

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 225/2014

Date of Institution ... 19.02.2014

Date of Decision ... 24.01.2022

Mr. Rehmanullah S/o Mateeullah, Ex-Sub Inspector, R/o Village Totakan, District Malakand. ... (Appellant)

VERSUS

The Government of Khyber Pakhtunkhwa, through Secretary Agriculture, Live Stock and Co-operative Department, Khyber Pakhtunkhwa Peshawar and others. ... (Respondents)

Noor Muhammad Khattak,
Advocate

... For Appellant

Kabirullah Khattak,
Additional Advocate General

... For respondents

AHMAD SULTAN TAREEN
ATIQU-UR-REHMAN WAZIR

...
...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant while serving as Sub-Inspector in Cooperative Societies, was proceeded against on the charges of absence from duty and was ultimately removed from service vide order dated 18-12-2009 communicated to the appellant on 15-11-2013. Feeling aggrieved, the appellant filed departmental appeal dated 10-12-2013, which was not responded within the statutory period, hence the instant service appeal with prayers that the impugned order dated 18-12-2009 may be set aside and the appellant may be re-instated in service or the impugned order of removal from service may be converted into compulsory retirement.

02. Learned counsel for the appellant has contended that the impugned order is against law, facts and norms of natural justice, therefore, not tenable and liable to be set aside; that the appellant has not been treated in accordance with law, hence his rights secured under the Constitution has badly been violated; that no charge sheet/statement of allegation has been served upon the appellant before imposition of the impugned order, which is illegal, unlawful and contrary to the norms of natural justice; that no show cause notice has been served upon the appellant nor any regular inquiry was conducted, it however is mandatory upon the respondents to conduct regular inquiry before imposition of major penalty of removal from service; that the impugned order has been issued with retrospective effect which amounts to double jeopardy.

03. Learned Additional Advocate General for the respondents has contended that the appellant has been treated in accordance with law and rule with no malafide on part of the respondents; that removal from service order in respect of the appellant was issued by competent authority after fulfilling all the codal formalities; that charge sheet/statement of allegation was issued to the appellant and proper inquiry was conducted; that the appellant was informed by the inquiry officer to appear before the inquiry officer, but the appellant neither responded to the charge sheet/statement of allegation nor joined the disciplinary proceedings; that the appellant was absent from lawful duty without permission of the competent authority hence he was proceeded against and was awarded with major punishment of removal from service in absentia.

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

05. Record reveals that the appellant was initially appointed as Sub-Inspector vide order dated 15-10-1985. While serving as Sub-Inspector in Cooperative Societies, he was granted extra ordinary leave without pay for two years vide order dated 10-04-2003. After expiry of the leave, the appellant reported arrival

on 14-12-2004. The appellant again requested for leave for another two years, which was also granted vide order dated 10-12-2005. After expiry of the leave, the appellant again reported arrival and started performing duty and in the meanwhile, the appellant was transferred from Chitral to District Dir Upper vide order dated 22-09-2007. After serving for some time, the appellant again requested for extra ordinary leave with effect from 01-08-2007 to 31-12-2012, but the respondents turn deaf ear over his request but the appellant proceeded on leave under the impression that such leave has been granted by the respondents and the respondents proceeded him under RSO 2000 in absentia on the grounds of willful absence.


06. Impugned order of removal from service would suggest that the appellant was proceeded against under RSO 2000, but neither any inquiry was conducted against the appellant nor the appellant was afforded opportunity of defense, instead absence notices were issued in newspapers and were considered as sufficient for removing him from service, such provision however, does not exist in RSO 2000. The Supreme Court of Pakistan in its judgment reported as 2008 SCMR 1369 has held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. The appellant was not afforded appropriate of opportunity of personal hearing, thus was condemned unheard. It is a cardinal principle of natural justice of universal application that no one should be condemned unheard and where there was likelihood of any adverse action against anyone, the principle of Audi Alteram Partem would require to be followed by providing the person concerned an opportunity of being heard. Placed on record is charge sheet/statement of

allegation but record is silent as to whether such charge sheet was actually served upon the appellant or not and it can be construed that no charge sheet/statement of allegation was served upon the appellant as the respondents did not satisfy this tribunal about service of the charge sheet upon the appellant, hence in absence of service of charge sheet/statement of allegation on civil servant would be void and nullity in the eye of law as civil servant was not confronted with them and which also disposes of the question of limitation. Reliance is placed on 2008 SCMR 609.

07. We are of the considered opinion that the appellant has not been treated in accordance with law, as he was condemned unheard and was not afforded opportunity of defense. Keeping in view the dents in disciplinary proceedings and his long service of almost 26 years, we are inclined to partially accept the instant appeal by converting major penalty of removal from service into compulsory retirement from service. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
24.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

ORDER

24.01.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak,
Additional Advocate General for respondents present. Arguments heard
and record perused.

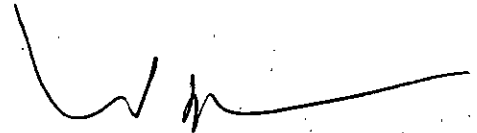
Vide our detailed judgment of today, separately placed on file, we
are inclined to partially accept the instant appeal by converting major
penalty of removal from service into compulsory retirement from service.
Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

24.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN

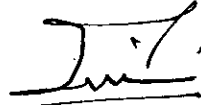


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

10.12.2021

Appellant in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Pervez Ali Shah, Superintendent for the respondents present.

Former seeks adjournment as his learned counsel is indisposed today. Request is accorded. To come up for arguments on 24.01.2022 before the D.B.



(Salah-ud-Din)
Member(J)




Chairman

26.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 17.08.2021 for the same as before.

17/8/21

Due to non availability of ^{Reader} of DIB the case is adjourned, to come up for the same on 2/12/21

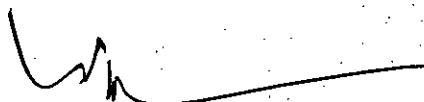


02.12.2021

Junior to counsel for appellant present.

Asif Masood Ali Shah, learned Deputy District Attorney for respondents present.

Former made a request for adjournment as senior counsel is not available today; granted. To come up for arguments on 10.12.2021 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

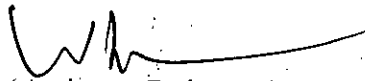
03.09.2020

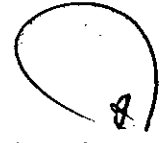
Appellant present through counsel.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Learned counsel for appellant seeks adjournment as issue involved in the present case is pending before Larger Bench of this Tribunal.

Adjourned to 23.11.2020 for arguments, before D.B.

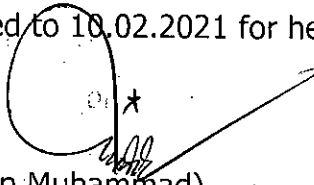

(Attiq ur Rehman)
Member (E)


(Rozina Rehman)
Member (J)

23.11.2020

Counsel for the appellant and Addl. AG for the respondents present.

As the proposition has not been settled by the Larger Bench in other cases, instant matter is, therefore, adjourned to 10.02.2021 for hearing before the D.B.



(Mian Muhammad)
Member


Chairman

10.02.2021

Junior to counsel and Addl. AG for the respondents present.


The Larger Bench has not yet decided the issue regarding retrospectivity of penalty as yet. Adjourned to 26.04.2021 for hearing before the D.B.

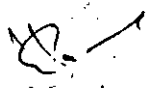

(Atiq-ur-Rehman Wazir)
Member(E)


Chairman

27.02.2020

Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Junior to counsel for the appellant requested for adjournment as senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 17.04.2020 before D.B.


Member


Member

17.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 16.07.2020 before D.B.


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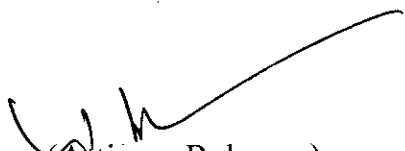
16.07.2020

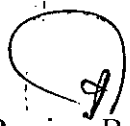
Junior counsel for appellant present.

Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Arif Salim Stenographer for respondents present.

Former requests for adjournment as senior learned counsel is busy before Hon'ble Peshawar High Court, Peshawar.

Adjourned to 03.09.2020 before D.B


(Attiq ur Rehman)
Member (E)


(Rozina Rehman)
Member (J)

31.07.2019

Junior to counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 23.10.2019 before D.B.


Member


Member

23.10.2019

Counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present.

Learned counsel requests for adjournment of instant matter in order to avail the outcome of case(s) posted for hearing before a larger bench regarding the proposition "retrospective operation of the penalty".

Adjourned to 26.12.2019 before the D.B


Member


Chairman

26.12.2019

Appellant in person present. Mr. Ziaullah, DDA for respondents present. Appellant seeks adjournment. Adjourn. To come up for arguments on 27.02.2020 before D.B.


Member


Member

11.03.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Fakhar Alam, Assistant for the respondents present Learned counsel for the appellant request for adjournment. Adjourn. To come up for further proceeding on 30.04.2019 before D.B.


Member


Member

30.04.2019

Appellant alongwith his counsel and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 18.06.2019 for arguments before D.B.



(AHMAD HASSAN)
MEMBER


(M. AMIN KHAN KUNDI)
MEMBER

18.06.2019

Junior to counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Sikander Zaman Assistant present. Junior to counsel requested for adjournment as learned counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 31.07.2019 before D.B.


Member


Member

20.09.2018

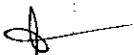
Since 12 September 2018 has been declared as public holiday on account of Muharam Ul Haram. Therefore, the case is adjourned. To come up for the same on


06-12-18

انسان
Reader

06.12.2018

Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Learned DDA informed that complete record of enquiry conducted against the appellant is not available on file so an opportunity may be provided to the respondents for producing the same. Respondents are directed to provide complete record of enquiry on or before the next date of hearing. Case to come up for such record and arguments on ~~29.12.2018~~ before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

29.01.2019


Appellant in person present. Mr. Ziaullah, DDA alongwith Mr. Fakhar Alam, Assistant for respondents present. Junior to counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on ~~06.02.2019~~ before D.B.



(Ahmad Hassan)
Member

(M. Hamid Mughal)
Member

225/2014
02.01.2018

Appellant in person present. Mr. Usman Ghani, Learned District Attorney for the respondents present. Appellant seeks adjournment as his counsel is not available. Adjourned. To come up for arguments on 02.04.2018 Before D.B



(Muhammad Amin Kundi)
MEMBER


(Muhammad Hamid Mughal)
MEMBER

02.04.2018

Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 04.06.2018 before D.B


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

04.06.2018


Junior to counsel for the appellant present. Mr. Zia Ullah learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 30.07.2018 before D.B.

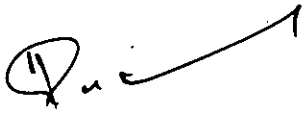

(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

30.07.2018

Appellant absent. Learned counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Respondent No. 2 is directed to attend this Tribunal alongwith complete record on 20.08.2018 before D.B.


(Ahmad Hassan)
Member (E)

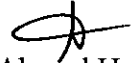

(Muhammad Hamid Mughal)
Member (J)

04.05.2017

Junior to counsel for the appellant and Mr. Muhammad Jan, Government Pleader for the respondent present. Junior to counsel for the appellant submitted rejoinder which is placed on file. To come up for arguments on 25.08.2017 before D.B.




(Gul Zeb Khan)
Member



(Ahmad Hassan)
Member

25.08.2017

Clerk to counsel for the appellant and Addl:AG for the respondents present. Clerk to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 08.12.2017 before D.B.




(Gul Zeb Khan)
Member



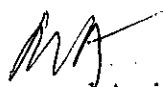
(Ahmad Hassan)
Member

08.12.2017

Counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents also present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 02.02.2018 before D.B.



(Ahmad Hassan)
Member (E)



(Muhammad Amin Khan Kundi)
Member (J)

13.04.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Learned counsel for the appellant requested for adjournment. Adjourned for arguments to 16-8-16 before D.B.




Member



Member

16.08.2016

Junior to counsel (Mr. Muhammad Jalal, Advocate) for the appellant and Mr. Muhammad Afzal, Budget Officer alongwith Mr. Muhammad Jan, GP for respondents present. Junior to counsel for the appellant requested for adjournment as senior counsel was busy before Hon'able Service Tribunal at camp court A/Abad. Adjournment granted. To come up for arguments on 21.12.2016.


Member
Member

21.12.2016

Clerk counsel for the appellant and Mr. Afzal, Budget Officer alongwith Assistant AG for the respondents present. Since other Member of the Bench is on leave as well as learned counsel for the appellant is also not available today before the Tribunal, therefore, arguments could not be heard. To come up for arguments on 04.05.2017 before D.B.


(MUHAMMAD AAMIR NAZIR)
MEMBER

20.2.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Misal Khan, Assistant for the respondents present and reply filed, copy whereof is handed over to counsel for the appellant. To come up for arguments on 25.8.2015. Rejoinder, if any, in the meantime.


Member

25.08.2015

Counsel for the appellant and Mr. Usman Ghani, Sr.GP for respondents present. Learned counsel for the appellant requested for adjournment to submit rejoinder. To come up for rejoinder on 13-10-2015


Member


Member

13.10.2015

Clerk to counsel for the appellant and Mr. Ziaullah, GP for respondents present. Clerk to counsel for the appellant requested for adjournment as his counsel is not available due to his illness. To come up for arguments on 13-04-16


Member


Member

Appeal No. 225/2014
Mr. Rehmanullah

3. 15.04.2014

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 18.12.2009 communicated to the appellant on 15.11.2013, he filed departmental appeal on 11.12.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 19.02.2014. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 30.06.2014.

Appellant Deposited
Security & Process Fee
Rs. 1,80/- Bank
Receipt is Attached with File.

4. 15.04.2014

This case be put before the Final Bench for further proceedings.

Member

Chairman

30.6.2014

Counsel for the appellant and Mr. Masil Khan, Assistant on behalf of respondents with AAG present. Written reply has not been received, and request for further time made on behalf of the respondents. To come up for written reply/comments 28.10.2014

Chairman

28.10.2014

Appellant with counsel and Mr. Muhammad Adeel Butt, AAG for the respondents present. Neither representative of the respondents, Masil Khan Assistant, who was present on the previous date, is present nor written reply has been received on behalf of the respondents. Therefore, a last chance is given for written reply/comments on 20.02.2015.



Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 225/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19/02/2014	<p>The appeal of Mr. Rehmanullah presented today by Mr. Noor Muhammad Khan Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	21-2-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>15-4-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 225 /2014


REHMANULLAH

VS

GOVT: OF KPK

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6.	Adjustment order	D	8.
7.	Arrival report	E	9.
8.	Leave order	F	10.
9.	Arrival report	G	11.
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11.	Transfer order	I	13.
12.	Application	J	14.
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THROUGH:
APPELLANT

NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 225 /2014

RECEIVED
231
19-2-14

Mr. Rehmanullah S/O Mateeullah, Ex-Sub Inspector,
R/O Village Totakan, District Malakand **Appellant**

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Secretary Agriculture, Live stock and Co-operative Department, Khyber Pakhtunkhwa Peshawar.
- 2- The Executive District Officer Agriculture, District Dir Upper.
- 3- The Registrar, Co-Operative Societies, Khyber Pakhtunkhwa, Peshawar. **Respondents**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 18.12.2009 COMMUNICATED TO APPELLANT ON 15.11.2013 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE UNDER THE REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE 2000 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD

PRAYER:

That on acceptance of this appeal the impugned order dated 18-12-2009 communicated to appellant on 15.11.2013 may very kindly be set aside and the respondents may be directed to re-instate the appellant with all back benefits OR the impugned order dated 18.12.2009 may very kindly be converted to compulsory retirement. Any other remedy which this august tribunal deems fit and may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That appellant was appointed as sub- Inspector in the respondent Department vide order 24-10-1985. That after the appointment the appellant performed his duties quit efficiently and up to the entire satisfaction of his superiors.

Copy of the appointment order is attached as annexure **A.**

- 2- That appellant while working as Sub-Inspector at the office of Assistant Registrar co-operative societies Chitral has requested for extra ordinary leave with out pay w.e.f. 16-12-2002 to 13-12-2004 which was granted/sanction to the appellant vide order dated 10.4.2003. That after expiry of the said leave the appellant submitted his arrival report vide dated 14.12.2004. That in result the appellant was adjusted at the office of Executive District Officer Agriculture, District Chitral vide order dated 29.12.2004. Copies of the leave sanction order, arrival report, adjustment order and arrival report are attached as annexure **B, C, D & E.**
- 3- That due to unavoidable circumstances the appellant requested for extra ordinary leave with out pay for two years which was extended to the appellant for further two years w.e.f. 1.8.2005 to 31.7.2007 vide order dated 10.12.2005. That after expiry of the said leave the appellant submitted his arrival report and started performing his duties as Sub Inspector. That during service the appellant submitted application for his transfer to District Dir Upper which was accepted through order dated 22.9.2007. Copies of the leave sanction order dated 10.12.2005, arrival report, application and transfer order are attached as annexure **F, G, H & I.**
- 4- That after serving for quite considerable time at District Dir upper the appellant submitted another application for extra ordinary leave w.e.f. 1.8.2007 till 31.12.2012. That the said application was not replied by the respondents neither the same was turned down by the respondent Department. Copy of the leave application is attached as annexure **J.**
- 5- That appellant on the basis of the above mentioned reason was removed from service vide order dated 18-12-2009 communicated to the appellant on 15.11.2013 with out conducting regular inquiry in the matter by the respondent No.4. Copy of the removal order is attached as annexure **K.**
- 6- That feeling aggrieved from the order dated 18-12-2009 communicated to appellant on 15.11.2013 and having no other remedy the appellant filed Departmental appeal before the respondent No.4 vide dated 10-12-2013. That the respondent no.4 paid no heed to the said Departmental appeal of the appellant within the statutory period. Hence the appellant filed the present appeal on the following

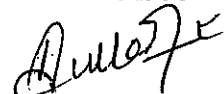
grounds amongst the others. Copy of the Departmental appeal is attached as annexure L.

GROUNDS:

- A- That the impugned order dated 18-12-2009 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That no charge sheet and statement of allegation has been served on the appellant by the respondent No.4 before issuing the impugned order dated 18-12-2009.
- D- That no chance of personal hearing/defense has been given to the appellant before issuing the impugned order dated 18-12-2009.
- E- That no show cause notice has been served on the appellant nor regular inquiry has been conducted by the respondent No.4 against the appellant before issuing the impugned order dated 18-12-2009 which is mandatory as per Supreme Court Judgments.
- F- That the impugned order dated 18-12-2009 has been issued by the concerned authority with retrospective effect which amounts to double jeopardy under the principle of natural justice.
- G- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

APPELLANT



REHMANULLAH

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2014

REHMANULLAH

VS

GOVT: OF KPK

APPLICATION FOR CONDONATION OF
DELAY IN FILING THE ABOVE NOTED
APPEAL

R.SHEWETH:

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

GROUND OF APPLICATION:

A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.

B- That it has been the consistent view of the Superior Courts that causes should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

APPELLANT



REHMANULLAH

THROUGH:



NOOR MOHAMMAD KHATTAK
ADVOCATE

The following conditions are required for the contract...

Table with 3 columns: No., Description, and Remarks. Contains 4 rows of contract specifications.

The terms and conditions for the contract are given below.

- 1. The contractor shall... 2. During the contract... 3. The contractor shall... 4. The contractor shall... 5. The contractor shall... 6. The contractor shall...

If the above terms and conditions are not... they shall be subject to the... authority.

Sell -

Contract No. 2110-18

2110-18 / 15th

- 1. The contractor shall... 2. The contractor shall... 3. The contractor shall... 4. The contractor shall... 5. The contractor shall...

Handwritten notes in Arabic script on the left margin.

1000/1000

Handwritten signature or initials.

Handwritten signature or initials.

19/10/55

ORDER.

Two Year Extra ordinary Leave with out Pay
with effect from 16.12.2002 to 15.12.2004 is hereby
Sanctioned to Mr Rahman Ullah Sub-Inspector Cooperative
Societies Mardan.

Sd/-
Assistant Registrar
Cooperative Societies
Mardan.

NC 209-12 /ARCS/Mardan Dated 10/4/2003.

Copies Forwarded to:-

1. Registrar Cooperative Societies N.W.F.P.
Peshawar for Information with reference to
his Letter No 1027/RCS PFSI 523 Dated 3.4.2003.
2. Executive District Officer (Agri)Mardan
for Information.
3. Assistant Coordination Officer Mardan through
EDO Mardan (Agri.) for Information with
reference to his Letter No 2715/DCO/(A)
EA/Leave Dated 29.3.2003.
4. Official Concerned for Information.

[Signature]
Assistant Registrar,
Cooperative Societies,
Mardan.

11 7.4 2003

[Signature]

O R D E R.

On expiry of 2 years Extra Ordinary Leave Mr.Rehmanullah, Sub-Inspector of this Department is hereby adjusted/posted with Assistant Registrar/District Officer, Cooperative Societies, Chitral against the vacant post w.e.f. 14.12.2004(F.N).

Sd/-
R E G I S T R A R,
COOPERATIVE SOCIETIES,
NWFP, PESHAWAR.

NO. 4/84-92 /RCS/PFSI-523. Dated Peshawar the 29/12 /2004.

Copy forwarded to:-

1. The E.D.O.(Agri:), Mardan and Chitral for information.
2. The District Accounts Officer, Mardan and Chitral for information and n.action.
3. The District Officers, Cooperative Societies, Mardan for information with reference to his letter No.638/ARCS dated 16.12.2004.
4. The District Officers, Cooperative Societies, Chitral for information and n.action.
5. Official concerned for compliance.
6. E-5(B) for reference and record.

~~_____~~
DEPUTY REGISTRAR (ADMN:),
FOR REGISTRAR,
COOPERATIVE SOCIETIES,
NWFP, PESHAWAR.

29/12/04

[Handwritten mark]

E-9

To

The Assistant Registrar,
Co-operative Societies
District Chitral.

Subject:- ARRIVAL REPORT.

Sir,

In compliance of the Registrar, Co-operative Societies
N.W.F.P. Peshawar order No.4184- 92 dated 29. 12. 2004.

I, Mr. Rahman ullah Sub Inspector Co-operative Societies
hereby submit my arrival report for duty with effect from 14. 12.2004 (F.N.).

No. 22
dt 11/1/05

Rahman Ullah

RAHMAN ULJAH
SUP INSPECTOR CO-OPERATIVE
SOCIETIES DISTT: CHITRAL.

Seem/2005

Arora

G.S.

REGISTRAR
CO-OPERATIVE SOCIETIES
DISTRICT CHITRAL

J 1/1/05

67

OFFICE OF THE DISTRICT COORDINATION OFFICER CHITRAL.

DATED CHITRAL THE 10/12/05.

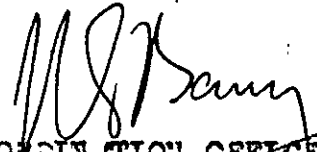
OFFICE ORDER.

No. _____/DCO/E-9/VOL:II. Mr. Rehmanullah Sub Inspector Office of the District Officer Co-operative Societies Chitral is hereby granted leave without pay for the period 1.8.2005 to 31.7.2007, as recommended by the EDO Agriculture Chitral.

DISTRICT COORDINATION OFFICER
CHITRAL.

No. 5163-65/DCO/E-9/VOL:II.

- 1. Copy forwarded to the E.D.O. Agriculture Chitral for information with reference to your letter No.823/EDO Agri: dated 12.x.2005, for information please *(included S/Book)*
- 2. The Distt: Accounts Officer Chitral.
- 3. OFFICIAL CONCERNED FOR INFORMATION PLEASE.



DISTT: COORDINATION OFFICER,
CHITRAL.



R/50: maluku
Vill: Tata kam
T/o " "
Teh: Botikela
m. Agony

G-11

To

The Assistant Registrar,
Cooperative Societies,
District Chitral.


Subject:- ARRIVAL REPORT.

R/Sir,

On the expiry of my extra ordinary leave
without pay sanctioned under endst:No. 5163-65/DCO/E-9/Vol:II
dated 10-12-2005.

I, Mr. Rahman ullah Sub Inspector hereby
submit arrival report to resume my duties with effect
from 01. 08. 2007 (Fore Noon).

Dated 01.08.2007.


(RAHMAN ULLAH)
SUB INSPECTOR
COOPERATIVE SOCIETIES
DIST ICT CHITRAL.



To

The Registrar,
Cooperative Societies
NWFP Peshawar.

Subject: - APPLICATION FOR TRANSFER

R/Sir,


With great esteems, it is submitted that I have been serving as Sub Inspector, Cooperative Societies at the office of the Assistant Registrar, Cooperative Societies District Chitral far away about 220 K.Ms (One side) from my home residence Totakan, District Malakand.

It has come to know that a post of Sub Inspector is lying vacant at the office of the Assistant Registrar, Cooperative Societies District Dir Upper and I wish for transfer against the same vacant post of Sub Inspector.

It is therefore, requested to kindly considered my request of transfer to the said vacancy, so that I may be able to travel and look after my family members once a week please.

Dated : 08-08-2007

Yours Obediently


(RAHMAN ULLAH)
Sub Inspector
Cooperative Societies
District Chitral

Registrar کو ایڈیشن سے
خانگی آسایں سے منسلک بنانے کیلئے

18-8-07
Minister for Agriculture
Live Stock & Cooperative
N.W.F.P. Peshawar

18

OFFICE OF THE REGISTRAR
COOPERATIVE SOCIETIES
N.W.F.P.PESHAWAR.

O R D E R.

Mr. Rehmanullah Sub-Inspector working with Assistant Registrar/
District Officer, Cooperative Societies, Chitral is hereby transferred and posted as
Sub-Inspector with the Assistant Registrar/ District Officer, Cooperative Societies,
Upper Dir against a vacant post with immediate effect.

REGISTRAR
COOPERATIVE SOCIETIES
N.W.F.P.PESHAWAR.

No. 2859-68 /RCS/PFSI-523 dated Peshawar the 22/9 /2007.
Copies are forwarded to:-

- 1) The Secretary to Government of N.W.F.P. Agriculture, Livestock and
Cooperation Department Peshawar for information with reference to letter No.
SO (COOP) AD /2-4/ 2005 dated 19.09.2007.
- 2) The P.S. to Minister for Agriculture, Livestock and Cooperation Department,
N.W.F.P. Peshawar for information.
- 3) The Executive District Officer, Agriculture, Chitral & Upper Dir for
information.
- 4) The District Accounts Officers, Chitral & Upper Dir for information.
- 5) The Assistant Registrars/ District Officers, Cooperative Societies, Chitral &
Upper Dir for information and n/action.
- 6) Official concerned for compliance.
- 7) File E-5 (B) for record.

REGISTRAR
COOPERATIVE SOCIETIES
N.W.F.P.PESHAWAR

Firdaus

67.

درخواست ہر ادعا سے پہلے چھٹیاں صرف 8/2007 تا 8/2012

صدی عالی! کہہ سکتے ہیں کہ سب ذیل طرح کے مسائل ہیں۔
کہ من سال کو آپریٹنگ ریٹریٹنگ پر میں بلور سب ان سیکرٹریٹ

کہ من سال کو آپریٹنگ ریٹریٹنگ پر میں بلور سب ان سیکرٹریٹ
مذکورہ سال سے چھٹیاں لینا چاہتا ہے۔

کہ من سال مذکورہ سال ناگزیر حالات کی درستی تک
ڈیوٹی مذکورہ سال پر حاضر ہونے سے عاجز ہے اور حالات
درست ہونے ہی من سال اپنی ڈیوٹی پر حاضر ہونے کا مہم
رہوگا۔ اور اور ای ای ای ای ای کے ساتھ اسے فرائض سر انجام
دوگا۔

لہذا آپ صاحبان سے درخواست کی جاتی ہے کہ من سال کے
مشکلات کو مدنظر رکھتے ہوئے آج مورخہ 8/8/2007 تا
8/8/2012 چھٹیاں دینے کی اجازت دی جائے۔

شکر گزار رہوگا
11/8/2007

ATTACHED

مسائل، کمان الٹہ سب ان سیکرٹریٹ کو آپریٹنگ ریٹریٹنگ پر
Roh

The Post Office
of Lahore in the
charge in the
-

K-15

OFFICE OF THE EXECUTIVE DISTRICT OFFICER AGRICULTURE UPPER DIR.

OFFICE ORDER.

Whereas I Mr. Gul Muhammad Khan Executive District Officer Agriculture Upper Dir in the capacity of competent authority under section 2 (a) NWFP Removal from Service (special power) ordinance 2000 (amended in 2001) read with Notification No. SOR-2 S&GA vol I dated 28/09/2000, am of the consider to opinion that Mr. Rehman Ullah S/o Mr. Matiullah Sub-Inspector Cooperative Societies Dir Upper has been proceeded against section 3 of the said ordinance for the following acts of omission and commission.

That he is absent from duty w/e- from 26th December 2007 without sanctioning leave by competent authority, his absence accounts to inefficiently and against the office discipline as per para-5 (a) of the ordinance.

And whereas letters three times have been issued by the office of the Assistant Registrar Cooperative Societies Dir Upper to Mr. Rehmanullah S/o Mr. Matiullah at home address vide Assistant Registrar Cooperative Societies Dir Upper memo No. 2-4 dated 8/1/08 and memo No. 28-29 dated 16/3/08 & memo No.54-56 dated 2/6/08 & EDO Agriculture Upper memo No. 157-60 dated 19/2/09 in which he was directed to be present for duty but he failed to attend with in stipulated time. Moreover he was informed finally through Show Cause Notice given in the Daily Mashrig & Daily Ausaf on 12/11/09 for attendance his duty with in fifteen days.

And whereas Mr. Rehmanullah S/o Matiullah failed to attend for duty with in stipulated time.

Now, therefore I Gul Muhammad Executive District Officer Agriculture Upper Dir in the capacity of competent authority, as satisfied that the accused is guilty of absenting himself from duty without prior approval of leave by competent authority, under the powers conferred upon me under section 3 of the NWFP Removal from Service (Special Powers) Ordinance 2000 (amended 2001) hereby impose a major penalty of Removal from Service as contained in para-1 (iii) of Government NWFP S&G O.P. suwar Notification bearing No. SOR-III (S&GAD) 1/73 dated 30/11/1973, upon Mr. Rehmanullah S/o Matiullah Sub-Inspector Cooperative Societies Dir Pula w-e-from the date of his absence i.e. 26th December 2007.

Order passed to you on 17 December 2009.

(Gul Muhammad)
Executive District Officer,
Agriculture Upper Dir.

No. 1683 of EDO Agriculture Upper Dir Dated 18/12/2009
Copy to:-

1. The Registrar Cooperative Societies NWFP Peshawar.
2. The Zilla Nazim Dir Upper.
3. The District Coordination Officer Dir Upper.
4. The District Accountant Officer Dir Upper.
5. Assistant Registrar Cooperative Societies Dir Upper.
6. Mr. Rehman Ullah S/o Matiullah Sub-Inspector Cooperative Societies Dir Upper Village Totakan Mithall, Mithal, Tehsil Swat Ramzar District Malakand.

(Signature)
Executive District Officer,
Agriculture Upper Dir.

140 02-04
copy forwarded to Mr.
The Executive District Officer
action as instructed please

To,

The Registrar Co-Operative Societies,
Khyber Pakhtunkhwa Peshawar.

SUBJECT:

DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 18-12-2009 WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE UNDER RSO 2000 WITHOUT CONDUCTING REGULAR INQUIRY IN THE MATTER

R/SHEWETH:

1- That appellant was appointed as Sub-Inspector in your good self Department vide order dated 24-10-1985. That after appointment the appellant performed his duties quite efficiently and up to the entire satisfaction of his superiors.

2- That appellant while working as Sub-Inspector at the office of Assistant Registrar co-operative societies, chitral has filed application for extra ordinary leave with out pay w.e.f. 16.12.2002 to 13.12.2004 which was granted/ sanctioned to the appellant. That after expiry of the said leave the appellant submitted his arrival report and submitted another application for extra ordinary leave without pay for two years which was extended to the appellant.

3- That after expiry of the said leave the appellant submitted his arrival report. That later on the appellant was transferred to Assistant Registrar C-operative societies upper dir vide order dated 22.9.2007. That in compliance the appellant submitted his charge report. That appellant served the concerned Department at Dir Upper for more than two months. That due to unavoidable circumstances the appellant applied for extra ordinary leave without pay through application but the same was not responded by the concerned authority.

4- That appellant on the basis of the above mentioned reason was removed from service vide order dated 18-12-2009 without conducting regular inquiry in the matter by the concerned authority. That it is very pertinent to mention that the said order was not communicated to the appellant in time in time.

*Received by
day*



[Signature]
11/12/2010

[Signature]

5- That after arrival the said impugned order dated 18-12-2009 was communicated to the appellant. That feeling aggrieved from the order dated 18-12-2009 and having no other remedy the appellant prefer this Departmental appeal on the following grounds amongst the others.

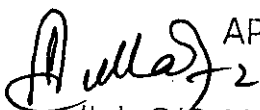
GROUND:

- A- That the impugned order dated 18-12-2009 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the concerned Department in accordance with law and rules and as such the authority violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That no charge sheet and statement of allegation has been served on the appellant by the concerned authority before issuing the impugned order dated 18-12-2009.
- D- That no chance of personal hearing/ defense has been given to the appellant by the concerned authority before issuing the impugned order dated 18-12-2009.
- E- That no show cause notice has been served on the appellant nor regular inquiry has been conducted by the concerned authority against the appellant before issuing the impugned order dated 18-12-2009 which is as per Supreme Court judgments are necessary in punitive actions.
- F- That the impugned order dated 18-12-2009 has been issued by the concerned authority with retrospective effect which is also amounts to double jeopardy under the principle of natural justice.

It is therefore humbly prayed that on acceptance of this Departmental appeal the impugned order dated 18.12.2009 may very kindly be set aside and the appellant may be re-instated with all back benefits. Any other remedy which Your Good self deems fit that may also be awarded in favor of the appellant.

Dated: 10.12.2013

19

APPELLANT

 Rehmanullah S/O Mateeullah, Ex: Sub Inspector,
 R/O Village Totakan Mahallah Mubarak Kheil,
 Tehsil swat Rani Zai, District Malakand

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar

OF 2013

Rehmanullah

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Govt: of KPK

(RESPONDENT)
(DEFENDANT)

I/We Rehmanullah

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

Dated. ___/___/2013

Rehmanullah
CLIENT

NOOR MOHAMMAD KHATTAK
ACCEPTED
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141

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

APPEAL NO. 225 of 2014

Rehman Ullah S/O Mati Ullah, Ex Sub-Inspector,
Resident of Village totakan
District Malakand**Appellant.**

Versus.

- 1- Government of Khyber Pakhtunkhwa,
Through Secretary to Govt. of Khyber Pakhtunkhwa,
Agriculture, Livestock and Cooperative Department,
Peshawar.
- 2- The Executive District Officer, (Agriculture)
District Dir Upper
- 3- Registrar, Cooperative Societies,
Khyber Pakhtunkhwa Peshawar.....**Respondents**

JOINT PARA-WISE COMMENTS OF RESPONDENTS NO. 1 & 3

Preliminary Objections.

- 1- That the appellant has no cause of action.
- 2- That the appellant is estopped by his own conduct to bring the present appeal.
- 3- That the appeal is incompetent and is not maintainable in its present form.
- 4- That the appellant has no locus standi to file the present appeal.
- 5- That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- 6- That the appeal of the appellant is time barred.

FACTS.

- 1- Pertains to record.
- 2- Incorrect. During the year 2002, the appellant was working in the office of Assistant Registrar Cooperative Societies Mardan as Sub-Inspector and extra ordinary leave w.e.f. 16.12.2002 to 13.12.2004 was granted to him by the Assistant Registrar Cooperative Societies Mardan not by the Assistant Registrar Cooperative Societies Chitral. **(Copy enclosed Annex-A).** on expiry of leave the appellant was adjusted in the office of Assistant Registrar Cooperative Societies Chitral due to non availability of vacant post in other districts.
- 3- Incorrect. The extra ordinary leave was not extended to the appellant. On the arrival report in district Chitral the appellant again submitted an application to the District Coordination Officer, Chitral and the

competent authority granted two years extra ordinary leave w.e.f 01.08.2005 to 31.07.2007.

- 4- On the posting/transfer from district Chitral to Dir Upper, he was remained absent from duty w.e.f 26.12.2007 without any permission/approval of the competent authority i.e District Coordination Officer and Executive District Officer (Agriculture) Dir Upper. The Assistant Registrar Cooperative Societies Dir Upper reported the absence from duty of the appellant to the Executive District Officer (Agriculture) Dir Upper with a copy to the ex official concerned vide letter No 61 and No 62-64 dated 18.06.2008. **(Copy enclosed Annex-B)**. The Executive District Officer (Agriculture) Dir Upper issued statement of allegation to the appellant and Mr. Muhammad Uzair, Agriculture office Dir Upper was appointed an inquiry officer for conducting inquiry against the accused under the provision of removal from service , special power ordinance 2001. **(Copy enclosed Annex-C)**. The appellant was also charge sheeted by the Executive District Officer (Agriculture) Dir Upper vide order No 344-47 dated 02.10.2009. **(Copy enclosed Annex- D)**. But no reply was received from the appellant. On the directives of the competent authority the Assistant Registrar Cooperative Societies, Dir Upper published a notice, absence from duty in the daily Mashriq dated 12.11.2009 **(Copy enclosed Annex-E)**.
- 5- Incorrect. On completion of all the legal formalities the appellant was removed from service by the competent authority. **(Copy enclosed Annex-F)**. Moreover the order of removal was communicated to the appellant on the same date on his home address.
- 6- Incorrect. The appeal of the appellant was badly time barred and was not covered under the score of lilitation. Therefore, the appeal was not considered.



GROUND S.


- A) Incorrect. The removal from service order of the appellant was issued by the competent authority after fulfilling all the legal formalities, which has already been mentioned in Para-4 above.
- B) **In Correct.** The appellant has been treated in accordance with Constitution, Law and Rules on the subject.
- C) Incorrect. As stated in para-4, statement of allegations and charge sheet were issued to the appellant by the competent authority.
- D) Incorrect. The appellant was informed by the competent authority to appear before the Inquiry officer on the date time and place fixed by him

for personals hearing/ defense but he did not avail the opportunity of personal hearing.


- E)** Incorrect. Statement of allegation and show cause notice was served on the appellant and an Inquiry Officer was appointed by the competent authority as stated in para-4 above.
- F)** Incorrect. As the appellant was absent from duties with effect from 26.12.2007, therefore, the order of removal from service was issued from the same date and is not against the rules and principal of natural justice.
- G)** That the respondent seek permission to raise additional grounds at the time of arguments.

Keeping in view the foregoing discussion, the Honorable Service Tribunal is requested to dismiss the appeal of the appellant with cost.



**REGISTRAR,
COOPERATIVE SOCIETIES,
KHYBER PAKHTUNKHWA
PESHAWAR
(Respondent No. 3)**


**SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK AND
COOPERATION DEPARTMENT
PESHAWAR.
(Respondent No.1)**

15.7.14



ANNEX - A

ORDER.

Two Year Extra ordinary Leave with out Pay with effect from 16.12.2002 to 13.12.2004 is hereby Sanctioned to Mr Rahman Ullah Sub-Inspector Cooperative Societies Mardan.

Sd -
Assistant Registrar
Cooperative Societies
Mardan.

NO 209-12 / ARCS/Mardan Dated: 10/4/2003.

Copies Forwarded to:-

1. Registrar Cooperative Societies Nowaf.Pa Peshawar for Information with reference to his Letter No 1027/RCS PPSI 523 Dated 5.4.2003.
2. Executive District Officer (Agri)Mardan for Information.
3. Assistant Coordination Officer Mardan through EDO Mardan (Agri:) for Information with reference to his Letter NO 2715/DCO (M) EA/Leave Dated 29.3.2003.
4. Official Concerned for Information.

S/E 14/4

[Signature]
Assistant Registrar
Cooperative Societies
Mardan.

7-4-2003

RECEIVED
960
16/4/03

3230
18-12-2004

NO.
From:

/ARCS/PFSI-

Dated ~~XXXXX~~ U.Dir 18/16/2008

Assistant Registrar/D.O.
Cooperative Societies,
Upper Dir.

To

The Executive Distt:Officer
(Agri)Upper Dir.

SUBJECT:

ABSENCE OF MR. REHMANULLAH SUB INSPECTOR COOP:
SOCIETIES DIR UPPER FROM DUTIES W.E.F.26.12.2007.

Memo:-

I beg to submit my report about the where-about of the activities of Mr. Rehmanullah S. Inspector, Coop:Secs: of this District as noted below:-

1. That as reported by the Inspector incharge of the circle dated 7.1.2008, Mr. Rehmanullah S. Inspector Coop:Secs:Dir Upper is absent w.e.f.26.12.2007.
2. That an explanation was called from him vide this office letter No.62-64/ARCS/PFSI dated 8.1.2008, where-in he was asked to clarify his position of absences, but no reply was received from him.
3. That again the explanation was called from him vide this Office letters No.23-29/ARCS/PFSI dated 6.3.2008, & No.56-58/ARCS/PFSI dated 2.6.2008, but no response was so far been received from him.
4. That time and again he was directed to be careful and punctual to the performances of his duty, but in-vain.
5. That neither he submitted his Leave application to this Office, nor he has verbally asked for it.

Keeping in view the above factual position it is therefore requested that the disciplinary/legal action as under the rules may kindly be initiated against the official concerned please.

ASSISTANT REGISTRAR/D.O.
COOPERATIVE SOCIETIES,
DIR UPPER.

NO. 62-64/ARCS/PFSI-
Copy to:-

1. The Registrar Cooperative Societies, NWFP Peshawar for information and necessary action please.
2. Mr. Rehmanullah Sub-Inspector, Coop:Secs:Dir Upper S/O Mateeullah, Village Koteken, Mahallah Mubarak Khel, Tehsil Swat Ranezai Distt:Malakand for information.

962
25/6/08
R/c

858
25/6/08

ASSISTANT REGISTRAR/D.O.
COOPERATIVE SOCIETIES,
DIR UPPER.

OFFICE OF EXECUTIVE DISTRICT OFFICER AGRICULTURE UPPER DIR.

STATEMENT OF ALEGATION.

Whereas I Dost Mohammad Khan Executive District Officer Upper Dir, as Competent authority, am of the opinion that Mr. Rehman Ullah Sub Inspector Cooperative Societies Upper Dir has rendered himself liable to be proceeded against as he committed the following acts of omission within the meaning of section 3(1) (a) of the North West Frontier Province Removal from service (special powers) ordinance 2000 as amended vide NWFP Removal from service (special powers) (Amendment) ordinance 2001.

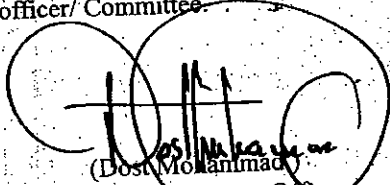
"That he is absent from duty since 26/12/2007 without Sanctioning Leave from the Competent authority as reported by Assistant Registrar Cooperative Societies Upper Dir. This act on the part of the official Concerned is against the discipline and amounts to mis conduct"

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, an inquiry officer consisting of the following is appointed/ constituted under section 5. of the ordinance.

Mr. Mohammad Uzair Agriculture Officer Upper Dir

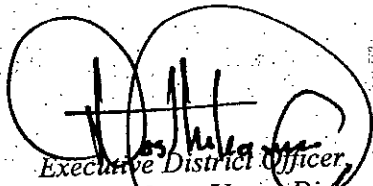
3. The inquiry officer shall, in accordance with the provisions of the ordinance, provide reasonable opportunity of hearing to the accused, record its findings and make, within seven days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

4. The accused and a will conversant representative of the Department shall join the proceedings on the date, time and place fixed by the inquiry officer/ Committee.


(Dost Mohammad Khan)
Executive District Officer,
Agriculture Upper Dir

No. 157-60 /EDO, Agriculture Upper Dir District Dated Dir the, 19 /02 /2009
Copy to the:-

1. ✓ Registrar Cooperative Societies NWFP Peshawar for information please.
2. Mr. Mohammad Uzair Agriculture Officer Upper Dir (being the inquiry officer for inviting proceedings against the accused official under the provisions of the NWFP removal from service special powers) ordinance 2000 (Amendments ordinance 2001).
3. Assistant Registrar Cooperative Societies Upper Dir for information Due to prolonged absence from duty, pay of Mr. Rehman Ullah Sub Inspector Cooperative Societies Upper Dir may be stopped forthwith,
4. Mr. Rehman ullah Sub Inspector Cooperative Societies Wari circle Upper Dir with the directions to affair before the inquiry officer, on the date, time & place fixed by him for the purpose of inquiry proceedings.


Executive District Officer,
Agriculture Upper Dir

S/O
23/2/09

Govt. business.

22/2

208
23/2/09

OFFICE OF THE EXECUTIVE DISTRICT OFFICER AGRICULTURE UPPER DIR.

CHARGE SHEET

I Gul Mohammad Khan Executive District Officer Agriculture Upper Dir, as competent authority, hereby charge you Mr. Rehman ullah Sub-Inspector Cooperative Societies Upper Dir as under.

That you, while posted as Sub-Inspector committed the following irregularities:-

That you are absent from duty since 26/12/2007 without sanctioning leave from the competent authority as reported. This act on your part is against the discipline of the Institution and amounts to miss conduct.

1. By reasons of the above, you are guilty of miss-conduct under section -3(1) (a) of the NWFP (Removal from service) Special Powers Ordinance 2000, and have rendered yourself liable to all are any of the penalties specified in section -3 of the ordinance ibid.
2. You are, therefore, required to submit your written defense with in fifteen days of the receipt of this Charge Sheet to the under signed.
3. Your written defense, if any, should reach to the under signed with in the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-part action shall be taken against you.
4. Intimate whether you desire to be heard in person.
5. Statement of allegation is enclosed.

Gul Mohammad Khan
 Executive District Officer
 Agriculture Upper Dir

No. 1344-47 /EDO Agriculture Upper Dir District Dated Dir the 21/10/2009.

Copy forwarded to:-

1. The Registrar Cooperative Societies, NWFP, Peshawar for information please.
2. The District Coordination Officer Upper Dir for information please.
3. The Assistant Registrar Cooperative Societies Upper Dir for information please.
4. Mr. Rehman Ullah S/o Matiullah Sub-Inspector Cooperative Societies Upper Dir, Village Totakan Muhallah Mubarak Khe! Tehsil Swat Ranizai District Malaknd for information.

Gul Mohammad Khan
 Executive District Officer
 Agriculture Upper Dir

91-323

S.P. Khan
 17/10/09

1254
 19/10/09

ANNEX - "E" 77

OFFICE OF THE ASSISTANT REGISTRAR COOPERATIVE SOCIETIES DIR UPPER.

No. _____ /ARCS/ Dir Upper Dated Dir the _____ / _____ /2009.

To,
Executive District Officer,
Agriculture Upper Dir.

Subject: - CHARGE SHEET.

Memo,

Kindly Refer to your letter No. 1444/EDO Agri: Dir Upper dated 20/10/2009 on the subject cited above.

The under signed was authorized by your good self for issuing last notice in news-paper to Mr. Rehman ullah Sub-Inspector of this office.

According to your directives the under signed sent seven copies of notices for publication in the daily news-paper to the Assistant Director information Department Swat vide this office letter No.169-71 dated 04/11/2009 and the same letter endorsed to your good self.

The notice has been published in the daily Mashriq on 12/11/2009, to attend/submit defense reply with in fifteen days but the official concerned failed to do so till now. It is submitted for information & further necessary action please.

Sd/-
Assistant Registrar / District Officer
Cooperative Societies Upper Dir

No. 181 /EDO Agriculture Upper Dir District Dated Dir the 2 / 12 /2009.

Copy forwarded to:-

- ✓ 1. The Registrar Cooperative Societies, NWFP, Peshawar for information please.

[Signature]
Assistant Registrar / District Officer
Cooperative Societies Upper Dir

[Signature]
18/12/09

[Signature]
D/O No. 1448
18/12/09

[Signature]
s/c
Put up
his 7/1
19/12

the said order was not communicated to the appellant in time in time.

12/11/2009

http://www.dailymashriq.com.pk

اللہ تعالیٰ سے ہیں مشرق و مغرب (قرآن حکیم)

Daily MASHRIO

پشاور

سیدان میر شاہ

مشرق

ABC CERTIFIED

سبکدوش تا جمعرات روزانہ اشاعت قومی اخبار

شمارہ 88

28 2009

☆ ☆ ☆

مشرق اخبار کی اشاعتیں

12/12/2007 سے مشرقی امارات کے لیے ہفت روزہ اشاعت کے لیے

18/11/2008 سے مشرقی امارات کے لیے ہفت روزہ اشاعت کے لیے

21/6/2008 سے مشرقی امارات کے لیے ہفت روزہ اشاعت کے لیے

19/2/2009 سے مشرقی امارات کے لیے ہفت روزہ اشاعت کے لیے

13/4/47 سے مشرقی امارات کے لیے ہفت روزہ اشاعت کے لیے

11/10/09 سے مشرقی امارات کے لیے ہفت روزہ اشاعت کے لیے

2000 سے مشرقی امارات کے لیے ہفت روزہ اشاعت کے لیے

INF (SIN) 110

مشرق

مشرق اخبار کی اشاعتیں

مشرق اخبار کی اشاعتیں

D.No 05

Date - 05/01/2010

OFFICE OF THE EXECUTIVE DISTRICT OFFICER AGRICULTURE UPPER DIR.

OFFICE ORDER

Whereas I Mr. Gul Muhammad Khan Executive District Officer Agriculture Dir Upper in the capacity of competent authority under section 2 (a) NWFP Removal from Service (special power) ordinance 2000 (amended in 2001) read with Notification No. SOR -2 S&GAD) vol III dated 28/09/2000, am of the considered opinion that **Mr. Rehman Ullah S/o Mr. Matiullah Sub -Inspector Cooperative Societies Dir Upper** has been proceeded against section-3 of the said ordinance for the following acts of omission and commission.


That he is absent from duty w-e- from **26th December 2007** without sanctioning of leave by competent authority. His this act on accounts to inefficiently and against the office discipline as per para-3 (a) of the ordinance

And whereas letters for three times have been issued by the office of the Assistant Registrar Cooperative Societies Dir Upper to Mr. Rehmanullah S/o Mr. Matiullah on his home address vide Assistant Registrar Cooperative Societies Dir Upper memo No. 2-4 dated 8/1/08 and memo No. 28-29 dated 6/3/08 & memo No.54-56 dated 2/6/08 & EDO Agriculture Dir Upper memo No. 157-60 dated 19/2/09 in which he was directed to be present for duty but he failed to attend with in stipulated time. Moreover he was informed finally through Show Cause Notice given in the **Daily Mashriq & Daily Ausaf on 12/11/09** for attendance his duty with in fifteen days.

And whereas **Mr. Rehmanullah S/o Matiullah** failed to attend for duty with in stipulated time.

Now, there of I Gul Muhammad Executive District Officer Agriculture Upper Dir in the capacity of competent authority, as satisfied that the accused is guilty of absenting himself from duty without prior approval of leave, I as competent authority, under the powers conferred upon me under section 3 of the NWFP Removal from Service (Special Powers) ordinance 2000 amended 2001 hereby impose a major penalty of Removal from Service as contained in para-4 (b) (iii) of Government NWFP S&GAD Peshawar Notification bearing No. SOS-III (S &GAD) 1-80/73 dated 30/11/1973, upon on **Rehmanullah S/o Matiullah Sub-Inspector Cooperative Societies Dir Bala** w-e-from the date of his absence i.e. 26th December 2007.

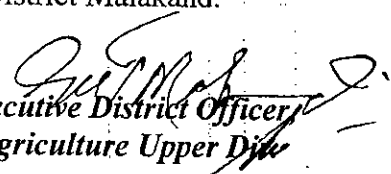
Order passed to day on 17 December 2009.

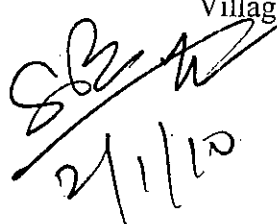

(Gul Muhammad)
Executive District Officer
Agriculture Upper Dir

No. 1684-89 / EDO Agri: Upper Dir. Dated 18/12/2009.

Copy to:-

1. The Registrar Cooperative Societies NWFP Peshawar.
2. The Zilla Nazim Dir Upper.
3. The District Coordination Officer Dir Upper.
4. The District Accounts Officer Dir Upper.
5. Assistant Registrar Cooperative Socs: Dir Upper.
6. Mr. Rehman Ullah S/o Mati Ullah Ex. Sub-Inspector Cooperative Societies Dir Upper Village Totakan Muhallah Mubarak Khel Tehsil Swat Ranizai District Malakand.


Executive District Officer
Agriculture Upper Dir


2/1/10
D.No. 05
at E. - 05/01/2010

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL No.225/2014

REHMAN ULLAH

VS

GOVT: OF KPK

REJOINDER ON BEHALF OF APPELLANT IN RESPONSE
TO THE REPLY SUBMITTED BY THE RESPONDENTS

R/SHEWETH:

All the preliminary objections raised by the respondents are incorrect, baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

ON FACTS:

- 1- Admitted correct hence need no comments.
- 2- Admitted correct hence need no comments.
- 3- Incorrect and not replied accordingly. That after expiry of the said leave the appellant submitted his charge report vide dated 14.12.2004. That in result the appellant was adjusted at the office of Executive District Officer Agriculture District Chitral vide order dated 29.12.2004. That due to unavoidable circumstances the appellant requested for extra ordinary leave with out pay for two years which was extended w.e.f. 01.08.2005 to 31.7.2007.
- 4- Incorrect and not replied accordingly. That appellant during his duties at Distrcit Dir Upper submitted an application for extra ordinary leave w.e.f. 01.08.2007 till 31.12.2012. That on the said application of the appellant has no action taken by the respondents neither the same was turn down by the respondent Department. That the respondent Department has not been completed the codal formalities and straight away removed the appellant from his service vide order dated 18.12.2009.
- 5- Incorrect and not replied accordingly. That the respondent Department has not been completed the legal formalities before issuing the impugned order dated 18.12.2009. Moreover the impugned order was communicated to the appellant on 15.11.2013.
- 6- Incorrect and replied accordingly. That according to the Apex Court judgment the limitation should run from the date

of communication of an order rather than from the date of issuance of order.

GROUND:
(A to G)

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect, baseless and not in accordance with law and Rules hence denied. That no regular inquiry has been conducted in the matter and as such the appellant has been condemned on heard before issuance of the impugned order dated 18.12.2009.

It is therefore, most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted in favour of the appellant.

APPELLANT


REHMAN ULLAH

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 935 /ST

Dated: 25-4-2022

All communications should be
addressed to the Registrar KPK Service
Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The Exective District Officer Agriculture Department,
Government of Khyber Pakhtunkhwa,
District Dir Upper.

Subject: JUDGMENT IN APPEAL NO. 225/2014 MR. REHMAN ULLAH.

I am directed to forward herewith a certified copy of Judgement dated
24.01.2022 passed by this Tribunal on the above subject for compliance please.

Encl: As above


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 562/2016

Date of Institution. ... 16.05.2016

Date of Decision. ... 02.03.2018



Rahim-ud-Din son of Syed Rehman, R/O Ajo Talash, Tehsil Timergara,
District Dir Lower. ... (Appellant)

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and two
others. ... (Respondents)

Mr. Sajjad Ahmad Khan, Advocate

Mr. Muhammad Asif Yousafzai, Advocate.

Arbab Saiful Kamal, Advocate

... For appellants.

Mr. Usman Ghani, District Attorney and

Mr. Muhammad Jan, Deputy District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... Chairman.

MR. MUHAMMAD HAMID MUGHAL, ... Member.

MR. MUHAMMAD AMIN KHAN KUNDI, ... Member.

MR. AHMAD HASSAN, ... Member.

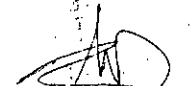
MR. GUL ZEB KHAN, ... Member.

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN-

The following appeals are also clubbed with this appeal for decision of
common issue explained below:-

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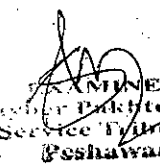

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

1. Appeal No. 1259/2011 Fazal Malik
2. Appeal No. 1994/2011, Mst. Zaitoon Bibi,
3. Appeal No. 1183/2014, Zafeerullah Khan,
4. Appeal No. 1186/2014, Muhammad Bashir,
5. Appeal No. 103/2015, Muhammad Raza.

FACTS.

1. In a number of appeals this tribunal (DB) delivered judgment as to void status of retrospective order of major punishment of removal/dismissal/compulsory retirement (for brevity "termination"). The mother ruling relied upon was *Noor Muhammad v The member Election Commission and others* (1985 SCMR 1178). One of such judgment of this tribunal is entitled "*Muhammad Ismail v Deputy Inspector General and another*" bearing Service Appeal # 463 OF 2012 decided on 22-11-2017. Another Judgment of this Tribunal is entitled "*Arif Khan v Inspector General of Police and three others*" bearing # 1213/2015 decided on 18-12-2017. In almost all these judgments of this tribunal it was decided that retrospective order being void could not be modified to give the same prospective effect under section 7 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. It was also decided that retrospective order being void order would not attract any limitation. All the present members of this Tribunal had delivered the same judgments. But during hearing of this appeal it was brought to the notice of the DB comprising of the Chairman and one Learned

ATTESTED

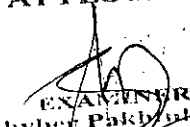

 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

member that another bench (DB) of this tribunal had delivered a contrary opinion qua the modification of retrospective part of void order in service appeal No. 984/2013 entitled "*Muhammad Ayaz Vs. Government of Khyber Pakhtunkhwa through Secretary, E&SE, Peshawar and others*" decided on 14-11-2017. Going through this judgment it appeared that both the learned members of the bench had already delivered the former opinion in first two mentioned appeals above and now they have delivered contrary opinion while sitting not in larger bench and without discussing their earlier judgments. Perhaps the Learned members were not apprised of the earlier judgments neither the same judgments were pressed into service nor discussed. The bench (DB) hearing the present appeal could not decide the issue due to two contrary views of this tribunal. It was therefore, considered necessary to constitute a larger bench to decide the issue.

ARGUMENTS

2. All the lawyers for different appellants defended the first opinion while the DDA supported the second opinion. In favor of first opinion the judgments referred to in conclusion part were relied upon. In favour of second opinion the DDA relied upon judgments discussed also in conclusion part.

ATTESTED


EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

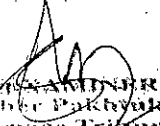
CONCLUSION.

3. This Tribunal is now to decide three questions. The first one is whether the retrospective order of termination in any form is a void order? And if so can void order be modified to make it operative prospectively? The third and final question would be that if prospective part of the order is held to be legal one after modification then whether limitation would be attracted to the legal portion of the order?

4. In the first opinion of this Tribunal as to void status of retrospective order and non modification of such order the reliance was placed only on the judgment reported as 1985 SCMR 1178 entitled "*Noor Muhammad v The member Election Commission and others*". This judgment declares retrospective order as void order. The other judgments relied upon by the lawyers for appellants also are based mainly on this mother judgment therefore, there is no need to discuss those judgments. But nothing is there in *Noor Muhammad* judgment as to modification of such void order and whether the order could be modified to make it prospective and legal. This tribunal is first to discuss *Noor Muhammad* case. In this case the issue before the august Supreme Court was not of a service matter but of disqualification of a candidate for elections who was in service and was terminated retrospectively. This Tribunal while delivering first opinion was not assisted anymore and it was opined that void order



ATTESTED



Member Pakhyalchwa
Service Tribunal
Peshawar

could not be rectified. The second opinion of this tribunal as to rectification of void order is also not based on any supportive rulings or law. The august Supreme Court in the same judgment had referred to a judgment of Lahore High Court (PLD 1953 L 295). This judgment was delivered in a service matter declaring such retrospective order as void. Another judgment delivered in service matter by august Supreme court also held the same view [2002 PLC(C.S) 1027] relying mainly on mother judgment of 1985. A judgment of FST [2007 PLC (C.S) 5] has declared such retrospective order as void *ab initio* and the whole proceedings were declared to be nullity for being retrospective. But in all these judgments the question of separation of prospective part of the order is not discussed. A judgment referred to by the august Supreme Court in mother judgment is PLD 1964 Dacca 647 entitled "*Dr Muhammad Abdul Latif v The Province of East Pakistan and others*" which has touched this aspect of the issue though not decided conclusively. In this judgment the worthy High Court referred to some judgments from Indian Jurisdiction and held that such retrospective order could be legal to the extent of prospectivity and needed not be bad in toto. But their lordships did not reach a definite conclusion and in para 9 of the judgment while discussing different judgments from Indian jurisdiction left the discussion uncompleted by holding that the counsel for the appellant requested that his client would be satisfied if declaration was given to the effect that the order

TRUSTED

Director

 Service Tribunal

 Dera Ismael Khan

of dismissal covering the period prior to the order was bad. Their lordships wrote that they did not enter into detailed discussion of the aforesaid question and held for the purpose of the appeal that an order of dismissal of the nature might be supported to the extent it was found valid and need not be declared bad in toto. But in this judgment reliance was placed on judgments from Indian Jurisdiction. Now we are to see whether position in India qua the present law in this part of our country (Khyber Pakhtunkhwa particularly) is the same and whether after the judgment of *Dr Muhammad Abdul Latif* above any change in legal scenario emerged in Pakistan and for that matter this Province.

5. In order to appreciate this judgment and its relevance and applicability we would have to discuss position in India on the subject. This issue was raised and discussed in India in many cases including *Sudhir Ranjan Halder v State of West Bengal* referred to in *Dr Muhammad Abdul Latif* case above. The Kerala High Court has now finally decided this issue in a case entitled "*State of Kerala v A.P Janardhanan*" in WA # 2773 of 2007 decided on 29-03-2008 (<https://indiankanoon/doc>). This judgment has traced the history of rulings on the subject and has finally decided that in India such retrospective order is not a void order for the reason that no legal precedent or law was available in India where under such order could be declared void. That in some Indian service laws express authority

ATTESTED

SECRETARY
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

was given to executive to pass such retrospective orders (Para 12 to 14 of the judgment). It was then finally held that in those cases where no express authority was given to executive to pass retrospective order of removal then that order would be illegal and not void and that prospective part can be separated from retrospective part and can be effective prospectively. The opinion in *Dr Muhammad Abdul Latif* case based on Indian jurisdiction had no relevance in Pakistan because at the time when this judgment was delivered we had a judgment of worthy Lahore High Court (PLD 1953 L 295) which had declared such retrospective order as void order. It was perhaps in this context that their lordships in *Dr Muhammad Abdul Latif* case did not deliver binding and conclusive judgment to be followed as ratio and left the matter undecided by giving just passing remarks which would be treated merely as *obiter*. And now in Pakistan two judgments of august Supreme Court referred to above have declared such order as void order. The first question is decided in positive.

6. Now this tribunal is to see whether a retrospective void order in this area can be modified and prospective portion be separated as effective and legal. This would need discussion and application of mind as we have failed to lay hand on any judgment which prohibited such severance. The first conclusion as drawn by this tribunal and the FST in case reported in [2007 PLC (C.S) 5] was based only on the status of void order. It was understood that since void order was a

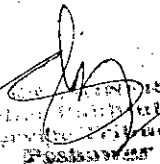
ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

nullity hence could not be rectified. One other judgment on the same point is 1993 PLC (C.S) 308 of FST entitled *Abbas Ali v The Executive Engineer and others*. We have also failed to lay hand on any judgment of superior courts which allows such rectification of void orders (Indian judgments and *Dr Muhammad Abdul Latif* judgment allow such severance but as discussed above in India such order is only illegal and not void. In *Dr Muhammad Abdul Latif* case the order was held illegal and not void on Indian pattern). We are now to come out of this imbroglio by applying juristic sense and prevalent rules of interpretation on the subject.

7. The assistance and help can be sought from jurisprudence of *vires* of laws. We know that Courts while declaring any law as *ultra vires* have a tool and technique to save valid portion of *ultra vires* laws. This is called rule of reading down and severance. This leads us to conclusion that if any law is declared *ultra vires* then legal portion if separable can be saved and need not be held to be *ultra vires* in toto due to its being solely in conjunction with bad law. Though this tool is available in saving statutes but on the same analogy it can be used in executive orders. Similarly if any legal portion of an executive order is separable then there seems no hurdle in not saving the same. Secondly the retrospective order is not held to void *ab-initio* by august Supreme Court but only void. Only FST [2007 PLC(C.S)5] has declared it as such but without any reference to any form of jurisprudence. The

REQUESTED

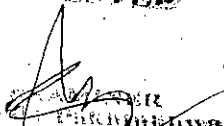

 Director
 FST
 Hyderabad

difference is that the former is invalid right from the foundation and cannot be corrected. But the latter is not invalid from the start but has been made invalid subsequently. In retrospective order the foundation is valid and whole proceedings are valid and only in the final order the termination is made retrospective. This tribunal is therefore, of the view that question no 2 as framed is decided in positively holding that such order can be modified. ,

8. Coming to the third question this tribunal is of the view that since the retrospective order is held to be a void order no limitation would be attracted to challenge the same. If limitation is applied then how the tribunal would rectify the same as rectification would be made only after declaring the appeals to be within time. The tribunal cannot rectify any such order without assuming jurisdiction and no jurisdiction can be assumed without bringing the appeal within time.

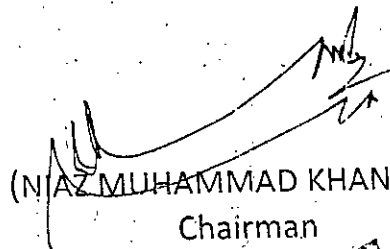
9. In the last this tribunal deems it appropriate to discuss one judgments of Punjab Service Tribunal on subject. This is in case entitled "*Ihsanul Haq Chaudhery v The Deputy Commissioner*". (1983 PLC (C.S) 511). According to this judgment the error of retrospectivity can be modified. This opinion is based not on any ruling but on wordings used in *Noor Muhammad's* case. In *Noor Muhammad* case the Court observed that order would not operate retrospectively but prospectively. From this observation the Punjab Service Tribunal held that such retrospective order was not void and could be rectified. But


ATTESTED

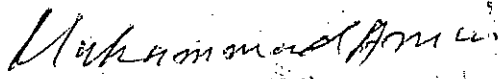

 Secretary
 Punjab Service Tribunal

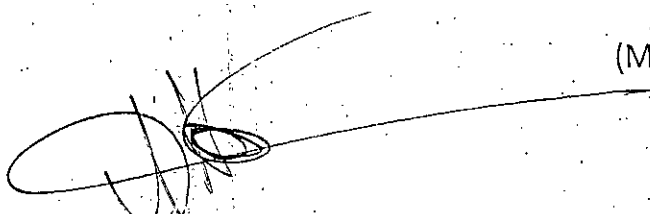
this tribunal with due deference is not inclined to accept the conclusion of the Punjab Service Tribunal about void status of the retrospective order as the august Supreme Court in Noor Muhammad's case has categorically held such order as void order. The Supreme Court did not discuss the rectification in this judgment. However the effect from prospective date as observed by august Supreme Court would strengthen our above conclusion that the prospective part can be severed and protected despite the nature of the order as void.

ANNOUNCED
02.03.2018


(NAZ MUHAMMAD KHAN)
Chairman


(M. HAMID MUGHAL)
Member

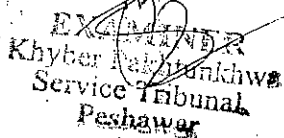

(M. AMIN KHAN KUNDI)
Member


(AHMAD HASSAN)
Member


(GUL ZEB KHAN)
Member

Date of Presentation of Application 02/12/21
 Number of Words 4000
 Copying Fee 42/-
 Urgent 4/-
 Total 46/-
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 Date of Completion of Copy 02/12/21
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Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(Approved for reporting)