs. 40,000/- of 5,000 denomination notes used for covering the white paper of currency notes size. After 48 days of investigation of Accused No. 1 & 3, the Petitioner Sami Ullah Durrani was arrested on the statement of Accused No. 3 Shahzad Alias Rauf from the house for being deputed by Petitioner Sami Ullah Durrani to collect the aforesaid documents on behalf of Accused No. 1 Saqib Farooq. At the time of arrest, mobile set(s) etc. were recovered which on admission of I.O as personal belonging were returned to Petitioner on 25.06.2007 by the Trial Court. Reference was filed and charged was framed on Accused No. 1 for blackmailing the Complainant as cognizable offence u/s 9 of the N.A.O., 1999 and Accused No. 2 & 3 were charged for helping and assisting Accused No. 3.

CERTIFICATE:

It is certified that this Proforma "B" has been prepared by me personally and is found correct.

(_____)
Advocate on Record

41

IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

In Re: Cr.PLA No. _____/2017

Sami Ullah Durrani s/o Aman Ullah Durrani
R/o House No. 293, EC, Tehsil Street, Bannu City

.....*Petitioner*

Versus

1. **The State**

2. **Director General**

National Accountability Bureau, Khyber Pakhtunkhwa,
Hayatabad, Peshawar

.....*Respondents*

CRIMINAL PETITION FOR LEAVE
TO APPEAL UNDER ARTICLE 185(3)
OF THE CONSTITUTION OF
ISLAMIC REPUBLIC OF PAKISTAN,
1973 AGAINST THE JUDGMENT
DATED 23.10.2017 in Eh. Cr.
APPEAL No. 01-P/2017 PASSED BY
THE HONOURABLE PESHAWAR
HIGH COURT, PESHAWAR.

Respectfully Sheweth,

42

The Petitioner humbly submits as under:-

Points of Law for determination of this Honourable Court are as under:

- I. Whether under the facts and circumstances of the case, impugned Judgment is correct in law and justice.
- II. Whether under the facts and circumstances of the case, where the Appellate Court arrived to the conclusion that the offence committed by the Accused Petitioner does not come within the purview of National Accountability Ordinance, 1999 rendered the investigation, prosecution and conviction against the Petitioner *void ab initio* and vitiated.
- III. Whether under the facts and circumstances of the case, the learned Appellate Court exercising power u/s 32 of the N.A.O, 1999 can alter the charge u/s 423 of Cr.PC and convict a person for a section of law which is not triable under the provision of N.A.O, 1999.
- IV. Whether under the facts and circumstances of the case, the conviction of abettor is justified where the principal Accused has been acquitted by the two Courts for lack of evidence.
- V. Whether under the facts and circumstances of the case, the Petitioner has been incriminated with deliberation to benefit the main Accused.
- VI. Whether under the facts and circumstances of the case, trial under the special law (N.A.O, 1999) is legally sustainable when the offence is found to be triable under general law.

- VII. Whether under the facts and circumstances of the case, the trial and conviction on the basis of statement of absconding co-accused is legally sustainable.
- VIII. Whether under the facts and circumstances of the case, reliance on the retracted statement u/s 164/364 of Cr.PC of the absconding co-accused recorded on 68th day is legally sustainable?
- IX. Whether under the facts and circumstances of the case, when the principal Accused is acquitted then Accused charged in co-accused statement can be convicted?
- X. Whether under the facts and circumstances of the case, the benefits extended to the principal Accused wouldn't favour the Accused.No. 2?
- XI. Whether under the facts and circumstances of the case, when the investigation lack direct evidence against the principal accused, can an Accused charged in the co-accused statement be convicted on the circumstantial evidence?
- XII. Whether under the facts and circumstances of the case, what was the main section which the honourable Peshawar High Court considered in the impugned Judgment for the attempt of which Section 511 of PPC has been altered?

The **BRIEF FACTS** relevant to this Petition are as under:-

Preliminary:

That Petitioner, a resident of Bannu, is a law abiding citizen of Pakistan has been incriminated and charged in the NAB Reference No. 15/2007 as abettor along with principal Accused Saqib Farooq and Absconding co-accused Shahzad Alias Rauf. On conclusion of Trial, the Accountability Court acquitted the principal Accused Saqib Farooq and convicted the Petitioner for seven (7) years (R.I) along with fine of Rs. 500,000/- failing which, further undergo a sentence of six (6) months u/s 10 of the National Accountability Ordinance, 1999 for offence triable u/s 9 *ibid*. In Appeals, the honourable High Court dismissed the NAB Appeal against the acquitted principal Accused Saqib Farooq whereas Petitioner Appeal was partially succeeded by altering the charge from Section 9 of the N.A.O, 1999 to non-triable offence under N.A.O, 1999 to Section 511 of PPC and reduced the punishment to undergone imprisonment, hence, this Petition.

Facts:

1. That **BRIEF FACTS leading to this Petition** are that Petitioner presently working as Assistant Director, Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa is law abiding citizen has been incriminated for *mala fide* reasons as delineated below.
2. That a Complainant Dr. Fida Muhammad. Director Livestock Research & Development, Peshawar being under investigation of NAB, on 12.10.2006 complained the NAB (KP) that an Assistant Director / Investigation Officer in NAB (KP) blackmailing him for closing the investigation in lieu of Rs. 5 million gratification.

3. That as per Reference, the Complainant was advised to be remained in contact with the said Assistant Director and it is in the Reference that the Complainant had 46 conversations with the said Assistant Director through Phone No. 0304-9051919 whereafter the two set for the transaction on 19.10.2006.

4. That it is in the Reference that for said date trap was set and Accused No. 3 Shahzad Alias Rauf was arrested while receiving the illegal gratification amount on behalf of Accused No. 1 from the Complainant.

5. That after 48 days, the Petitioner was arrested *vide* Warrant of Arrest dated 07.12.2006 on co-accused Shahzad statement that instead principal Accused Saqib Farooq, it was the Petitioner who had sent him for the receipt of documents from the Complainant.

6. That at the time of arrest a mobile/service cards were recovered and later on in house search a computer and certain papers were shown to have recovered which were later on return to him on the statement of I.O for being non incriminating articles *vide* Trial Court Order dated 25.06.2007. After remaining for about 98 days in physical remand, was sent to judicial locker wherefrom released on bail 09.06.2007.

7. That later on, at last leg of investigation, finally principal Accused Saqib Farooq was arrested on 22.02.2007.

8. That Reference was filed on 02.10.2007 and charge was framed on 03.12.2007 wherein Accused No. 1 Saqib Farooq was charged as principal accused and the Petitioner as Accused No. 2 and absconding Accused No. 3 Shahzada Alias Rauf for “aided/assisted and acted in conspiracy with accused No. 1 (Saqib Farooq)” and tried for “the offence of corruption and corrupt practices as defined in clause (i), (ii), (iv) and (xii) of

section 9(a) punishable under section 10(a) of National Accountability Ordinance, 1999”.

9. That during protracted trial seventeen (17) PWs were examined and none of them incriminated the Petitioner for the aforesaid offence.

10. That at conclusion of trial, the principal Accused Saqib Farooq was acquitted besides other grounds that “there is no evidence on the record to establish the friendship / acquaintance of the accused Saqib Farooq with accused Samiullah Durrani”, however, yet the Petitioner Samiullah was convicted for seven (7) years (R.I) with a fine of Rs. 500,000/- failing which, he shall further undergo a sentence of six (6) months and perpetual non-bailable warrant of arrest of the absconding accused Shahzad Alias Rauf was issued.

11. That aggrieved off, the Petitioner filed an Eh. Cr. Appeal No. 01-P/2017 u/s 32 of the N.A.O, 1999, similarly NAB (KP) also filed an Eh. Cr. Appeal No. 03-P/2017 against the acquittal of principal Accused Saqib Farooq.

12. That the two Appeals were heard on 04.10.2017 and Judgment was reserved which was announced on 23.10.2017, again the NAB Appeal against acquittal of principal Accused Saqib Farooq was dismissed whereas the Petitioner was found to be not prosecutable under the provision of N.A.O, 1999 and purportedly exercising power u/s 423 of Cr.PC, the honourable High Court convicted the Petitioner with altered charge u/s 511 of PPC for undergone imprisonment.

13. That the aforesaid facts and proceedings substantiating the fact that the Petitioner was incriminated for *mala fide* reason with due deliberation for use as an escape goat to principal Accused and finally it was found that he was tried *coram non judice*.

47

14. That for the reason stated above, the Petitioner who is public servant has remained victim of illegal prosecution and custody and now his career is at stake, hence, filing this Petition for correcting the wrong so far inflicted upon him.

15. That the Petitioner craves leave of this Honourable Court to raise or urge any other additional ground at the time of the hearing of the Petition.

Prayer: It is, therefore, humbly prayed that leave to appeal may graciously be granted against the Judgment / Order dated 23.10.2017 passed by the honourable Peshawar High Court, Peshawar in Eh. Cr. Appeal No. 01-P/2017.

Or any other relief deemed appropriate to this honourable Court, not specifically asked, may please also be granted.

DRAWN BY

FILED BY

(Isaac Ali Qazi)
Advocate Supreme Court

(_____
Advocate-on-Record

CERTIFICATE:

It is certified that the Petitioner in this August Court against the impugned Judgment has earlier filed no such Petition.

(_____
Advocate-on-Record

Dated: __.11.2017

48

IN THE SUPREME COURT OF PAKISTAN, ISLAMABAD
(APPELLATE JURISDICTION)

-1295

C.P. No. 1294 /2017

C.P. 574 P
2017 L.

National Accountability Bureau thr. Its Chairman, Ata Turk Avenue G-5/2,
Islamabad

..... PETITIONER

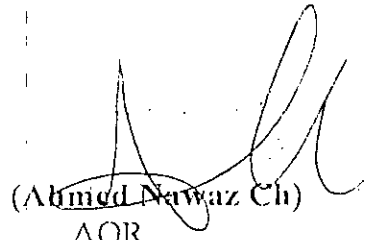
NOTICE

To

Sami Ullah Durrani s/o Amanu llah Durrani R/o House No. EC, Tehsil
Street Bannu City

..... RESPONDENT

Please take notice that I have to file today the above noted C.P. against
the judgment / order dated 23-10-2017 passed by the Peshawar High
Court Peshawar in ^{sh.} Crl A No. 01-P/2017 on behalf of the Petitioner, in
the Supreme Court of Pakistan at Islamabad.



(Ahmed Nawaz Ch)

AOR

Supreme Court of Pakistan
Islamabad

Dated: 21-11-2017



P

50

20-3-18

To

The Secretary,
Agriculture, Livestock,
& Dairy Development, Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject : APPEAL AGAINST OFFICE NOTIFICATION NO. DG(R) L&DD/E-II/PF(186)/2013 DATED 26-02-2018 OF THE DIRECTOR GENERAL (RESEARCH) LIVESTOCK AND DIARY DEVELOPMENT DEPARTMENT, KHYBER PAKHTUNKHWA PESHAWAR WHEREBY APPELANT WAS DISMISSED FROM SERVICE.

Respected Sir,

With due veneration it is stated that:

1. I was appointed as Assistant BPS-16 in Agriculture, Livestock & Dairy Development Department Khyber Pakhtunkhwa. I was performing my official duties with devotion & to the entire satisfaction of my superiors without any complaint.
2. That issue cropped up when my services were requisitioned by the Special Assistant to CM for Transport and Mass Transit Department Khyber Pakhtunkhwa & in this respect, Private Secretary to the Special Assistant to CM for Transport wrote a letter to DG (Research) Livestock & Dairy Development Department to requisitioned my services against the vacant post of Assistant in the Directorate of Transport vide letter dated. 28-4-2015, followed by subsequent letter dated 10-08-2015 of the Special Assistant to CM for Transport and Mass Transit Department. (Annexed As. A & A-1).
3. That on 28-08-2015, Director General (Research) Livestock & Dairy Development Department wrote letter to Secretary to Government of Khyber Pakhtunkhwa for Transport and Mass Transit Department that he has no objection, if he is adjusted on any vacant post in borrowing Department (Transport & Mass Transit Department). Annexd As. B
4. That on 06-10-2015, no objection certificate on transfer & permanent absorption in Transport Department was issued by Secretary, Agriculture, Livestock & Dairy Development Department Khyber Pakhtunkhwa and then on 09-03-2016, services of undersigned was placed at the disposal of Transport Department for further posting, meaning thereby that the matter of

AWA
B

transfer/posting between Agriculture Department & Transport and Mass Transit Department was finalized.

(Annexd AS. C, C1,C2,C3).

5. That on 19-04-2016, Director Transport issued office order wherein the undersigned was promoted from the post of Assistant BPS-16 to Assistant Director BPS-17 with immediate effect. (Annexed As- D).
6. That from time to time numerous unique orders of posting & transfer of services of the undersigned were issued which created ambiguity and to clear the position of undersigned submitted, the representation before Secretary Transport to release my monthly salaries and to issue guidelines to the quarter concerned for the purpose vide Representation dated 03-02-2017.(Annexd As.E).
7. That on 13-07-2017, Special Assistant to CM for Transport and Mass Transit Department namely Shah Muhammad Wazir wrote letter to Secretary Transport not to disturb/displaced the officers mentioned in the letter ibid including the name of undersigned at serial No.2. (Annexd As. F)
8. That on 1-08-2016, without any reason and justification order of the undersigned of transfer/posting was withdrawn by the Secretary Transport with direction to report back to his parent Department with immediate effect. (Annexed As.G).
9. That on 05-09-2016 letter was issued by Transport Department to relieve the undersigned as the Special Assistant to CM for Transport became displeasure over the undersigned, yet the main cause was of his illegality, irregularity & corruption of the Special Assistant to CM in Transport Department as the undersigned was not supporting the said cause of the Special Assistant to CM for Transport. (Annexed As.H).
10. That on 09-09-2016, Director Transport Department issued order of relieving of the undersigned from his duties w.e.f 1-09-2016. (Annexed As I).
11. That last pay was withdrawn by the undersigned from Transport Department vide pay roll on October,2016. (Annexed As.J)

12. In the meanwhile, the undersigned was arrested by NAB authorities on 11-02-2017 on charges of giving assistance to NAB authorities by providing mobile SIM but such allegation was totally false and absolutely incorrect.
13. That Honorable Peshawar High Court, Peshawar converted the NAB charges 9/10 into 383crpc and the undersigned was released from the jail. As the undersigned was convicted by Accountability Court for Seven years which conviction is/was assailed before the Apex Court in appeal.
14. That on 1-11-2017, the undersigned submitted arrival report before Director Transport Department after release from jail, followed by subsequent arrival report to Secretary Transport on 15-11-2017 as well as 19-02-2018. (Annexed As. K.K1,K2,K3)
15. That the aforesaid arrival reports were not materialized by the authorities, so that the undersigned submitted subsequent arrival reports to Director Transport which also met dead response till date. The undersigned is constrained to submit the Representation in hand before the authorities for performance of duties and release of salaries since the date of withholding of the same.
16. The undersigned was confronted with mental torture/financial constraints and other agonies, so request for eradication of the same and obliged.

It is therefore most humbly requested that notification dated 26-02-2018 of the DG(R) Livestock & Diary Development Department Khyber Pakhtunkhwa be set aside and appellant be reinstated in service with all back benefits.

Thanking you, Sir.

Dated: 20-03-2018

Yours obediently,

Samiullah Khan Burrani

Assistant

House No. 232 Sector K-2, street 10,

Phase III, Hayatabad Peshawar.

0333-6669966-0333-8886222

53

Dairy No 1217
Date 20-6-2018
Directorate of Transport

To

The Director,
Transport and Mass Transit,
Khyber Pakhtunkhwa.

Subject: **ARRIVAL REPORT/JOINING REPORT.**

R/Sir,

Reference on the subject noted above.

The undersigned **Samiullah Khan Durrani** working as Assistant Director transport & subitted arrival report for duty on 1.11.2017 and again on 15.11.2017 but no order is still issued. The undersigned also submitted arrival report to Worthy Secretary Transport and Mass Transit but no further action on arrival report is communicated till dated.

It is therefore, the undersigned once again submitted arrival report for duty and requested to issue further necessary orders and obliged.

Thanking you in anticipation.

Your Sincerely,

Samiullah Khan Durrani

Assistant Director
Directorate of Transport
0333-6669966

House No/282 Sector K-2 street-10
Phase-3 Hayatabad Peshawar.

Adar

Dated ; 19-06-2018

Copy of the above is forwarded for informatin to :

1. Worthy Secretary Transport and Mass Transit Khyber Pakhtunkhwa Peshawrar.

ADAR
53

Q

54

27-6-18

O/L

To

The Secretary,
Transport & Mass Transit Department,
Government of Khyber Pakhtunkhwa,
Civil Secretariat Peshawar.

Diary No. 2310
Dated 28/06/2018
P.S To Secretary Transport
Deptt Khyber Pakhtunkhwa

Subject : SUBSEQUENT REPRESENTATION

Respected Sir,

With due veneration it is stated that:

1. I was appointed as Assistant BPS-16 in Agriculture, Livestock & Diary Development Department Khyber Pakhtunkhwa. I was performing my official duties with devotion & to the entire satisfaction of my superiors without any complaint.
2. That issue cropped up when my services were requisitioned by the Special Assistant to CM for Transport and Mass Transit Department Khyber Pakhtunkhwa & in this respect, Private Secretary to the Special Assistant to CM for Transport wrote a letter to DG (Research) Livestock & Diary Development Department to requisitioned my services against the vacant post of Assistant in the Directorate of Transport vide letter dated. 28-4-2015, followed by subsequent letter dated 10-08-2015 of the Special Assistant to CM for Transport and Mass Transit Department. (Annexed As. A & A-1).
3. That on 28-08-2015, Director General (Research) Livestock & Diary Development Department wrote letter to Secretary to Government of Khyber Pakhtunkhwa for Transport and Mass Transit Department that he has no objection, if he is adjusted on any vacant post in borrowing Department (Transport & Mass Transit Department). Annexd As. B
4. That on 06-10-2015, no objection certificate on transfer & permanent absorption in Transport Department was issued by Secretary, Agriculture, Livestock & Diary Development Department Khyber Pakhtunkhwa and then on 09-03-2016, services of undersigned was placed at the disposal of Transport Department for further posting, meaning thereby that the matter of transfer/posting between Agriculture Department & Transport and Mass Transit Department was finalized.
(Annexd AS. C, C1,C2,C3).

AD/AS
S

55

5. That on 19-04-2016, Director Transport issued office order wherein the undersigned was promoted from the post of Assistant BPS-16 to Assistant Director BPS-17 with immediate effect. (Annexed As- D).
6. That from time to time numerous unique orders of posting & transfer of services of the undersigned were issued which created ambiguity and to clear the position of undersigned submitted, the representation before Secretary Transport to release my monthly salaries and to issue guidelines to the quarter concerned for the purpose vide Representation dated 03-02-2017.(Annexd As.E).
7. That on 13-07-2017, Special Assistant to CM for Transport and Mass Transit Department namely Shah Muhammad Wazir wrote letter to Secretary Transport not to disturb/displaced the officers mentioned in the letter ibid including the name of undersigned at serial No.2. (Annexd As. F)
8. That on 1-08-2016, without any reason and justification order of the undersigned of transfer/posting was withdrawn by the Secretary Transport with direction to report back to his parent Department with immediate effect. (Annexed As.G).
9. That on 05-09-2016 letter was issued by Transport Department to relieve the undersigned as the Special Assistant to CM for Transport became displeasure over the undersigned, yet the main cause was of his illegality, irregularity & corruption of the Special Assistant to CM in Transport Department as the undersigned was not supporting the said cause of the Special Assistant to CM for Transport. (Annexed As.H).
10. That on 09-09-2016, Director Transport Department issued order of relieving of the undersigned from his duties w.e.f 1-09-2016. (Annexed As I).
11. That last pay was withdrawn by the undersigned from Transport Department vide pay roll on October,2016. (Annexed As.J)
12. In the meanwhile, the undersigned was arrested by NAB authorities on 11-02-2017 on charges of giving assistance to NAB authorities by providing mobile SIM but such allegation was totally false and absolutely incorrect.

13. That Honorable Peshawar High Court, Peshawar converted the NAB charges 9/10 into 383crpc and the undersigned was released from the jail. As the undersigned was convicted by Accountability Court for Seven years which conviction is/was assailed before the Apex Court in appeal.
14. That on 1-11-2017, the undersigned submitted arrival report before Director Transport Department after release from jail, followed by subsequent arrival report to Secretary Transport on 15-11-2017 as well as 19-02-2018. (Annexed As. K.K1,K2,K3)
15. That the aforesaid arrival reports were not materialized by the authorities, so that the undersigned submitted subsequent arrival reports to Director Transport which also met dead response till date. The undersigned is constrained to submit the Representation in hand before the authorities for performance of duties and release of salaries since the date of withholding of the same.
16. The undersigned was confronted with mental torture/financial constraints and other agonies, so request for eradication of the same and obliged.

It is therefore most humbly requested that the undersigned be allowed for performance of the official duties and release of monthly salaries withhold since November, 2016.

Thanking you, Sir.

Dated: 27-06-2018

Yours obediently,

Samiullah Khan Durrani

Assistant Director Transport
Directorate of Transport Peshawar.

0333-6669966

House no.232 Sector K-2,
Street #10 phase 3 Hayatabad,
Peshawar.

1. Copy of the above is forwarded to Secretary, Agriculture Livestock and Diary Development Department, Khyber Pakhtunkhwa.

57

Secretary
No 6-8-18 : 4:00 PM
Dated

copy of the appeal
attached with form

The Secretary,
Agriculture, Livestock,
& Dairy Development, Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject : REMINDER

Respected Sir,

With humble request it is stated that i have filed departmental appeal before your goodself on 20-03-2018 for reinstatement in service(copy of the appeal is attache herewith).

Therefore it is most humbly requested that please expedite my said appeal as soon as possible.

Thanking you sir.

Dated: 06-08-2018

Yours obediently,

~~Samiullah Khan Durrani~~
Assistant

House No. 232 Sector K-2, street 10,
Phase III, Hayatabad Peshawar.
0333-6869966-0333-8886222

ASD
3



R 58-
GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE LIVESTOCK & COOPERATIVE
DEPARTMENT
THROUGH REGISTERED POST

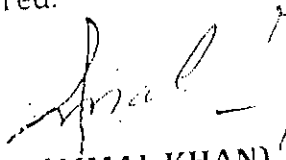
No. SO(LFC)AD-2(123)/PF/2012
Dated Peshawar the 17th Sep, 2018

To ✓
Mr. Samiullah Khan Durrani
Ex-Assistant
Directorate of Livestock & Dairy Development (Research)
Khyber Pakhtunkhwa, Peshawar.

Address:-
House No. 232, Sector K-2
Street No. 10 Phase 3
Hayatabad, Peshawar.

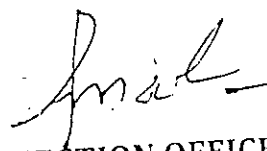
Subject:- SUBSEQUENT REPRESENTATION

I am directed to refer to your appeal No. nil, dated 27/06/2018 addressed to Secretary to Govt: of Khyber Pakhtunkhwa and copy endorsed thereof to this department and to inform that your appeal has been considered and regretted being not covered under the rules and barred.


(AJMAL KHAN) 17/9/18
SECTION OFFICER
LIVESTOCK, FISHEREIS & COOPERATIVE

Copy of the above is forwarded to the:-

1. Secretary to Govt: of Khyber Pakhtunkhwa Transport Department.
2. PS to Secretary Agriculture Department.


SECTION OFFICER
LIVESTOCK, FISHEREIS & COOPERATIVE

بعدالت جناب سرسٹریٹ جیولری صوبہ سرحد پشاور

منجانب امپلائٹ

محکمہ

سمنو اللہ خان دانی بنام

دعویٰ اپیل

باعث شکریہ ایٹیکہ

© ————— ©

مستند سند جو عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ ان مقام پشاور کیسٹم سٹیشن خان سرودتے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے باطنی نامہ و تقریر ثالث و فیصلہ بر عطف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور مرضی دعویٰ اور درخواست ہر قسم کی تعدیل اور اس پر دستخط کرانے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور مشورہ نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور اس میں مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا عدسے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المترجم

العبد

العبد

العبد

سید اللہ خان مرقت

ارباب سید اقبال

ایڈووکیٹ

ایڈووکیٹ

عن رؤیتہ تاجر

ایڈووکیٹ

احمد نواز خان

منظریہ ایٹیکہ

Handwritten marks or characters at the top left of the page.



Handwritten signature or text, possibly including the name 'K. K. K.' and a date '1954'.

Handwritten signature or text at the bottom right of the page.

Bangore The KP Service Tribunal, Resumar

Service Appeal 1298/2018

Sami. Wahan vs Transport

Application for Submission

of Security fee

Respectfully Sheweth.

- That the above mentioned Service Appeal is pending before Hon'ble Tribunal Resumar is fixed for today.

- That the appellant was un-aware the process of security fee and counsel of appellant due to rush of work caused by the appellant didn't submit the security fee.

kindly allow the application of appellant for Submission of Security fee.

U3m

Uzma Syed
Advocate

Date 4-2-2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1289/2018

Mr. Samiullah Khan Durani

(Appellant)

Versus

Director General (Research) Livestock and Dairy Development Department Peshawar, Khyber

Pakhtunkhwa and others

(Respondents)

INDEX

| S.No | Description of Documents | Annex | Page No. |
|------|---|-------|----------|
| 1 | Reply to Service Appeal | -- | 01-04 |
| 2 | Copy of letter of requisition of appellant dated 28.04.2015 | A | 05 |
| 3 | Copy of letter dated 01.08.2016 | B | 06 |
| 4 | Copies of order/ inquiry 01.06.2016, & 09.06.2016 | C | 07-08 |
| 5 | Inquiry orders/report | D&E | 09-14 |
| 6 | Relieving order dated 09.09.2016 | F | 15 |
| 7 | DDO letter to AG Office dated 05.10.2016 | G | 16 |
| 8 | Arrival report | H | 17 |
| 9 | Letter of repatriation | I | 18-19 |

Muhammad Arif Wazir
Assistant Director Legal
Transport & Mass Transit Khyber Pakhtunkhwa

01

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1289/2018

Mr. Samiullah Khan Durrani

_____ (Appellant)

Versus

Director General (Research) Livestock and Dairy Development Department Peshawar, Khyber
Pakhtunkhwa and others

_____ (Respondents)

REPLY/PARAWISE COMMENTS ON BEHALF OF REPENDENT NO. 03

Respectfully Sheweth;

Preliminary Objections:

- a. The appellant has got no locus standi or cause of action to file the instant service appeal because appellant was a contract employee/project employee governed by the project policy and not by Civil Service Act/Civil Service Tribunal Act. Moreover, the instant appeal is filed with the malafide to harass the answering respondents.
- b. That the Appellant has not come to the court with clean hands. He concealed the material facts from the Court just to misguide the Hon'ble Court by presenting concocted facts; therefore, the instant appeal is liable to be rejected in limini.
- c. That the instant appeal is not maintainable by law, as the appellant was dismissed by respondent No.1 after due course of law and not by answering respondent; but, he is claiming re-instatement from respondent No.3 which renders his service appeal groundless and defunct as where there is no right there is no remedy.
- d. That the instant appeal is time barred by law as the appellant was directed to report back to his parent department on 01.08.2016 and relieved from service by respondent no. 3 on 09.09.2016 respectively; whereas, he approached for representation before answering respondent on 27.06.2018 as he who seeks equity must be vigilant and not indolent.
- e. That the instant appeal is bad due to mis-joinder and non joinder of parties.
- f. That with utmost respect this Honorable Service Tribunal has got no jurisdiction to entertain the present service appeal.

FACTS:

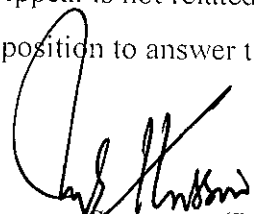
1. Para 1 of the Service Appeal is not related to answering respondent and respondents No. 01 & 02 are in better position to answer this para.
2. Para 2 of the Service Appeal is correct to the extent that appellant's service was requisitioned by Transport department from Live Stock and Dairy department on 28.04.2015 for temporary/need basis on the vacant post of Office Assistant of same scale in cadre till presence of need of appellant service in borrowing department (Letter to this regard as **Annexure A**). It is also pertinent to mention here that the borrowing department repatriated his service to parent department when his service no longer required by the borrowing department (copy of letter dated 01.08.2016 as **Annexure B**).
3. Para 3 of the service appeal is incorrect. The answering respondents never received any type of letter dated 28.08.2015 from respondent No.1. Furthermore, there exists no laws/rules for the permanent absorption of appellant who was project employee, on the regular post of other department.
4. Para 4 of the service appeal is incorrect, Hence denied.
5. Para 5 of the Service Appeal is incorrect, false and frivolous; therefore, hence denied. There is complete criteria and procedure mentioned in the Esta Code for the promotion from BPS 16 to BPS 17. Moreover, a contract employee of BPS 16 cannot be promoted on the regular post of BPS 17 grade.
6. Para 6 of the Service Appeal is correct that the then Special Assistant to CM for Transport wrote letter to Secretary Transport not to displace officers including the appellant. It is to inform that the appellant has done a lot of illegal acts and activities in the department, upon which various inquiries were held regarding his misconduct, therefore, the then Secretary Transport taken up the matter with the Establishment Department for opinion. The Establishment Department advised to send back the appellant to his parent office. The Appellant never attended a single inquiry so far (Copies of the orders/letters regarding poor performance as **Annexure C**, inquiry/fact finding report regarding illegal parking stand as **Annexure D & E**).
7. Para 7 of the Service Appeal is correct to the extent that the then Secretary Transport directed the appellant to report back to his parent department and his transfer /posting was withdrawn on 01.08.2016; while, rest is denied. The appellant performance was not satisfactory and he remained absent for long period of time without any reasonable cause. Even various inquiries were initiated against him (copies to this regard has already been annexed). Therefore, he was directed to report back to his parent department.
8. Para 8 of the Service Appeal is correct to the extent that the appellant was relieved from his service by Transport Department on 09.09.2016 w.e.f 01.09.2016 (**Annexure F**); while, rest is denied. The appellant was relieved because his performance was not up to mark and the department no longer needed his service. Furthermore, the allégations raised by the appellant against the Ex-Special Assistant for Chief Minister for Transport & Mass Transit are baseless, factious, malafide and with ultra vires.
9. Para 9 of the Service Appeal is correct and copy to this regard is already annexed in above para.

10. In reply to para 10 of the Service Appeal, it is stated that appellant was directed to report back to his parent department and his transfer /posting was withdrawn on 01.08.2016 but he failed to submit his relinquish report and continued to draw his salary till 01.11.2016; thereafter, the then DDO Transport issued letter to Accountant General Office on 05.10.2016 to stop the salary of the appellant (Copy of letter to this regard as **Annexure G**). Furthermore, Director Transport also issued relieving order of the appellant on 09.09.2016.
11. Para 11 of Service Appeal is incorrect, false and frivolous, hence denied. In reply it is stated that appellant was relieved from his service and directed to report back to his parent department by Secretary Transport on 01.08.2016, which is dispatched/intimated to appellant. In addition to that, the department never issued any posting/transfer order of appellant as he remained no longer employee of answering respondent. Moreover, the salary of appellant was stopped from date of order of relieving, that is, 01.08.2016.
12. Para 12 of the Service Appeal is incorrect. The para relates with NAB authorities but deliberately are not made as a party in the instant Service Appeal.
13. Para 13 of the Service Appeal is not related to answering respondent. Respondents No. 01 & 02 are in better position to answer this para.
14. Para 14 of the Service Appeal is incorrect, hence denied. Detail reply has already been given in above paras.
15. Para 15 of the Service Appeal is not related to answering respondent and subject to proof by the appellant.
16. Para 16 of the Service Appeal is related with respondent No. 01 & 02 and they are in better position to answer this para.
17. Para 17 of the Service Appeal is related with respondent No. 01 & 02 and they are in better position to answer this para.
18. In reply to para 18 of the Service Appeal it is stated that appellant submitted subsequent representation before answering respondent which was rejected because the appellant was directed to report back to his parent department on 01.08.2016 and thereafter, the answering department has no concern with appellant as he was on deputation and under Civil Service Rules borrowing department has discretion to depute the employee back to his parent department. It is also pertinent to mention that the representation was made after one year of relieving order of appellant just to fabricate and manipulate the matter as the appellant was dismissed by his parent department on 26.02.2018 and he was time barred to file Service Appeal before Service Tribunal against the cited order of dismissal. To this regard, he made date of filing representation to reckon time period for filing appeal. He holds no ground in this regard; therefore, the instant service appeal is liable to be dismissed in limine.

GROUND:

- a. Ground a of the Service Appeal is related to respondent No. 01 & 02 and they are in better position to answer this para.

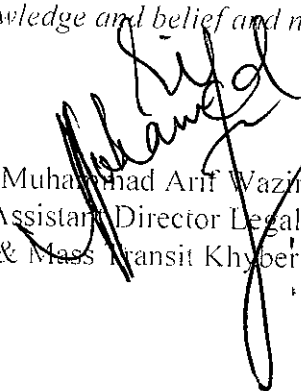
- b. Ground b of the Service Appeal is false, frivolous and baseless, hence denied. In reply it is stated that appellant voluntarily joined the service of Transport department (copy of arrival letter of appellant is **Annexure H**). Moreover, he never faced any agony/problem etc in discharge of his duty as nowhere intimated his problems to the borrowing department. Instead, he was inefficient, incompetent and dormant in performance of his duty. To this regard, he was time and again directed verbally as well as in writing.
- c. Ground c of the Service Appeal is incorrect, false, frivolous and baseless, hence denied. In reply it is stated that appellant's service was requisitioned by Transport department from Live Stock and Dairy department on 24.04.2015 for temporary/need basis on the vacant post of Office Assistant of same scale in cadre till presence of need of appellant service in borrowing department. Thereafter, the borrowing department repatriated his service to parent department when his service no longer required by the borrowing department. The same was intimated to the appellant as well as to his parent department (copy of letter to this regard as **Annexure I**).
- d. Ground d of the Service Appeal is false, fancy, whimsical and incorrect, hence denied. In reply, it is stated that appellant was directed to report back to his parent department and his transfer /posting was withdrawn on 01.08.2016 because his service was non satisfactory; he remained inefficient, incompetent and indulged in misconduct, proof to this regard is already annexed in above paras. Thereafter, the then DDO Transport issued letter to Accountant General Office on 05.10.2016 to stop the salary of the appellant.
- e. Ground e of the Service Appeal is incorrect, hence denied. In reply it is stated that appellant was requisitioned from Department of Livestock Development Department (Research Wing). Later on, he failed to perform up to mark and his services were no longer needed, so he was directed to report back to his parent department. The appellant is not permanent employee of Transport Department as he was on deputation.
- f. Ground f of the Service Appeal is not related to answering respondent and the concerned respondents are in better position to answer this para.


Secretary (R-03)

**Transport & Mass Transit Department
Government of Khyber Pakhtunkhwa.**

Verification:

It is hereby solemnly affirmed and declared on oath that the contents of the instant comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Service Tribunal.


Muhammad Arif Wazir
Assistant Director Legal
Transport & Mass Transit Khyber Pakhtunkhwa

Annex: 'A'
05



DIRECTORATE OF TRANSPORT & MASS TRANSIT
GOVERNMENT OF KHYBER PAKHTUNKHWA
Ground Floor, Benevolent Fund Building, Peshawar Cantt
Tel: 091-9214185

No: Dir/Tpt/3044-45
Dated: April 28, 2015.

To

The Director General,
Livestock Research & Diary Development Department,
Khyber Pakhtunkhwa.

Subject: REQUISITION OF SERVICES OF MR. SAMIULLAH KHAN DURRANI,
ASSISTANT, DIRECTORATE GENERAL LIVESTOCK RESEARCH &
DIARY DEVELOPMENT DEPARTMENT, KHYBER PAKHTUNKHWA.

Dear Sir,

Kindly refer to the subject noted above.

The Services of Mr. Samiullah Khan Durrani, Assistant, are requisitioned against the vacant post of Assistant in Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa.

[Signature]
Director Transport & Mass Transit
Khyber Pakhtunkhwa

Endst of even no and date:

A copy is forwarded for information to P.S to Special Assistant to CM for Transport & Mass Transit Department, Khyber Pakhtunkhwa, Peshawar.

Director Transport & Mass Transit
Khyber Pakhtunkhwa

OS(E)
[Signature]
29/4/15

Annex B 06



GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT

Dated Peshawar the, 01-08-2016

ORDER

No.SO(G)/TD/3-1/2014:The Competent Authority has been pleased to withdraw this Department order No.SO(G)/TD/3-1/2014/2159-65 dated 20/07/2016, regarding withdrawal of repatriation of Muhammad Fazal Rahman and Mr. Samiullah Khan Durrani to their parent Departments. Both the officers are directed to report back to their parent Departments, with immediate effect.

Sd/-
SECRETARY
Govt. of Khyber Pakhtunkhwa
Transport & Mass Transit Department

Endst: No. & Date Even/2337-43

Copy for information to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Director Transport & Mass Transit/Coopted Chairman RTAs, Khyber Pakhtunkhwa.
3. PS to Secretary, Workers Welfare Board Khyber Pakhtunkhwa.
4. Secretary Live Stock & Dairy Development Department, Khyber Pakhtunkhwa.
5. District Accounts Officer, Kohat.
6. PS to Special Assistant to CM for Transport & Mass Transit, Khyber Pakhtunkhwa.
7. PS to Secretary Establishment Department, Govt. of Khyber Pakhtunkhwa.
8. PS to Secretary Transport & Mass Transit Department, Govt. of Khyber Pakhtunkhwa.
9. Officers Concerned.
10. Master File.

(Signature)
(KHALID KHAN)
SECTION OFFICER (ADMN)
Transport & Mass Transit Deptt

(Handwritten signature)

Secretary Agriculture

3112
3-8-16

(Handwritten notes and signatures)

(Handwritten notes)



Amex: "C" 7
GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT

Ph: 091-9223615

Fax: 091-9212556

No. SO (G)/10-15/2014/1520-11

Dated: 09-06-2016

To

Dairy No. 1945
Date 16/06/2016
Directorate of Transport

The Director,
Transport & Mass Transit,
Khyber Pakhtunkhwa,

Subject: - POOR PERFORMANCE

I am directed to refer to the subject noted above and to enclose herewith your letter No. Dir/TPT/D.Action/2579-82 dated 01-06-2016 and to request to submit the report on the subject issue to this Department at the earliest for the perusal of the competent authority please.


(KHALID KHAN)
SECTION OFFICER (ADMN)

Endst. No. & Date Even

Copy is forwarded for information to the:-

1. PS to Secretary Transport & Mass Transit Department, Govt. of Khyber Pakhtunkhwa.
2. Master File.

SECTION OFFICER (ADMN)

Please immediately
send report.


14/06/2016

DD



DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA

(8)

No. Dir/TPT/D.Action/257982
Dated: 01-06-2016

To
Mr. Sami Ullah Durani,
Assistant Director (P&T),
Directorate of Transport & Mass Transit,
Khyber Pakhtunkhwa.

Diary No. 692
Date: 8/6/16
PBT to Secy Transport
Deptt Khyber Pakhtunkhwa

Subject: - POOR PERFORMANCE.

It has been noticed that two very important task i.e. approval for Bill Board at Peshawar bus terminal and re-enquiry of Mr. Rashid Gul Ex-Manager PBT was handed over to you but so far no progress received from your side which means an abnormal delay in performance of official business. It has also been observed that you remain absent from office in official timing and even comes late.

Your these acts of negligence in the performance of official duties amount to misconduct under the meaning of Efficiency & Disciplinary Rules 2011. You are therefore directed to explain your position with three (3) days after the receiving of this letter as to why a strict disciplinary action shall not be taken against you.

DEPUTY DIRECTOR
Transport & Mass Transit

Endst: No & Date Even:

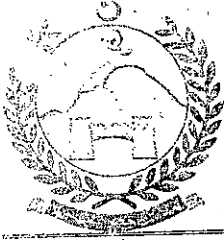
A copy is forwarded, for information to the:

1. Mr. Yaseen Khan Khalil, Member Provincial Assembly, Khyber Pakhtunkhwa.
2. PS to Secretary Transport and Mass Transit Department Govt. of Khyber Pakhtunkhwa.
3. P.A to Director, Transport and Mass Transit Khyber Pakhtunkhwa.

The Bill Board should not be approved for any private party. The Transport Dept should install its own Bill Board approved from PDA (Government) after its own authority and budget as per Chief functionary orders.

DEPUTY DIRECTOR
Transport & Mass Transit

Red. in S/O
7th June 2016
Director Transport
14/6/16



**GOVERNMENT OF KHYBER PAKHTUNKHWA
TRANSPORT & MASS TRANSIT DEPARTMENT**

Mian Rashid Hussain Shaheed Memorial Block, Civil Secretariat Khyber Pakhtunkhwa Peshawar

Ph: 091-9223546

No. SO (G)/TD/10-15/Disp.Act/

Fax: 091-9212556

Dated: 07/11/2017

Annex: D 33
09

To

The Section Officer (LFC),
Agriculture, Livestock & Cooperative Department,
Khyber Pakhtunkhwa.

Dairy No 817
Date 07/11/2017
Directorate of Transport

Subject:

INITIAL/FACT FINDING ENQUIRY REPORT AGAINST MR. SAMI ULLAH KHAN DURRANI.

I am directed to refer to your letter No. SO(LFC)AD-2(123)/PF/2012 dated 01.11.2017 and to enclose herewith Initial/Fact Finding Enquiry Report alongwith 44 supporting documents in respect of Mr. Sami Ullah Khan Durrani, who was posted on Deputation as Assistant Director (P&T) in Directorate of Transport & Mass, Khyber Pakhtunkhwa from Directorate of Livestock Research and Dairy Development Department, Khyber Pakhtunkhwa, for information and further necessary action at your end, please.

(BASEER ALI RAHMAN KHAN)
SECTION OFFICER (ADMN)

Endst. No. & Date Even

Copy forwarded to the:

1. Director General, Live Stock, Veterinary & Agriculture, Khyber Pakhtunkhwa.
2. Director Transport & Mass Transit, Khyber Pakhtunkhwa.
3. PS to Secretary Transport & Mass Transit Department, Khyber Pakhtunkhwa.
4. PA to Deputy Secretary Transport & Mass Transit Department, Khyber Pakhtunkhwa.
5. Master File.

SECTION OFFICER (ADMN)

DD

10/11

File in his P/Fib P/F
13/11

13/11

Sami Ullah Durrani P.F

Sami Ullah P.F

Annex E
10

Pages 1-3 (PUC)

Subject:

ILLEGAL PARKING STAND ORDER ISSUED BY THE ASSISTANT DIRECTOR TRANSPORT

Sir,

It is submitted that the TMO, TMA Charsadda has forwarded a copy of order No. Nil dated:- 22-07-2016 issued by the Directorate of Transport Khyber Pakhtunkhwa under signature of Mr. Sami Ullah Assistant Director regarding grant of parking stand permission to one Sheraz Ali S/O Shah Iran from a site located near Mian Muharram Shah Market Nowshera Road Charsadda for operation of public service vehicles from Charsadda to Rawalpindi-Nowshera and Peshawar which is placed at Pages-1-3 for your kind perusal.

The requisite order is totally illegal issued without NOC,s of all concerned to the applicant as requires under the rules.

It is also pertinent to submit that previously the applicant Mr. Sheraz Ali were applied this office for the grant of parking stand permission for this particular site, but due to the refusal/apposition of NOC by the DC Charsadda and other stake holder it is not issued at that time. In this connection letter of DC Charsadda is also placed at page-3 for perusal which is self-explanatory.

Furthermore the case file of Mr. Sheraz Ali, in which the correspondence were made with various stake holders has also been taken/retained by the Assistant Director (Transport) from the record keeper of this office on 29-06-2016 on the pretext that on the direction of Special Assistant to CM for Transport he wants to study the file and will be returned it within two or three days but the same is still lying with Assistant Director (Transport) and refused to give it back to record keeper of this office, therefore the Assistant Director (Transport) may kindly be strictly directed to return the case file of Mr. Sheraz Ali to this office (Copy of receiving of file is attached at page-4).

According to the rule-248 of the Motor Vehicles Rules 1969, the Chairman RTA is authorized to make orders determining parking places for Motor Vehicles Under Section- of the Motor Vehicles Ordinance 1965 after consultation with Superintendent of Police a local authority having jurisdiction in the area concerned.

It is also the jurisdiction/domain of the Secretaries RTA,s to issue such parking places orders after the consultation with all stake holders and grant of approval from Chairman RTA,s. The Directorate of Transport (Assistant Director) has no concern with job of RTA and their powers/functions. It is between Chairman RTA,s and Secretary RTA make orders for the purpose. The said order is illegally issued without jurisdiction/ approval of the worthy Commissioner/Chairman RTA,s Peshawar

In view of the above, it is suggest that said order may kindly be withdrawn requested by the TMA Charsadda, and the Assistant Director may kindly be warned/directed not to interfere in the functions/powers of RTA in future. The Dc/TMA Charsadda may also then informed accordingly.

Submitted for onward submission to the competent authority for perusal and orders please

Superinten

Secretary RTA

Forwarded to Director Transport/co-chairman R

9

DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA

No. Dir/TPT/
Dated: 22-07-2016

11

DER

On the recommendation of local administration and approval of the competent authority Mr. Sheraz Ahmad s/o Shah Iran is permitted for Parking stand located near Mian^o Mukarram Shah Market Nowshera Road Charsadda for Rawalpindi, shawar, Peshawar to Nowshera with immediate effect in the best public interest.

Signed:-
DIRECTOR
Transport and Mass Transit

Indst: No & Date Even:

Copy of the above is forwarded to:

1. P.A to Director Transport and Mass Transit, Khyber Pakhtunkhwa, Peshawar.
2. The Secretary Regional Transport Authority Peshawar.
3. The Secretary Provincial Transport Authority Peshawar.
4. The District Nazim, District Charsadda.
5. The Superintendent of Police (Traffic) Charsadda.
6. The Administrator Municipal Corporation District Charsadda.
7. The Shiraz Ahmad s/o Shah Iran in referencd to his application.
8. Master file.

Assistant Director
Transport & Mass Transit
Khyber Pakhtunkhwa Peshawar.



DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA

12

No. Dir/TPT/D.Action/257982
Dated: 01-06-2016

To

Mr. Sami Ullah Durani,
Assistant Director (P&T),
Directorate of Transport & Mass Transit,
Khyber Pakhtunkhwa.

Diary No. 692
Dated 8/6/16
P&T Section Transport
Deptt Khyber Pakhtunkhwa

Subject - POOR PERFORMANCE.

It has been noticed that two very important task i.e. approval for Bill Board at Peshawar bus terminal and re-enquiry of Mr. Rashid Gul Ex-Manager PBT was handed over to you but so far no progress received from your side which means an abnormal delay in performance of official business. It has also been observed that you remain absent from office in official timing and even comes late.

Your these acts of negligence in the performance of official duties amount to misconduct under the meaning of Efficiency & Disciplinary Rules 2011. You are therefore directed to explain your position with three (3) days after the receiving of this letter as to why a strict disciplinary action shall not be taken against you.

[Signature]
DEPUTY DIRECTOR
Transport & Mass Transit

Endst: No & Date Even:

A copy is forwarded for information to the:

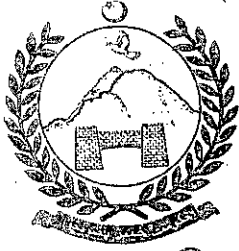
1. Mr. Yaseen Khan Khalil, Member Provincial Assembly, Khyber Pakhtunkhwa.
2. PS to Secretary Transport and Mass Transit Department Govt. of Khyber Pakhtunkhwa.
3. P.A to Director, Transport and Mass Transit Khyber Pakhtunkhwa.

The Bill Board should not be approved for any private party. The Transport Deptt should not call its own Bill Board (Bill Board) after approval from PDA (PDA) its own and competent as per Chief functionaries orders.

[Signature]
DEPUTY DIRECTOR
Transport & Mass Transit

[Signature]
Director Transport

[Handwritten notes and signatures]
Recd. on 8/6/16
Peshawar
Peshawar



Office Of The Secretary
Regional Transport Authority, Peshawar
Ground Floor Benevolent Fund Building,
Peshawar Cantt.

No. 1126 RTA

Dated Peshawar, the 29 July, 2016

From: The Secretary,
Regional Transport Authority,
Peshawar

To: The Tehsil Municipal Officer,
Tehsil Municipal Administration,
Charsadda

Subject: ORDER

Memo:

I am directed to refer to your office letter No. 4366/TMA, dated 25-07-2016 and reference is invited to order dated: 22-07-2016 bearing No. nil on the subject noted above and to state that the competent authority (Co-Chairman RTA) has not approved the order under discussion; however on enquiring Assistant Director Transport, he denied his signature and turned out to be fake. P/

The Transport Department Govt of Khyber Pakhtunkhwa has taken a very serious notice of this order being illegal & abolition based on malafie and has ordered an enquiry in the subject order. As and when enquiry finalized, the report will be shared with the District Administration Charsadda, however this order of allotment may be treated as cancelled.

sd.
Director/Co Chairman, RTAs

Endorse No & Date Even *No 1127 30/RTA*

Copy forwarded to the:-

1. Deputy Commissioner Charsadda.
2. Asstt: Commissioner Charsadda.
3. Tehsil Nazim Charsadda.
4. P.A to Director Transport /Co chairman RTAs.

29/7/16
Secretary,
Regional Transport Authority
Peshawar



14

**DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA**

Dir/TPT/1-50/D.Action/2013/ 395.
Dated : 05-09-2016

To,

Mr. Sami Ullah,
Ex- Assistant Director(P&T),
Directorate of Transport & Mass Transit,
Khyber Pakhtunkhwa.

Subject: **CANTEEN/TUCK-SHOP**

I am directed to refer to the subject noted above and to state that you have taken the original complete file (DIR/TPT/1-138/canteen/Tuck-shop) of the auction of canteen/tuck shop .You have been directed so many time to return the file but in vain .

You are once again directed to return the said file without any delay to this office, as the said file is required for official work and provision of information to the Secretary Transport & Mass transit, Khyber Pakhtunkhwa.

90

**Assistant Director (Legal)
Transport & Mass Transit
Khyber Pakhtunkhwa**

Endst: No & Date Even:

A copy is forwarded to:

1. P.S. to Special Assistant to Chief Minister for Transport and Mass Transit Department, Govt: of Khyber Pakhtunkhwa.
2. P.S. to Secretary, Transport and Mass Transit Department, Govt: of Khyber Pakhtunkhwa.
3. PA to Director, Transport and Mass Transit , Govt: of Khyber Pakhtunkhwa.

90

**Assistant Director (Legal)
Transport & Mass Transit
Khyber Pakhtunkhwa**

Amir: F

15



**DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA**

No. Dir/TPT/488-92.
Dated: 09-09-2016.

ORDER

In pursuance of the Special Assistant to Chief Minister for Transport and Mass Transit, Khyber Pakhtunkhwa letter No. PS/SA to CM/T&MT/1-5/2014/Transport dated 26-08-2016, Mr. Sami Ullah who was working as Assistant Director (P&T) in Directorate of Transport and Mass Transit is hereby relieved from his duty with effect from 01-09-2016 A.N.

DIRECTOR
Transport & Mass Transit
Khyber Pakhtunkhwa

Endst: No & Date Even:

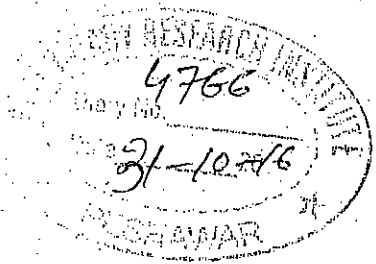
A copy is forwarded to:

1. The Accountant General, Khyber Pakhtunkhwa.
2. PS to Special Assistant to Chief Minister for Transport and Mass Transit Department Khyber Pakhtunkhwa.
3. PS to Secretary, Transport and Mass Transit Department, Government of Khyber Pakhtunkhwa.
4. PS to Secretary, Livestock & Dairy Development Department, Government of Khyber Pakhtunkhwa.
5. Officer concerned.

DIRECTOR
Transport & Mass Transit
Khyber Pakhtunkhwa



**DIRECTORATE OF TRANSPORT & MASS
TRANSIT KHYBER PAKHTUNKHWA**



No. Dir/TPT/Acctt/2016-17/
Dated: 05-10-2016

To,

The Deputy Accountant General
AG Office, Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: **STOPAGE OF SALARY.**

I am directed to the subject noted above and to state that MR. SAMI ULLAH DURRANI was repatriated to their own Department vide order No. SO(G)/TD/3-1/2014/2337-43 dated 01-08-2016.

Now the officer concerned has not been submitted charge relinquish report yet and he is absent from duty from the date of the order mentioned above and this office has already relived him.

It is therefore requested that the salary of the above named officer may be stopped w.e.f. 01-10-2016 please.

DDO O/O DIRECTOR
Transport & Mass Transit

717-20
Endst: No & Date Even:

A copy is forwarded to:

1. The Director General Livestock's Department Khyber Pakhtunkhwa.
2. P S to Secretary Transport Govt. of Khyber Pakhtunkhwa.
3. P A to Director Transport Khyber Pakhtunkhwa.

DDO O/O DIRECTOR
Transport & Mass Transit

Annex H

17

To

The Director Transport & Mass Transit,
Khyber Pakhtunkhwa, Peshawar.

Subject: ARRIVAL REPORT.

Respected Sir,

In pursuance of Government of Khyber Pakhtunkhwa Transport & Mass Transit Department Order No. SO (G)/TD/3-1/2014/389-96 dated 12/04/2016, I hereby submitted my arrival report as Assistant Director (P&T) BS-17, in the Directorate of Transport & Mass Transit, Khyber Pakhtunkhwa today on 13-04-2016 (F/N).

(SAMI ULLAH KHAN DURRANI)
Assistant Director (P&T)
Directorate of Transport & Mass Transit
Khyber Pakhtunkhwa

Annex. 9

18

1

Dairy No 656
Date 27.9.2016
Directorate of Transport



**DIRECTORATE GENERAL (RESEARCH)
LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT,
KHYBER PAKHTUNKHWA, PESHAWAR
(091) 9210248, 9210218-19, Fax 9210220**

No. DG(Res)L&DD/Est.II/ PF(186)/ 2006/ Vol.III / 4923 Dated Peshawar the 27/09/2016.

To

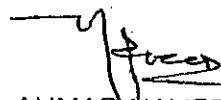
✓
The Director,
Transport and Mass Transit Department,
Khyber Pakhtunkhwa, Peshawar.


Subject:- REPATRIATION OF MR. SAMIULLAH DURRANI ASSISTANT DIRECTOR

Please refer to Section Officer (Admn) Transport and Mass Transit Department, Government of Khyber Pakhtunkhwa letter No. SO(G)TD/3-1/2016/3137-42 dated 05-09-2016 addressed to you and copy thereof endorsed to this office on the subject noted above.

As the Officer concerned has been repatriated to his parent department it is requested that whether he has submitted his charge relinquish report at your department and he has been relieved or otherwise.

An early response will be highly appreciated.


(DR. AHMAD NAVEED)
Director General (Research)

AD(L) 
27/9

SA
Fur ~ 1A

28/9

19



**DIRECTORATE OF TRANSPORT & MASS TRANSIT
KHYBER PAKHTUNKHWA**

No. Dir/TPT/626-28
Dated: 28-09-2016

To,

The Director General (Research),
Livestock & Dairy Development Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: REPATRIATION OF MR. SAMIUULAH DURRANI ASSISTANT
DIRECTOR.

I am directed to refer to your letter No. DG(Res)L&DD/Est.II/PF(186) 2006/
Vol.III/ 4923 dated 27-09-2016 on the subject noted above and to state that the officer concerned
has not been submitted his charge relinquish report till this date. However this office has relieved
vide order No. Dir/TPT/488-92 dated 09-09-2016 (Copy enclosed).

o/c

9

**ASSISTANT DIRECTOR (LEGAL)
Transport and Mass Transit**

Endst: No & Date Even:

A copy is forwarded to:

1. PS to Secretary, Transport & Mass Transit Department, Government of Khyber Pakhtunkhwa
2. P.A to Director Transport and Mass Transit, Khyber Pakhtunkhwa, Peshawar.

o/c

9

**ASSISTANT DIRECTOR (LEGAL)
Transport and Mass Transit**

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1289/2018

Mr. Samiullah Khan DurraniAppellant


Versus

1- Director General (Research) Livestock and Dairy Development Department Peshawar,
Khyber Pakhtunkhwa and others.....Respondants

REPLY/PARAWISE COMMENTS ON BEHALF OF RECONDENTS NO. 1 & 2

INDEX

| S.No | Description of Documents | Annexures Page No. |
|------|---|--------------------|
| 01 | Original Appointmeter Letter, Charge Assuption, Fake/Tempered Appointment Letter, Inquiry Report & 1 st Termination from Service | 01-07 |
| 02 | Explanation, Absence from duty, Black mailings, Poor Performance, Warnings, Advices etc | 08-28 |
| 03 | Decision of Accountability Court Peshawar | 29-38 |
| 04 | Decision of Peshawar High Court Peshawar | 39-53 |
| 05 | NOC from Parent department, Reparation from Borrowing Department, Request of the appellant for NOC for transfer to minister office | 54-58 |
| 06 | Declining the Notice to join parent department | 59-61 |
| 07 | Registered letters and Notices published in leading News Papers to join Duty | 62-68 |


Dr. Hamid Ullah Khan 27/8/2019
Departmental Representative
Livestock & Dairy Development Department
(Research Wing) Khyber Pakhtunkhwa, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1289/2018

Mr. Samiullah Khan Durrani **Appellant**

Versus

1- Director General (Research) Livestock and Dairy Development Department Peshawar,
Khyber Pakhtunkhwa and others..... **Respondants**

REPLY/PARAWISE COMMENTS ON BEHALF OF RECONDENTS NO. 1 & 2

Respectfully Sheweth;

Preliminary Objections:

- a- The appellant has got no Locus Standi or cause of action to file the instant case.
- b- That the Appellant has come to the Tribunal with unclean hands. He has suppressed the material facts from this honorable Tribunal and tried to mislead, hence instant Appeal deserve dismissal on this score alone.
- c- That the instant appeal is not maintainable in its present form.
- d. That the instant appeal is barred by law.
- e. That the instant appeal is bad due to mis-joinder and non joinder of parties.

Respectfully Sheweth

Facts

1. Incorrect. The appellant was initially appointed as Computer-Cum-Office Assistant under the project "Research and Development on Fodder and Forages in NWFP" at Livestock Research and Development Station Surezai under the project policy as evident from the official appointment letter vide order No.DLR&D/Est-35/Vol II/2006/382-89 dated 21/02/2006 and Charge Assumption Report. The appointment order attached with appellant's appeal is manipulated / tempered by eliminating the words of "project" to

change his status from project employee to permanent employee. (**Annexures-Page: 1-7**). It is totally incorrect that the appellant has worked with devotion and to the satisfaction of his superiors which could be easily proved by the number of explanations, warnings, advices served on him and poor performance, willful absence from government duty from initial appointment till his termination from service (**Annexures- Page: 8-28**). The appellant was caught red handed by the NAB authorities, while blackmailing his superiors i.e the than Director General (Research) for demanding money. Due to this fraudulent act, the appellant was convicted by the Accountability Court Peshawar and sentenced to undergo a sentence of 07 years (R.I) with a fine of Rs:5,00,000/- failing which, he shall further undergo a sentence of six months and therefore being convicted by the court he finally terminated by the parent department (**Annexures-Page: 29-38**). The Sentence was challenged in the Peshawar High Court Peshawar through an appeal which is partially allowed and the impugned conviction is altered to Section 511 PPC and consequently, the appellant/convict is found guilty u/s 511 PPC, who is sentenced to one already undergone (**Annexures-Page: 39-53**).

2. Correct to the extent that the appellant was transferred to the Transport and Mass Transit Department when the Transport and Mass Transit requisitioned the services of the appellant on his own will which could be proved from one other letter dated 19/05/2008. Later on, the borrowing department repatriated his services to the parent department. (**Annexures-Page: 54-58**).
3. Pertains to record
4. Pertains to record. However no absorption order has been issued by the competent Authority. Detail reply has been given in Paras above.
5. **Relates to Respondent No: 3.** However Parent Department of the appellant is the replying respondent and any promotion order issued by any other Authority is void ab initio and coram non iudice.
6. **Relates to Respondent No: 3.** However this letter by itself proves that the appellant was not absorbed with Respondent No: 3.