


20.08.2015

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. During the course of arguments it transpired that in the order of the appellate authority dated 10.01.2013, penalty modified to the extent of withholding of two increments for two years with accumulative effect. That accumulative effect being contrary to E & D Rules cannot be maintained. Hence the said penalty of stoppage of two increments is modified to the extent of without accumulative effect. The appeal is disposed of accordingly. Parties are left to bear their own cost. File be consigned to the record room.

ANNOUNCED
20.08.2015


Member


Member

23.5.2014

Appellant with counsel and Mr. Muhammad Asif, AD Food (Estt.) on behalf of respondents with AAG present. Written reply received on behalf of the respondents, copy whereof is handed over to the learned counsel for the appellant for rejoinder on 28.8.2014.


Chairman

28.8.2014

Appellant with counsel, M/S Muhammad Asif, AD and Muhammad Aslam, Assistant on behalf of respondents with Mr. Muhammad Adeel Butt, AAG present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned AAG for arguments on 24.2.2015.


Chairman

24.2.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Asif, AD for the respondents present. The learned Judicial Member is on official tour to D.I.Khan, therefore, case is adjourned to 20.8.2015 for arguments.

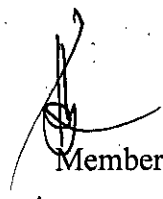

MEMBER

Appeal No. 242/2013
Mr. Arsalan Shabbir Khan

5-

21.01.2014

Counsel for the appellant present and submitted an application for early hearing. To come up for arguments on early hearing application on 30.01.2014.


Member

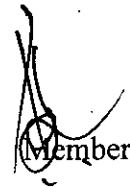
6.

30.01.2014

Appellant with counsel 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. He further contended that the final order dated 10.01.2013 has been issued in violation of Rule-5 of the Civil Servant (Appeal) Rules-1986. The appellate authority has enhance the punishment by with holding annual increment for two years with accumulative effect. 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, Notice be issued to the respondents for submission of written reply on 18.03.2014.

Appellant Deposited
Security & Process Fee
Rs. 160/- Bank
Receipt is Attached with File.

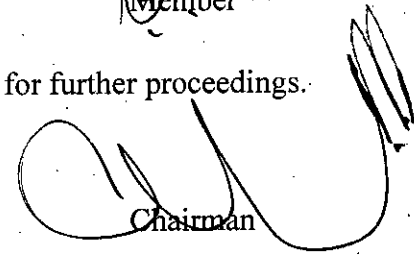



Member

7.

30.01.2014

This case be put before the Final Bench 1 for further proceedings.


Chairman

18.3.14

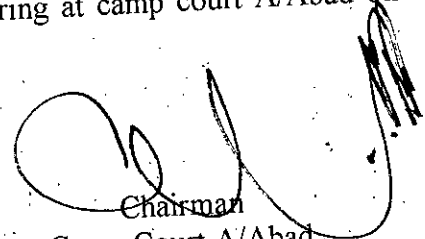
The Hon'ble Bench is on Power,
Therefore, case is adjourned to

23.5.14


Recd

19.11.2013

Clerk of counsel for the appellant present, and requested for adjournment due to non-availability of learned counsel for the appellant. Another chance is given for preliminary hearing at camp court A/Abad on 15.4.2014.

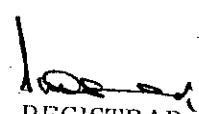



Chairman
Camp Court A/Abad

Form-A

FORM OF ORDER SHEET

Court of _____

Case No. 242/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	28/01/2013	<p>The appeal of Mr.Arsalan Shaukat Khan presented today by Mr. Shad 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	4.2.13	<p>This case is entrusted to Touring Bench A.Abad for preliminary hearing to be put up there on <u>15-7-13</u></p> <p style="text-align: right;"> CHAIRMAN</p>
3.	15.7.2013	<p>Counsel for the appellants present, and requested for adjournment on the ground that neither he nor the appellants received any intimation about fixation of the case for preliminary hearing today. To come up for preliminary hearing at camp court A/Abad on 19.11.2013.</p> <p style="text-align: right;"> Chairman Camp Court A/Abad</p>

**BEFORE THE SERVICE TRIBUNAL KHYBE
RAKHTUNKHWA PESHAWAR**

Appeal no. 242/13

Arsalan Shaukat KhanAppellant

VERSUS

The Director Food KPK Peshawar etc.....Respondents

SERVICE APPEAL

INDEX

S#	Description of documents	Annexure	Page #
1	Memo of Appeal with verification	-	1 to 5
2	Affidavit		6
3	Copy of office order	"A"	7
4	Copy of show cause notice	"B"	8 to 9
5	Copy of reply	"C"	10 to 11
6	Copy of transfer order	"D"	12
7	Copy of appeal and order	"E&F"	13 to 18
8	Wakalatnama		19

Dated: _____

Arsalan

Arsalan Shaukat Khan
.....Appellant

THROUGH

Shad Muhammad Khan

SHAD MUHAMMAD KHAN
ADVOCATE
SUPREME COURT OF PAKISTAN
(MANSEHRA)

**BEFORE THE SERVICE TRIBUNAL KHYBE
RAKHTUNKHWA PESHAWAR**

Appeal no 242/13

308
28/11/13

Arsalan Shaukat Khan S/O Shaukat Nawaz Khan, Caste
Khankhail, resident of Garhi Habibullah, Tehsil Balakot,
District Mansehra, Food Supervisor Food Department,
District Chitral.....Appellant

VERSUS

- (1) The Director Food KPK Peshawar.
(2) The Secretary Food, Government of K.P.K.
Peshawar.....Respondents

**APPEAL AGAINST THE ORDER OF
RESPONDENT NO.1 AND 2 VIDE WHICH THE
APPELLANT WAS AWARDED PUNISHMENT
AND THE SAID PUNISHMENT WAS MODIFIED
BY RESPONDENT NO.2.**

PRAYER

On acceptance of instant appeal the impugned orders of
respondents No.1&2 may kindly be set aside.

Respected Sir,

The brief facts leading to the instant appeal are arrayed as
follows:-

1. That, the appellant joined food department as a
Supervisor and was posted at Havailian. The father
of the appellant fell ill, suffering from cancer and
was undergoing treatment. The appellant was
entitled to the medical bills/ expenses on treatment

28/11/13

of his father, so the bills to the tune of Rs.156,922/- were prepared by senior clerk namely Masoom. The petitioner had spent huge amount on the treatment of his father as his father was suffering from a very sever illness of cancer. The bills prepared by Senior Clerk were found not genuine, although the appellant's father remained admitted in the Hospital who had undergone treatment and lastly the father of the appellant expired on account of the illness mentioned above.

2. That, respondent NO.1 issued an office order No. 1839 dated: 27.06.2012 vide which he appointed Iftikhar Hussain Qureshi as Inquiry Officer to conduct preliminary inquiry and to submit his report. **(The copy of office order is attached as Annexure "A")**.
3. That, the appellant was issued a show cause notice by respondent No.1 and the indictments were found established/proved against the appellant. **(The copy of show cause notice is attached as Annexure "B")**.
4. That, the appellant submitted a detailed reply to the show cause notice giving therein the entire detail of all the events including the illness, the treatment of his father and his death. **(The copy of reply is attached as Annexure "C")**.
5. That, respondent No.1 passed an order vide which the appellant was transferred to District Chitral; five increments of the appellant for five years were also stopped and the appellant was also directed to

be placed at the bottom of seniority list than his juniors who would be promoted in the meanwhile till the restoration of appellant to original pay scale. **(The copy of order is attached as Annexure "D").**

6. That, the appellant being aggrieved by the order of respondent No.1 submitted an appeal before respondent No.2 who on acceptance of his appeal modified the order, removing the ban imposed by respondent No.1 and also reduced the stoppage of five increments to two increments, but no any inkling has been referred/mentioned with respect to his seniority. **(The copy of appeal and order are attached as Annexure "E&F" respectively).**
7. That, the appellant assails the order of respondents No.1&2 on the following amongst other grounds.

GROUNDS

- A. That, the order of respondents N.1&2 is against the law, patent on record, hence not tenable in the eye of law.
- B. That, the inquiry officer has not conducted inquiry in accordance with law and the indictment could have not been threshed in the manner adopted by inquiry officer.
- C. That, the appellant has been indicted with very serious allegation and it was incumbent on the respondents to have issued charge sheet along with summary of allegations and a proper inquiry could.

have been held to take the matter to its logical conclusion.

- D. That, there is no denial that the appellant's father was ill, suffering from cancer admitted in hospital for treatment and lastly he expired due to the ailment mentioned above.
- E. That, as the appellant was absolutely a raw hand and a new comer had approached senior clerk, who had prepared the documents and th4e appellant had no any mensera at all to derive and dividend.
- F. That, even during the inquiry, the allegation could not be established, nor any evidence is led to substantiate such allegations, but despite the appellant was awarded very hash punishment which does not commensurate with the gravity of allegations, besides, there is a sheer discriminations.

It is therefore, requested that on acceptance of appeal the impugned order may kindly be set aside.

Dated: _____

Arsalan Shaukat Khan
.....Appellant

THROUGH
SHAD MUHAMMAD KHAN
ADVOCATE
SUPREME COURT OF PAKISTAN
(MANSEHRA)

VERIFICATION

It is certified that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable Court.

Dated: _____



Arsalan Shaukat Khan
.....Deponent

**BEFORE THE SERVICE TRIBUNAL KHYBE
RAKHTUNKHWA PESHAWAR**

Arsalan Shaukat KhanAppellant

VERSUS

The Director Food KPK Peshawar etc.....Respondents

SERVICE APPEAL

AFFIDAVIT

I, Arsalan Shaukat Khan S/O Shaukat Nawaz Khan, Caste Khankhail, resident of Garhi Habibullah, Tehsil Balakot, District Mansehra, Food Supervisor Food Department, District Chitral, that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this Honourable Court.

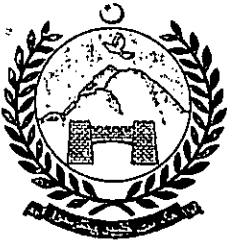
Dated: _____



Arsalan Shaukat Khan
.....Deponent

Far

Amir A.P. (7)



FOOD DIRECTORATE
KHYBER PAKHTUN KHWA
PESHAWAR

No. 1829 /PF-1122

Dated 27/06/2012

OFFICE ORDER

In order to investigate the matter regarding submission of Medical re-imbursment charges bills for amounting to Rs.105, 640/- by DFC Mansehra in favour of Mr. Arsalan Shoukat Food grain Supervisor incurred on the treatment of his father which was referred to the Executive District Officer, Health Abbottabad for verification vide Food Directorate Khyber Pakhtunkhwa Peshawar letter No.4014/PF-1122 dated 28-03-2012. On enquiring by the authorities of Executive District Health Officer Abbottabad ^{inform. recd} that all the medical re-imbursment charges vouchers / documents is fake / fraudulently, which is clearly mis-conduct / fraud case (Copy of enquiry report along with other relevant documents of Office of EDO Health Abbottabad are enclosed for ready reference).

2. Mr. Iftikhar Hussain, Qurishi Assistant Director Food (E), Food Directorate Khyber Pakhtunkhwa Peshawar is hereby appointed as Enquiry officer to conduct preliminary enquiry and submit their findings with fact & figures within Seven (07) days positively.


DIRECTOR FOOD
KHYBER PAKHTUN KHWA,
PESHAWAR.

Endorstt: Even No & Dates

Copy is forwarded to:-

- 1 PS to Minister Food for information of the Minister Food Government of Khyber Pakhtunkhwa, Peshawar.
- 2 PS to Secretary Food for information of the Secretary Food Government of Khyber Pakhtunkhwa, Peshawar
- 3 The District Coordination Officer Abbottabad and Mansehra.
- 4 The Executive District Officer Health Abbottabad for information with reference to his letter No.5196/Estab/D/Misc, dated 18-06-2012.
- 5 The Medical Superintendant BBS Teaching Hospital Abbottabad.
- 6 The Assistant Director (Circle Officer) Anticorruption Department Abbottabad.
- 7 ✓ The District Police Officers Abbottabad and Mansehra.
- 8 The Deputy Director Food (A&C) for information and necessary action with the direction to initiate further action against those Officer / Officials of District Mansehra who recommended and submit the fake case to Food Directorate without any scrutinizing / examination for sanction of the authority.
- 9 The Regional Audit Officer Food Directorate Khyber Pakhtunkhwa Peshawar for information and necessary action.
- 10 The Assistant Director Food Hazara Division at Abbottabad for information and necessary action with out fail.
- 11 The District Food Controllers, Abbottabad and Mansehra.
- 12 Mr. Arsalan Shoukat FGS Office of DFC Mansehra presently working with DFC Abbottabad with the direction to appear before the enquiry Officer as and when called by him.
- 13 Concerned File.


DIRECTOR FOOD
KHYBER PAKHTUN KHWA,
PESHAWAR

Attended
Shad Nadeem
Advocate
of Peshawar



FOOD DIRECTORATE,
KHYBER PAKHTUNKHWA
PESHAWAR

No. 3726 /PF-
Dated 11/09/2012

OFFICE ORDER

In continuation of this Directorate office order No. 3717/ dated 11-09-2012, Mr. Arsalan Shoukat FGS presently working against the post of Food grain Inspector office of DFC Mansehra attached with DFC office Abbottabad is hereby transferred and posted as Foodgrain Supervisor in the office of DFC Chitral against the vacant post of Foodgrain Supervisor with immediate effect.

2. Further five (05) Annual Increments for a period of 05 Years, without accumulative effect are also stopped.

3. On restoration to original pay scale, the seniority of Mr. Arsalan Shoukat FGS will be placed below his erstwhile juniors promoted to higher post during subsistence of the period of penalty as per Establishment & Administration Department Government of Khyber Pakhtunkhwa, vide Notification No. SO (REG-VI) E&AD/2-6/2010 dated 18-07-2012.


DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR.

Endorsement Even No. & Dates

A copy is forwarded to:-

1. PS to Minister Food for information of the Minister Food Government of Khyber Pakhtunkhwa.
2. PS to Secretary Food for information of the Secretary Food Government of Khyber Pakhtunkhwa.
3. The District Accounts Officers, Chitral and Mansehra.
4. The Assistant Directors Food, Malakand at Saidu Sharif Swat and Hazara Divisions.
5. The District Food Controllers Chitral, Mansehra and Abbottabad.
6. Official concerned/ Personal File.


DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR

Attested.

Shad Ahmad Khan
Advocate Supreme Court
of Pakistan.

Office Order dated 11/09/2012

TO

The Director Food
Khyber Pakhtunkhwa
Peshawar

Subject:- REPLY TO THE SHOW CAUSE NOTICE

Memo

Reference Food Directorate office order No. 1839/PF-1122 dated 27-06-2012, and letter No.2779/PF dated 01-08-2012 and No.3402/PF dated 29-08-2012, on the subject noted above.

2 I Arslan Shoukat Foodgrain Supervisor posted in the Office of in the office of District Food Controller Mansehra and attached for performance of duties with DFC Office Battagram, where charged me for submitting of two Bugs Medical re-imbusement Charges Bills amounting to Rs. 51282/- and Rs. 105,640/- through DFC concerned for sanction of the authority .On examination, by Food Directorate one Medical Charges Bills for amounting to Rs.51282/- which has been referred to Director General Health Services Khyber Pakhtunkhwa for verification which is still lying with him while the other Medical Charges Bills for amounting to Rs. 105,640/- was referred to Executive District Health Officer Abbottabad for necessary action. On verification by the EDO Abbottabd it has found Bugs.

3 In this connection it is stated that my father was seriously ill. he was admitted in the Hospital for necessary treatment, later on he was expired in Hospital .On treatment of my father as indoor patient a Medical Re-imbusement Charges Bills for amounting to Rs. 51282/- and Rs. 105,640/- along with supporting documents in original was handed over to Mr. Muhammad Masoom Senior Clerk Office of DFC Battagram now Kohat for necessary examination /checking before submission to the concerned being responsible knowing knowledge of Rules / Procedure of Medical re-imbusement charges bills On checking the documents he stated that it should be countersigned from the concerned authorities of Hospital. He further added that he is living in the District Abbottabad, and he will be countersigned all documents from the concerned authorities of Hospital.

Arslan Shoukat
Advocate Supreme Court
of Pakistan

4 Sir, I am living in District Mansehra Ghari Habibullah due to far flung area as well performed my duties in District Battagram it was not possible for me to countersigned the documents from the concerned authorities. Therefore Mr. Muhammad Masoom Senior Clerk was completed the formalities of Medical Re-imbusement Charges Bills. After few days he send a message on my Mobile for sending of amounting to Rs.8000/- expenses comes by the hospital authorities in hand of Mr. Muhammad Rafique Official of Health Department. The said message already seen him to the enquiry Officer, which is on record.

5 I am not aware of the fact what so ever is being wrong made by the above officials. It is the total responsibility of Mr. Muhammad Masoom Senior Clerk who was working as Accountant as well as performed duties as Head Clerk changed my original Medical Vouchers for his own mollified tension

6 In view of the position explained above, no loss has made to Government exchequer being a low paid official; I may kindly be exonerated from the charges level against me on humanitarian grounds. I will be careful in future please.

Arslan Shoukat 31-8-201

Arslan Shoukat
FGS presently working as FGI in his
own pay & scale in DFC Office
Mansehra

Atif Iqbal

Syed Moinuddin Khan
Advocate Supreme Court
of Pakistan.



FOOD DIRECTORATE
KHYBER PAKHTUNKHWA,,
PESHAWAR

No 2779 /PF
Dated Peshawar the 01/06/2012

Att. ¹⁰ B. P. (8)

TO

Mr. Arslan Shoukat FGS
Office of DFC Mansehra
attached with DFC Office Battagram

Att. ¹⁰ B. P. (8)
Shahid Mahmood Khan
Advocate Supreme Court
of Pakistan.

Subject:- SHOW CAUSE NOTICE

Memo

Reference this Directorate office order No. 1839/PF-1122 dated 27-06-2012, on the subject noted above.

2 I Muhammad Anwar Khan Director Food Khyber Pakhtunkhwa as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby served Mr. Arslan Shoukat FGS Office of DFC Mansehra attached for performance of duties with DFC Office Battagram as follows:

3. (i) That consequent upon the completion of inquiry conducted against you by the inquiry officer/inquiry committee for which you were given opportunity of hearing vide communication No.1974/PF-1122 dated 29-06-2012 and
- (ii) On going through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defence before the inquiry officer,-

4 I am satisfied that you have committed the following acts/omissions specified in Rule 3 of the said rules:

While you have posted as Foodgrain Supervisor in the office of District Food Controller Mansehra and attached for performance of duties with DFC Office Battagram, you have submitted two Bugs Medical re-imburement Charges Bills amounting to Rs. 51282/- and Rs. 105,640/- through DFC concerned for sanction of the authority .On examination, one Medical Charges Bills for amounting to Rs.51282/- has been referred to Director General Health Services Khyber Pakhtunkhwa for verification which is still lying with him while the other Medical Charges Bills for amounting to Rs.

Hc
Served
Personally
to official
Personally
In

596h
~~59h~~
596h

Annex E P 13



OFFICE OF
DISTRICT FOOD CONTROLLER
CHITRAL

No 1594 /DFC-Chitral

Dated 3 /10/2012

To

The Director Food,
Khyber Pakhtunkhwa,
Peshawar.

Subject:

Through Proper Chanel.

APPEAL AGAINST THE ORDER OF DIRECTOR FOOD, KHYBER PAKHTUNKHWA BEARING NO.372/PF DATED 11-09-2012 VIDE WHICH THE APPELLANT HAS BEEN AWARDED THE PUNISHMENT OF WITHHOLDING OF INCREMENTS FOR FIVE YEARS AND BESIDES HE WOULD NOT BE TRANSFERED TO HAZAR4A DIVISION THROUGH HIS SERVICE.

Memo:

Enclosed please find herewith an appeal against the order of Director Food Khyber Pakhtunkhwa bearing No.372/ PF dated 11-09-2012 in respect of Mr. Arslan Shoukat FGS of this Office for further action at your end.

DISTRICT FOOD CONTROLLER
CHITRAL

Endorsement No. & Date Even.

Copy forwarded Mr. Arslan Shoukat FGS Office of District Food Controller Chitral for information with reference to his appeal dated 02-10-2012.

DISTRICT FOOD CONTROLLER
CHITRAL

Attest
Advocate Supreme Court
of Pakistan.

BEFORE THE SECRETARY FOOD DEPARTMENT,
K.P.K. PESHAWAR

APPEAL AGAINST THE ORDER OF DIRECTOR
FOOD, KPK PESHAWAR BEARING NO.3726/PF
DATED: 11.09.2012 VIDE WHICH THE
APPELLANT HAS BEEN AWARDED THE
PUNISHMENT OF WITHHOLDING OF
INCREMENTS FOR FIVE YEARS AND BESIDES
HE WOULD NOT BE TRANSFERRED TO
HAZARA DIVISION THROUGHOUT HIS
SERVICE.

PRAYER

On acceptance of appeal the impugned order may kindly be set aside.

Respected Sir,

The brief facts leading to the instant appeal are arrayed as follows:-

1. That, the appellant was posted as Food Grain Inspector at Havelian, and his father was suffering from cancer. The appellant's father was admitted in the Hospital and he was entitled to be treated and so on such count, medical bills were submitted to the tune of Rs.1,56,922/-. The appellant's father expired on account of such disease and the medical bills submitted by the appellant were verified, but found not genuine. The appellant was issued a

A. H. Khan
Advocate Supreme Court
of Pakistan.

show cause notice. In order to reach to a logical conclusion, it was essential to hold an inquiry in order to verify the facts or otherwise which has not been done in this case.

2. That, the appellant submitted a detailed reply which was not taken into consideration and before passing the impugned order, the appellant was never heard as required under the law, so that he could lay down his whole case before the competent authority.
3. That, the punishment awarded to the appellant is harsh and does not commensurate with the gravity of allegations, the appellant has been awarded the punishment of withholding of increment for five years, which is so harsh that in such like cases even the superior Courts have reduced the punishment. Besides, the punishment so prescribed is against the spirit of constitution as well as Civil Servant Act 1973. There is no ambiguity relating to the ailment of his father and his death on account of the ailment of cancer and the appellant was entitled to the treatment of his father and he was treated by the medical officers, but he could not survived. There is absolutely no malice/ulterior motive on the part of appellant to submit fake or fictitious bills for his own benefits.
4. That, while awarding punishment to the appellant, the competent authority has not observed fair play as another official namely Raja Iftikhar A.F.C. was awarded punishment of stoppage of one increment, whereas, the appellant was awarded the punishment

Annex "E" P. 16

more than the one mentioned above and thus discriminatory attitude has been meted to the appellant.

In the light of above it is submitted that the punishment awarded to the appellant may graciously be set aside and the appellant may also graciously be transferred to Hazara Division.

Dated:02.10.2012

.....
Arsalan Shaukat, Food Grain Supervisor.....Appellant

Arsalan Shaukat

AH-Steel
Shah Mohd. Qasim Khan
Advocate Supreme Court
of Pakistan.

Most 9 minutes

19
Annex F.P. 17



GOVERNMENT OF
KHYBER PUKHTUNKHWA
FOOD DEPARTMENT.

NO.SOF (Food Deptt)1-6/10
Dated Pesh: the 24/12/2012

To, ✓
The Director Food
Khyber Pakhtunkhwa,
Peshawar.

Subject: - **APPEALS.**

I am directed to refer to your letters No.8642/PF-840 dated 30-10-2012, 8724/PF-601-II dated 31-10-2012 & letter No.8723/PF-1122 dated 31-10-2012 on the subject noted above and to state that the following officials may be informed through concerned District Food Controllers, both in written as well as telephonically to attend the office of Worthy Secretary Food on **02-01-2013** at **1000** hours in connection with personal hearing:-

1. Mr. Muhammad Masoom, Senior Clerk,
C/O District Food Controller Office Bannu.
2. Mr. Raja Iftikhar Ah mad, Assistant Food Controller,
C/O District Food Controller Office Battagram.
3. Mr. Arsalan Shoukat, Foodgrain Supervisor,
C/O District Food Controller Office Chitral.

~~RECEIVED TO
LAW OFFICE
ADVOCATE SUPREME COURT
OF PAKISTAN~~

Section Officer (Food)

Endst;No & dated as above

Copy forwarded to PS to Secretary Food, Khyber Pakhtunkhwa,
Peshawar for information.

RK/EA-II
put up

Section Officer (Food)

DDF (APC)

982
Pulw
Please do the
needful

27/12

ADVICE

Advocate Supreme Court
of Pakistan.

Supat = E

27/12/12

27/12/12

9P
Annex FP 18
2



FAX
30/10/2013
11/10/2013
11/10/2013

GOVERNMENT OF
KHYBER PAKHTUNKHWA
FOOD DEPARTMENT.

No.SO (Food Deptt) 1-6/10/13

Dated Pesh: the 10/01/2013

To:

The Director Food,
Govt. of Khyber Pakhtunkhwa,
Food Department Peshawar.

Subject: **APPEAL**

I am directed to refer to your letters No. 8642/PP-840 dated 30-10-2012 & No. 8724/PP-601-II dated 31-10-2012 & letter No. 8723/PP-1122 dated 30-10-2012 on the subject noted above and to state that the officials appeared before the competent authority Secretary Food and the following orders are passed:-

S. No	Name	Order
1.	Mr. Muhammad Masoom Shah, Senior Clerk, C/O District Food Controller Office Bannu	The penalty imposed upon him by the competent authority being adequate is confirmed. The posting in Hazara Division is removed being covered by the rules.
2.	Mr. Raja Iftikhar Ahmed Assistant Food Controller, C/O District Food Controller, Office Battagram	The penalty imposed on him being adequate is confirmed. (01 year)
3.	Mr. Arsalan Shukat, Foodgrain Supervisor, C/O District Food Controller office Chitral.	The penalty imposed on him being excessive is modified/ converted to the withholding of increments for two years with cumulative effect on his posting / Service in Hazara Division retirement being outside the ambit of removal.

You are requested to kindly take further necessary action accordingly.

S/-

Section Officer (Food)

Encl: No dated as above

Copy forwarded to PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar for information.

S/-

Section Officer (Food)

FOOD DIRECTORATE KHYBER PAKHTUNKHWA PESHAWAR

No.556-58/PP-1122

Dated 15/01/2013

Copy forwarded to:-

1. Mr. Raja Iftikhar Ahmed Assistant Food Controller in the office of DFC Battagram
2. Mr. Muhammad Masoom, Junior Clerk in the Office of DFC Bannu
3. Mr. Arsalan Shukat Foodgrain Supervisor in the office of DFC Chitral.

Att. Secy
Sayed Anwar Khan
Advocate Supreme Court
of Pakistan

S/-
ASSISTANT DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR

BETTER COPY

Annex ¹⁸ F.P. 18

Monogram
Government of Khyber Pakhtunkhwa

GOVERNMENT OF
KHYBER PAKHTUNKHWA
A FOOD DEPARTMENT

No.SO (Food Deptt: 1-6/10/13
Dated: Pesh the 10/01/2013.

10 / 2013

To,

The Director Food,
Govt: of Khyber Pakhtunkhwa.
Food Department, Peshawar.

Subject:- **APPEAL**

I am directed to refer to your letter No.8642/PF-840 dated: 30.1.2012, 8724/PF-601-II dated: 31.10.2012 and Letter No.8723/PF-1122 dated: 2.10.2012 subject noted above and to state that the officials appeared before the competent authority, the Secretary Food and the following order are passed.

S.#	Name	Order.
1.	Mr. Muhammad Massoom Shah, Senior Clerk, Ck/O District Food Controller, Office Bannu.	The penalty imposed upon him by the competent authority being adequate is confirmed. The order of his posting in Hazara Division is removed being covered by the rules.
2.	Mr. Raja Iftikhar Ahmed, Assistant Food Controller, C/O District Food Controller, Office Battagram.	The penalty imposed on him being adequate confirmed.
3	Mr. Arsalan Shaukat, Foodgram Supervisor, C/O District Food Controller Office Chitral.	The penalty imposed on him being excess modified/ converted to the withholding the increments for two years with curative ban on his posting/ service in Hazara Division retirement being outside the ambit of the removed.

You are requested to kindly take further necessary action accordingly.

Sd/-
Section Officer Food

Endst: No. Dated: is above.

Copy forwarded to PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar for information.

Sd/-
Section Officer Food

FOOD RECTORATE KHYBER PAKHTUNKHWA PESHAWAR

No.556-58/PF-1122

Dated: 15/01/2013

Copy forwarded to:

1. Mr. Raja Iftikhar Ahmed Assistant food Controller in the office of 1 FC Battagram.
2. Mr. Muhammad Masoom. Junior Clerk in the office of DFC Bannu.
3. Mr. Arsalan Shaukat Foodgrain Supervisor in the office of DFC Chitral.

ASSISTANT DIRECTOR FOOD
KHYBERPAKHTUNKHWA
PESHAWAR.

وکالت نامہ

بعدالت جناب چیئرمین صاحب سروس ٹریڈینگز K.P.K. لہٹاور
 ارسلان شوکت بنام گورنٹس و بزنس
 دعویٰ یا جرم سروس ریپبلک پنجاب اپیلانٹ
 باعث تحریر آنکہ

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی بمقام ایٹ آباد / لہٹاور

شاد محمد خان ایڈووکیٹ سپریم کورٹ آف پاکستان
 صدر محمد شریف ریڈ شوکت ماسٹر

بدیں شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار حاصل رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوں اور غیر حاضری کی وجہ سے کسی طور پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے پر یا بروز کچہری کے اوقات کے آگے یا پیچھے ہونے پر منظر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے واسطے کسی معاوضہ ادا کرنے یا مختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پر داختم صاحب مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجرائے ڈگری و نظر ثانی ایپل نگرائی دائر کرنے، نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرانے کا ہر قسم بیان دینے اور سپردتالی و رضی نامہ و فیصلہ برخلاف کرنے و اقبال دعویٰ کا اختیار ہوگا اور بصورت ایپل و برآمدگی مقدمہ یا منسوخی ڈگری یا کٹرفر درخواست حکم انتہائی یا ڈگری قبل از فیصلہ اجرائے ڈگری بھی صاحب موصوف کو بشرط ادا سنگی علیحدہ پیروی مختیار نامہ کرنے کا مجاز ہوگا اور بصورت ضرورت ایپل اور ایپل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو، پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختیار نامہ لکھ دیا ہے کہ سندر ہے۔

مضمون مختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

WITNESSED & ACCEPTED

SHAD MUHAMMAD KHAN,

Advocate Supreme Court,

of Pakistan

SHAD MUHAMMAD KHAN
 SUPREME COURT PAKISTAN

ارسلان شوکت خان و لہ شوکت نور خان
 سٹوڈنٹ گورنٹس و بزنس

اپیلانٹ

Before The KPK Service Tribunal, Peshawar

Appeal No. 242/13.

Arsalan Shaukat - vs - Food Dept.

Application for fixing an
early date instead of 15.4.14.

R. Shewell

1. That the above noted appeal is fixed for 15.4.14 in Preliminary.
2. That since the appeal is fixed at Peshawar by the order of the Honorable Chairman, therefore, needs to accelerate the date which is too long and also for Camp Court Abbottabad.

Therefore, it is prayed that the appeal may be fixed for an early date instead of 15.4.14 at Peshawar.

Counsel for Appellant.

For

M. Asif Yousafzai
Adv.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR
APPEAL NO.242/2013

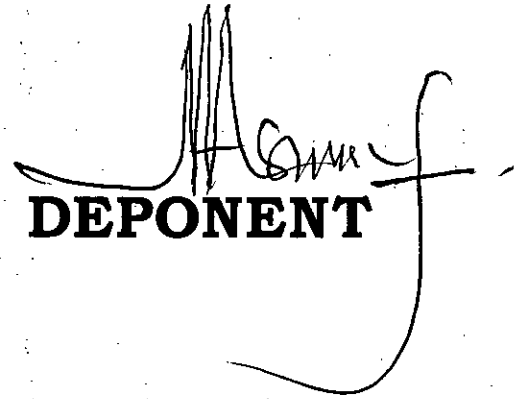
Arsalan Shoukat Khan S/O
Shoukat Nawaz Khan,
R/O Gari Habib Ullah.
Tehsil Bala Kot & District Mansehra..... **Appellant**

V/S

1. The Director Food Khyber Pakhtunkhwa.
2. The Secretary Food Govt of Khyber
3. Pakhtunkhwa, Peshawar..... **Respondents**

AFFIDAVIT

I Muhammad Asif, Assistant Director Food (Estt), Food Directorate Khyber Pakhtunkhwa, Peshawar do hereby solemnly affirm and declare the contents of the accompany Para-wise comments submitted by Respondents No.1 & 2 are true and correct to the best of my knowledge and belief that nothing has been concealed from the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar.


DEPONENT

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Appeal No.242/2013

Arsalan Shoukat Khan S/O Shoukat Nawaz Khan,
Caste Khankhail, resident of Garhi Habibullah, Tehsil
Balakot, District Mansehra .

Appellant

Versus

1 The Director Food Khyber Pakhtunkhwa

Respondents

3 The Secretary Food, Government of KPK Peshawar

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS

NO. 01 & 02

1. That the appellant is not maintainable as it is not in proper form.
2. That the appellant is estopped to file the present Appeal.
3. That the appellant has not come to the court with clean hands. Material facts have been concealed from this Honourable Court. Thus, the appellant is not entitled to the relief prayed for
4. That the appellant has got no locus standi to prefer the appeal against respondents.
5. That the appellant is neither aggrieved person nor he has locus standi to file the instant Appeal.

Respectfully Sheweth:-

Para wise Comments are as under.

1. Denied as drafted. Mr. Arslan Shoukat was initially appointed as Foodgrain Supervisor on 28-11-2008 and posted in DFC Office Kohistan. Later on he was posted in DFC Office Mansehra vide Office Order 28188/ET-378 dated 22-12-2008.

The DFC Mansehra has forwarded a letter No.404-04-(ET-2012) dated 29-02-2012 regarding Medical Re-imbursment charges claim of Rs.51282/- on account of treatment of his father as indoor patient who was admitted in the DHQ Hospital Abbottabad. The above claim was sent to Director General Health Services Government of Khyber Pakhtunkhwa vide Food Directorate, letter No.1014/PF-1122 dated 28-03-2012 for necessary verification.

In the mean time the DFC Mansehra submitted another Medical reimbursement Charges Claim bill amounting to Rs.105,640/- in respect of Mr. Arslan Shoukat FGS vide letter No. 899-901 /Mansehra dated 16-04-2012, which was incurred on account of treatment of his father as indoor patient in DHQ Hospital Abbottabad. The said Medical Re-imbursment Charges Bills was also sent to the, Executive District Health Officer Abbottabad for verification to proceed further.

On examination of the Medical Re-imbursment Charges Bills, the Executive District Officer (Health) Abbottabad reported that the claim is fake & Bogus. The Enquiry Report of Office of Health Department vide letter No. 5196/Estb/Misc dated 18-06-2012. is annexed as **annexure "A"**

- 2 On receipt of report from Health Department, Food Directorate nominated Mr. Iftikhar Hussain Qurishi Ex-Assistant Director Food Khyber Pakhtunkhwa as Enquiry Officer

vide Office Order No.1889/PF-1122 dated 27-06-2012 to conduct proper enquiry and submit report to the authority to proceed further in the matter.

- 3 The Enquiry Officer submitted Enquiry report, and the competent authority agreed with his reports and issued proper show cause Notice to the appellant vide Food Directorate letter No. 3402/PF dated 01-08-2012. On receipt of the reply to show Cause Notice from the appellant, he was called to appear for personal hearing on 10-09-2012, before the competent authority vide Food Directorate letter No.3544/PF dated 04-09-2012. On personal hearing Mr. Arslan Shoukat was found guilty. Copy of the letter is annexed as Annex-“B”
- 4 As per reply given at Para-03 above.
- 5 After full consideration of the case and keeping in view the record of the official, the competent authority awarded the punishment for Stoppage of 05 Annual Increments for a period of 05 years with out accumulative effect along with posting out from Hazara Division till his completion of remaining service / till retirement. In response of the above punishment he was posted in the Office of DFC Chitral.
- 6 Against the penalty awarded by the competent authority the appellant submitted an appeal against his penalty to the appellate authority ie. Respondent No.02. On acceptance of his appeal the penalty imposed on him being excessive was modified/converted to the withholding of two increments for two years with cumulative effect. The ban on his posting in Hazra Division till retirement being outside the ambit of rules was removed vide letter No. SO(Food Deptt)1-6/10/23 dated 10-01-2013. Copy of the letter is annexed as Annex-“C”

Grounds

- A The penalty order passed by the respondents No.01 &02 against the appellant is lawful under the rules.
- B On receipt of report from Health Department the competent authority nominated Mr. Iftikhar Hussain Qurishi as Enquiry Officer to conduct enquiry in the case of submission of bugas Medical Charges Bill submitted by Mr. Arslan Shoukat FGS. The Enquiry Officer called the appellant and directed to appear before him in the subject case to record his statement.. From his statement in the subject enquiry it has been found that the Medical re-imbusement charges vouchers / document submitted by Mr. Arslan Shoukat thorough DFC Mansehra for amounting to Rs. 51282/- and Rs105,640/- were fake / fraudulent, indicating that mis-conduct / fraud case committed by Mr. Arslan Shoukat FGS in connivance with Muhammad Masoom Senior Clerk Office of DFC Battagram and Mr. Muhammad Rafique an official of Health Department.

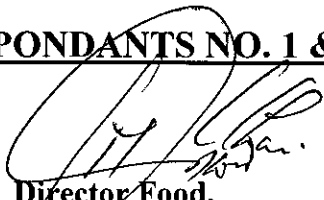
The competent authority agreed with the recommendation of the enquiry Officer and after full consideration of the case and keeping in view the record of the official, awarded the punishment for Stoppage of 05 Annual Increments for a period of 05 years with out accumulative effect along with posting out from Hazara Division till completion of his remaining service. Later on appeal to the appellate authority i.e respondent No.02 the penalty imposed on him being excessive was modified /converted to the withholding of two increments for two years with cumulative effect. The ban on his posting/service in Hazra Division till retirement being outside the ambit of rules is removed vide letter No. SO(Food Deptt)1-6/10/23 dated 10-01-2013

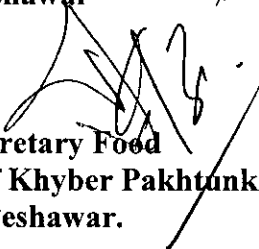
- C As per reply given at Para-B above.
- D No Comments.

- E The appellant was found not only involved in submission of Bogus/Fake claims of his personal Medical Re-imburement Medical Charges Bills, but also involved in preparation of Medical Charges bills of other staff member in connivance with Muhammad Masoom Senior Clerk Office of DFC Battagram and Mr. Muhammad Rafique an Official of Health Department.
- F After completion of the all codal formalities the competent authority awarded the punishment for Stoppage of 05 Annual Increments for a period of 05 years with out accumulative effect along with posting out from Hazara Division till his completion of remaining service / till retirement. Later on appeal to the appellate authority ie respondent No.02 the penalty imposed on him being excessive was modified / converted to the withholding of two increments for two years with cumulative effect. The ban on his posting/served in Hazra Division till retirement being outside the ambit of rules was removed vide letter No. SO (Food Deptt)1-6/10/23 dated 10-01-2013

The appeal having no legal footing may therefore be dismissed / rejected please

RESPONDANTS NO. 1 & 2


**Director Food,
Khyber Pakhtunkhwa,
Peshawar**


**Secretary Food
Government of Khyber Pakhtunkhwa
Peshawar.**

Annexure - A

46



OFFICE OF THE EXECUTIVE DISTRICT OFFICER (HEALTH) ABBOTTABAD.

No. 596 / Estab/D/Misc.
Dated Abbottabad the 18/6/2012.

To,
The Director Food,
Khyber Pakhtunkhwa, Peshawar.

Subject: Medical Re-Imbursement Charges Bills in Respect of
Father of Mr. Arsalan Shoukat Food Grain Inspector.

Memo:

Reference your letter No.743/PF-1122 dated 31-05-2012.

With reference to the above, an inquiry report dated 18-06-2012 furnished by Dr. Nasir Khan Jadoon (Inquiry Officer) SMO, CH Khairagali, Abbottabad alongwith its enclosures with regard to subject cited above is enclosed herewith with the remarks that the medical re-imbusement charges bills amounting to Rs.105640/- in respect of Mr. Arsalan Shoukat Food Grain Inspector have been proved fake & bogus.

It is, therefore, requested that disciplinary action may please be initiated against him.

[Signature]
18/6/12
Executive District Officer
(Health) Abbottabad.

(Encls; as stated above)
No. /Estab/D/Misc.

Copy forwarded to the: -

1. District Coordination Officer, Abbottabad for information please.
2. Medical Superintendent, BBS Teaching Hospital, Abbottabad with the remarks to intimate the case of the official concerned to Anti Corruption & Police Department for legal action as he has used stamp & signatures of the Incharge & M.S fraudulently.

Executive District Officer
(Health) Abbottabad.

Executive District Officer (Health) Link Road, Abbottabad

Phone # 0992-9740192
Fax # 0992-0310106
eabbabd@yahoo.com

RK/EA-II
put cap just now

Initial enquiry as per circles/...

26/6

Diary No.	11388
Date	25-6
DO	ESH
...	...

1057
covering letter.

[Signature]
18/6/12

To,

The EDO (Health) Abbottabad.

Subject: Inquiry Report.

Sir,

Please refer to your office Diary No. 1730 dated 11-06-2012 referred to me for inquiring about the genuineness of medical bills of the individual Mr. Arsalan Shaukat, Food Grain Inspector. The letter being forwarded to your goodself from the Food Directorate Khyber Pakhtunkhwa with the signature of the Director, Food, Khyber Pakhtunkhwa for the verification of the medical re-imburement bills amounting to Rs.105640/- on account of treatment of father of Mr. Arsalan Shaukat, as indoor patient in medical ward of the BBS Teaching Hospital, Abbottabad.

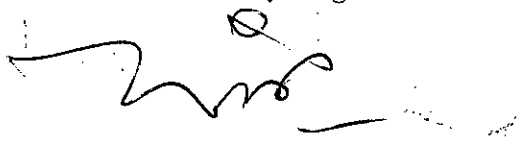
The matter was investigated at my own levels from the concerned medical stores, medical ward through its Incharge and the nursing staff responsible for admissions etc. The Medical Superintendent of the BBS Teaching Hospital, Abbottabad was also inquired for verification of the signs over the medical bills & discharge slip.

The cash memos from the respective medical stores obtained were not the original ones instead fake cash memos in the name of the respective store were printed from some press etc and during the inquiry, owners of the stores handed over their original cash memos which are attached with the inquiry as specimens of their cash memos.

The concerned units Incharge Dr. Waseem was also inquired and his statement is elaborate and is attached with the inquiry report mentioning that this individual never remained in the hospital as shown in the discharge slip on the mentioned dates, the admission No. is fake, the nursing record also does not indicate his ever admission in the medical ward, the stamp and the signature of the officer Incharge are also fake. The worthy Medical Superintendent was also contacted in the inquiry and he refused to recognize the signature over the discharge slip and on the non-availability certificates. He categorically put a note over the discharge slip and the NACs mentioning that the signature over these documents are NOT HIS SIGNATURES.

The inquiry report is elaborate. The individual Arsalan Shaukat has presented all the fake documents to the Govt and has fraudulently obtained the discharge card from the hospital and has managed to obtain fake stamps and has put the fake signatures of the Incharge Medical Ward & the Medical Superintendent. His higher ups may be contacted for removing him from the Govt job and Anti Corruption & police cases may be lodged against him for the forgery of obtaining the discharge cards and putting the fake stamps & signatures of the Govt officials.

Twenty five (25) pages record alongwith my recommendations are forwarded back to your goodself.



Dr. Nasir Khan Jadoon
(Inquiry Officer)
Senior Medical Officer,
Civil Hospital, Khairagali, Abbottabad
Dated 18th June 2012

Rest
covering letter.

18/6/12



Registered

Annexure - B

FOOD DIRECTORATE
KHYBER PAKHTUNKHWA,
PESHAWAR

No 3544 /PF
Dated Peshawar the 04/09/2012

152

TO

Mr. Arslan Shoukat FGS
Office of DFC Mansehra
attached with DFC Office Battagram

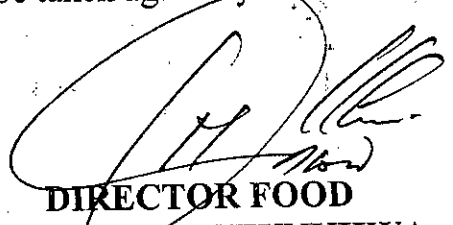
Subject:- SHOW CAUSE NOTICE / PERSONAL HEARING

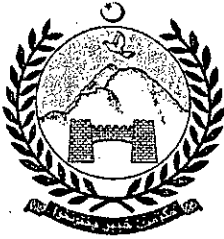
Memo

Reference this Directorate office order No. 1839/PF-1122 dated 27-06-2012, No.2779/PF dated 01-08-2012 and No.3402/PF dated 29-08-2012, on the subject noted above.

2. You are directed to appear before the competent authority along with written reply to the Show Cause Notice, on 10-09-2012 for personal hearing.

3. In case of failure it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.


DIRECTOR FOOD
KHYBER PAKHTUNKHWA,
PESHAWAR



Annexure - "E" 177

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
FOOD DEPARTMENT.**

No.SO (Food Deptt) 1-6/10/23

Dated Pesh: the 10/01/2013

To

The Director Food,
Govt: of Khyber Pakhtunkhwa,
Food Department Peshawar.

Subject:- **APPEAL**

I am directed to refer to your letters No. 8642/PF-840 dated 30-10-2012, 8724/PF-601-II dated 31-10-2012 & letter No. 8723/PF-1122 dated 31-10-2012 on the subject noted above and to state that the officials appeared before the competent authority i.e Secretary Food and the following orders are passed:-

S.No	Name	Order
1.	Mr. Muhammad Masoom Shah, Senior Clerk, C/O District Food Controller Office Bannu.	The penalty imposed upon him by the competent authority being adequate is confirmed. The ban on his posting in Hazara Division is removed being not covered by the rules.
2.	Mr. Raja Iftikhar Ahmed Assistant Food Controller, C/O District Food Controller, Office Battagram	The penalty imposed on him being adequate is confirmed.
3.	Mr. Arsalan Shoukat, Foodgrain Supervisor, C/O District Food Controller office Chitral.	The penalty imposed on him being excessive is modified/ converted to the withholding of two increments for two years with cumulative effect. The ban on his posting / Service in Hazara Division till retirement being outside the ambit of rules is removed.

You are requested to kindly take further necessary action accordingly.

Sd/-

Section Officer (Food)

Endst: No dated as above

Copy forwarded to PS to Secretary Food, Khyber Pakhtunkhwa, Peshawar for information.

Sd/-

Section Officer (Food)

FOOD DIRECTORATE KHYBER PAKHTUN KHWA PESHAWAR

No.556-58/PF-1122

Dated 15/01/2013

Copy forwarded to:-

1. Mr. Raja Iftikhar Ahmed Assistant Food Controller in the office of DFC Battagram
2. Mr. Muhammad Masoom, Junior Clerk in the Office of DFC Bannu.
3. Mr. Arsalan Shoukat Foodgrain Supervisor in the office of DFC Chitral.

**ASSISTANT DIRECTOR FOOD (E)
KHYBER PAKHTUNKHWA,
PESHAWAR**

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

Appeal No.242/2013

Arsalan Shoukat

VERSUS

Govt of KPK & others

**REJOINDER ON BEHALF OF THE
APPELLANT.**

Preliminary Objections:

1 to 5) That all the objection raised by the respondents/ department are incorrect and baseless.

Respectfully Sheweth:

ON FACT:

1- Incorrect. That the appellant father was suffering from a very severe illness of cancer and was undergoing treatment. The appellant was entitled / expenses on treatment of his father, so the bill to turn of Rs.1,56,922.00 were prepared by Senior Clerk namely Masoom which were founds genuine. Therefore, the appellant is not responsible as he did not prepared the bill, but Senior Clerk namely Masoom was responsible for that bill, as the bill was prepared by him.

- 2- *Admit correct by the respondents/department that Iftikhar Hussain Qureshi was appointed an inquiry officer to conduct preliminary inquiry and to submit his report.*
- 3- *Incorrect. The show cause notice was issued to the appellant and he submitted detail reply to the show cause notice giving entire detail of all events including his father illness, treatment of him and the bill prepared by the Senior Clerk Masoom.*
- 4- *Incorrect. The show cause notice was issued to the appellant and he submitted detail reply to the show cause notice giving entire detail of all events including his father illness, treatment of him and the bill prepared by the Senior Clerk Masoom.*
- 5- *No comments*
- 6- *Correct to the extent that on the acceptance of the appeal modified the order, removing the ban imposed by the respondent No.1 and also reduced the stoppage of 5 increments to 2 increments, but no action has taken with respect to the seniority.*

GROUND:

- A) *Incorrect. The penalty order passed by the respondents No.2 is against the law and rules, hence not tenable in the eyes of law.*

- B) *Incorrect. While para B of the appeal is correct.*
- C) *Incorrect. While para C of the appeal is correct.*
- D) *Endorsed by the respondents which means that
Para D of the appeal is correct.*
- E) *Incorrect. The appellant did not prepared by himself,
but as new comer he had approached to the Senior
Clerk to have prepared the documents and that
Senior Clerk was responsible for that.*
- F) *Incorrect. During the inquiry no codal formalities
was followed as no evidence was provided in support
of a llegations but despite of that harsh punishment
was awarded to the appellant, which does not
commensurate with gravity of allegations.*


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

Appellant 
Arsalan Shoukat

Through

ATTESTED




M: Asif Yousafzai

&


Taimur Ali Khan
Advocates, Peshawar

AFFIDAVIT

*It is, do hereby solemnly affirm and
declare on oath that the contents of the
above rejoinder ^{by appeal} are true and correct to
the best of my knowledge and belief and
nothing has been concealed from this
Hon'ble Tribunal*

DEPONENT



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Appeal _____/2014

Case No. 143
Date 16/1/14

Arsalan Shaukat

Versus Food Department KPK Etc.

APPLICATION FOR TRANSFER OF APPEAL AT PRINCIPAL SEAT
PESHAWAR.

All signed
16/1/14

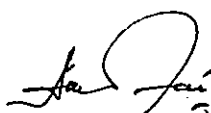
RESPECTFULLY SHEWETH

1. That the above noted appeal has been filed by appellant and fixed for preliminary hearing at Abbottabad on 15.4.2014.
2. That the appellant has now engaged a new counsel at Peshawar with the permission and NOC of the previous counsel (copy attached).
3. That as the new counsel is a practicing lawyer at Peshawar, therefore, now the appeal needs to be heard at Peshawar.

It is, therefore, humbly requested that the appeal may very kindly be fixed at Peshawar for preliminary hearing till final disposal to meet the ends of justice.

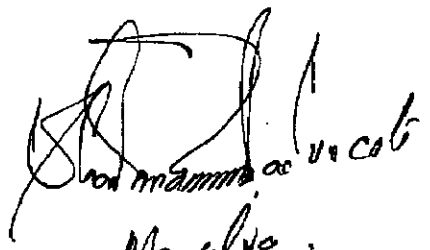
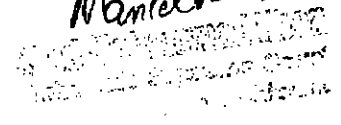

APPELLANT
(ARSALAN SHAUKAT)

Through:


(MUHAMMAD ASIF YOUSAFZAI)
Advocate, Peshawar.

Certificate of no objection -

It is certified that the undersigned
consent for appellant. There is no
objection at all in the Engagement
of consent of Pakistan of appellant.
Arsalan, Khairat: nothing is outstanding
against appellant.


Mansoor


Musleh
Khan

VAKALAT NAMA

NO. _____/20

IN THE COURT OF K Pk

Service Tribunal Peshawar (Appellant)
Arsalan Shaukai (Petitioner)
(Plaintiff)

VERSUS

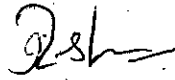
Food Dept. (Respondent)
(Defendant)

I/We Arsalan Shaukai (Appellant)

Do hereby appoint and constitute **M.Asif Yousafzai, 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 costs.

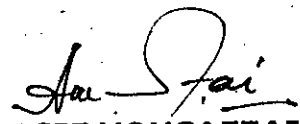
I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20



(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI
Advocate

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1287 /ST

Dated 27 / 8 / 2015

To


The Secretary,
Food,
Peshawar.

Subject: - Judgement.

I am directed to forward herewith a certified copy of Judgement dated 20.8.2015 passed by this Tribunal on subject for strict compliance.

Encl: As above

ok


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.