
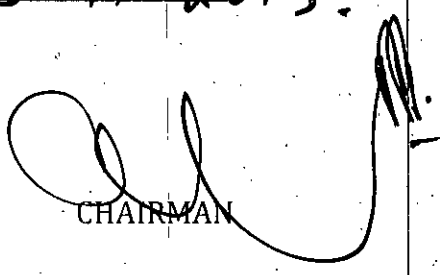


Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 1336/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	12/09/2013	<p>The appeal of Mr. Ovais Ahmad resubmitted today by Amina Rafiq 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	18-9-2013.	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>25-11-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

3.

25.11.2013

No one is present on behalf of the appellant. However pre-admission notice be issued to the respondents/GP for preliminary hearing on 21.01.2014.

  
Member

5.

21.01.2014

No one is present on behalf of the appellant. Mr. Hayat Ullah, Supdt with Mr. Zia Ullah, GP for the respondents present. Notices be issued to the appellant/counsel for the appellant for preliminary hearing on 27.02.2014.

*Noted for 27/2/14*  
*Ammed*  
*Advocate*

  
Member

7

27.02.2014

No one is present on behalf of the appellant. Mr. Zia Ullah, GP for the respondents present. Notices be issued to the appellant/counsel for the appellant for preliminary hearing on 15.04.2014.

  
Member

Appeal No. 1336/2 of 3  
Mr. Ziaullah

6.

15.04.2014

None for the appellant present. Mr. Ziaullah, GP for the respondents present. On previous date none was present on behalf of the appellant and notice to appellant and his counsel issued for today but even today none is available on behalf of the appellant. As such the appeal is dismissed in default. File be consigned to the record.

ANNOUNCED  
15.04.2014


  
Member

The appeal of Mr. Ovais Ahmad Ex- A.D, PDA Hayatabad received today i.e. on 09/09/2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of order dated 04.03. 2012 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 2- Copies of charge sheet, show cause notice, enquiry reply and replies thereto are not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.
- 4- Departmental appeal having no date be dated.

No. 1268 /S.T,

Dt. 10/09 /2013.

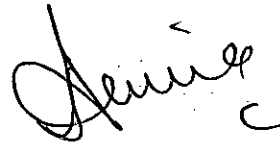
  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Amina Rafiq Adv. Pesh.

Sir,  
humbly submitted about above mentioned objections,

1. The impugned order of 03.2013 is attached at page # 27+28 Annex-P.
2. Said documents i.e objection #02, are not provided by the respondents.

Objections # 03+04 removed & resubmitted.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIUNAL  
PESHAWAR.

Appeal #....1336/2013

**OVAIS AHMAD** (Ex- A.D) PDA, Hayat Abad,  
Peshawar.(village Sherpao, Mohallah Mian Killi,  
Tehsil Tangi, District Charsadda.....Appellant

**VERSUS**

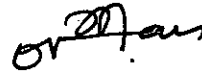
1. **Chief Secretary, Government of KPK, Civil Sectt. Peshawar**
2. **Secretary Local & Rural Development Deptt, Peshawar**
3. **Director General PDA, Phase-V, Hayatabad Peshawar.**
4. **Director Admn. PDA, Phase-V, Hayatabad Peshawar.....Respondents**

**INDEX**

<b>Sr #</b>	<b>DESCRIPTION OF DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
1	Memo of Appeal	-----	1-5
2	Affidavit	-----	6
3	Copies of appointment letter dated 29-08-1989 & Promotion notification dated 01/07/2006	<b>A - B</b>	7-8
4	Copy of Ex-Pakistan leave notification dated 12-08-2006	<b>C</b>	9
5	Copies of Extension leave applications & Forwarding Memos	<b>D, D/1 E, E/1</b>	10-13
6	Copies of Observation letter dated 9/10/08 & arrival report dated 11-3-2009	<b>F, G</b>	14-15
7	Copy of Recommendation letter (ex-Pakistan leave) dated 31/03/2009	<b>H</b>	16
8	Copies of Application for ex-Pakistan leave dated 02/05/09 & Forwarding letter dated 27/06/09	<b>I, I/1</b>	17-18
9	Copy of Office Order dated 23/05/2009 (regarding fixation of pay)	<b>J</b>	19
10	Copy of Letter of Admn (willful absence) dated 15/09/2009	<b>K</b>	20

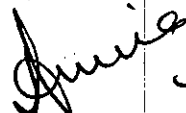
**INDEX**

Sr #	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
11	Copies of Arrival report dated 28-09-2009 & recommendation letter dated 04/11/2009	L, M	21- 22
12	Copies of Application for leave without pay dated 15/01/2010 & letter Disciplinary proceedings dated 28/05/2010	N, N/1	23-24
13	Copy of Enquiry report dated 17/10/2012	O	25-26
14	Copy of Impugned Order dated 04-03-2013	P	27-28
15	Departmental appeal & Receipt	Q	29-32
16	Vaqalat Nama	-----	33



APPELLANT

THROUGH



Amina Rafiq  
Advocate High Court.

Dated: 06/09/2013.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

①

Appeal #. 1336/2013

[Stamp]  
No. 1323  
Date 09-9-13

**OVAIS AHMAD** (Ex- A.D) PDA, Hayat Abad,  
Peshawar.(village Sherpao, Mohallah Mian Killi,  
Tehsil Tangi, District Charsadda.....Appellant

**VERSUS**

- 1) Chief Secretary, Government of KPK, Civil Sectt. Peshawar
- 2) Secretary Local & Rural Development Deptt, Peshawar
- 3) Director General PDA, Phase-V, Hayatabad Peshawar.
- 4) Director Admn. PDA, Phase-V, Hayatabad Peshawar.....Respondents

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT 1974 READ WITH SECTION 10 OF THE KHYBER PAKHTUNKHWA (THE THEN NWFP) REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE 2000 AGAINST THE NOTIFICATION No.SO(LG1/318 PDA/2013 DATED 04-03-2013, WHEREBY PENALTY OF REMOVAL FROM SERVICE HAS BEEN AWARDED TO THE APPELLANT AGAINST WHICH THE DEPARTMENTAL APPEAL HAS NOT BEEN REPLIED DESPITE THE LAPSE OF 90 DAYS.

[Stamp]  
[Signature]  
9/9/2013

PRAYER IN APPEAL:

re-submitted to [Stamp] and filed.

[Signature]  
9/9/13

On acceptance of this appeal the impugned Notification dated 04-03-2012 may please be set aside being illegal and void abinitio and the appellant may be re-instated in service with full back wages and consequential benefits of service.

Respectfully Submitted,

1. That the appellant was appointed as Horticulturist (BPS-16) vides order dated 29/08/1989 in (PDA) Peshawar Development Authority Peshawar /Respondent # 3, and was promoted to the post of Assistant Director (BPS-17) in CD&MD /PDA Peshawar on merit, brilliant record and regular basis. (Copies of the letters are annexed as A & B respectively.)
2. That the appellant rendered satisfactory service during the tenure of his stay as incumbent.
3. That it is a fact that not a petty complaint arised out of his service tenure against official career and his superior always remained satisfied with his efficient and honest working.
4. That while working in the capacity of Assistant Director (Hort) BPS 17 (PDA) , the appellant applied for ex- Pakistan leave for acquiring further studies. The application was duly processed and accepted vide notification dated 12/08/2006 by allowing leave for 730 days with effect from 15/08/2006 till 14-08-2008. ( Copy of Notification attached as annex C)
5. That on expiry of leave, the appellant again applied for extension of leave twice for two years under extreme necessity and compulsion. It is pertinent to add that in the first application leave with full pay was sought, but due to the urgency of the matter, the second application was submitted for grant of leave without pay. Both the applications were duly recommended by the department and forwarded to concerned quarters (Respondents -1 to 3) for approval. (copies of applications and forwarding memos are attached as annex D, D/1 , E ,& E/1 respectively)
6. That after considerable lapse of time, the respondents/department did not convey any decision regarding further study leave, therefore it was presumed by the appellant in good faith, that the leave has been sanctioned by the respondents/ department. Later on , the appellant came to know through sources that leave has not yet been sanctioned due to some observations , the appellant therefore reported for duty on 11-03-2009.( Copies of the observation and arrival repot is attached as annex F, G respectively)
7. That (Respondent-4) Director Admin PDA vides his recommendation letter dated 31-03-2009, suggested to the Section officer Local Govt Deptt: (Respondent-2) that Ex- Pakistan Study leave may kindly be accorded to the appellant with effect from 15-08-2008 to 10-03-2009 in order to regularize the matter. (copy of recommendation letter is attached as annex H).
8. That despite the arrival report and recommendation letter, it was noticed that the attitude of the respondents was malafidely prejudiced and no posting order as required under the rules on his return was issued, hence the appellant remained un posted.
9. That on 02/05/2009, the appellant submitted application for ex-Pakistan leave from May 2009 to May 2011 for completion of his study/ course. This application was duly forwarded to the concerned Quarters for



appropriate action vide Director Admin letter dated 27-06-2009 ( Copies of the application and forwarding Memo are attached as annex I, & I/1 )

- 10. That on 23-05-2009 an office order was issued by the respondent # 4/ Director Admin PDA for fixation of appellant's pay, but interestingly no posting order was issued till date , which clearly shows the malafide intention of the respondents.( copy of the office order is attached as annex J )
- 11. That on 15-09-2009, the Director Admin (Respondent-4) reported to the Secretary Local Govt (Respondent-2) with malafide intention that the appellant disappeared after submitting application on 02/05/2009, whereas , the factual position is that the appellant never disappeared, but the department did not issue any posting order despite of above mentioned letters.( Copy of director Admin letter is attached as annex K )
- 12. That due to the continued pressure and malafide intention of the respondents, the appellant was constrained to submit another arrival report on 28-09-2009, which was duly recommended by the respondent # 4/Director Admin to the concerned Quarter by treating the period from 15-08-2008 to 10-03-2009 as ex- Pakistan Leave and from 01-09-2009 to 28-09-2009 on Medical leave, however no posting order was issued till date. (Copies of arrival report dated 28-09-2009 and recommendation letter are attached as annex L & M )
- 13. That since long no action regarding appellant's posting Order was issued. On the other hand, the appellant was sitting idle in the office because of malafide intention and consideration of the respondents. therefore on 15-01-2010, the appellant again submitted application with prayer that he may be allowed ex-Pakistan leave for completion of study w.e.f 11-01-2010, which was his fundamental right as enshrined in the Constitution. But instead of considering this application on merit, the respondent # 4/ Director Admin recommended Disciplinary proceedings to the competent officer without valid reason.( Copies of the application and letter is attached as annex N& N/1)
- 14. That in the meanwhile, the appellant was astonishingly informed by some reliable sources that respondents/ department had issued unjustified and unwarranted notice to the appellant for resuming duty within 15.days vide order # SO (LG-1)2-318/PDA/2012/KC, dated 24/04/2012, It is pertinent to add that the said notice was never received by the appellant nor by any of his representative.
- 15. That Disciplinary proceedings were initiated against the appellant with out fulfilling the legal formalities as no proper show cause notice/ statement of allegation and charge sheet was issued and served upon the appellant . (which is a mandatory requirement) However, the appellant got the information through some sources and submitted a proper reply to the charge sheet as evident from the enquiry report dated 17/10/2012 submitted by the enquiry officer, which was also not communicated to the appellant. ( Copy of enquiry report is annex as O )
- 16. That the appellant complied with the orders of the respondents/department, time and again reported arrival but the department miserably failed to issue his posting order. Rather illegally and unlawfully initiated Disciplinary Proceedings against the appellant.

17. That impugned Order for removal from Service was issued on 04-03-2013, which was kept confidential. This order is contradictory to the findings of the enquiry officer.( copy of the impugned order is attached as annex P)
18. That the impugned order of removal from services was kept confidential and never conveyed to the appellant, which was otherwise traced by the appellant himself through some sources.
19. That departmental appeal was filed against the impugned order well within time, when came to the notice of appellant, but the department did not take any action on departmental appeal within the prescribed period. (copy of departmental appeal is enclosed as annexure-Q).
20. That the Impugned Order whereby appellant was awarded the major penalty of removal from service is liable to be set aside inter alia on the following grounds.

**GROUND OF APPEAL:**

- A. That the impugned order regarding termination of service issued by the competent authority, without affording opportunity of proper hearing is not sustainable in the eye of law and is liable to be set aside.
- B. That it was mandatory upon the competent authority under the rules to communicate his intention of levy of penalty to the appellant and give him proper and adequate opportunity of hearing before issuance of the order..
- C. That the copy of the enquiry report is mandatory to be issued to the accused as held by the superior courts in numerous cases, but in the instant case no such report was delivered to the appellant.
- D. That the appellant never disappeared from the office and submitted his arrival report time and again but illegally and with malafide intention of the respondents, no posting order was issued on his return from abroad.
- E. That departmental enquiry was initiated without valid reason as the appellant submitted his arrival report and the department was legally bound to issue his posting order accordingly.
- F. That there is clear contradiction in the enquiry report, and the order issued by the competent authority. Therefore the impugned order needs to be set aside.
- G. That under the constitution / law of country the appellant has due right of access to Inquiry report and related material , but no such record/ basis / recommendations have been shown or given to the appellant, so for, hence the entire proceedings are liable to cancelled/ set aside.
- H. That all the proceedings conducted against the appellant were violative of law and against the mandatory provisions of Khyber Pakhtunkhwa (the then NWFP) Removal from Service (Special Powers) Ordinance 2000, therefore, order impugned is thus liable to be set at naught.
- I. That Disciplinary proceedings were initiated against the appellant with out fulfilling the legal formalities as no proper show cause notice/ statement of allegation and charge sheet was issued and served upon the appellant .

(Which is a mandatory requirement) thus the order of termination as well as enquiry proceedings etc are violative of the principle of natural justice.

- J. That the appellant has at his credit a long service, serving the department since 1989 so the penalty imposed is too harsh and has brushed aside his long service career with one pen stroke.
- K. That the appellant never absented himself willfully and has availed leave duly applied for well in time, however refusal of leave was never communicated to him.
- L. That the department initiated illegal departmental proceedings against the appellant when he submitted last application for ex-pakistan leave in 2010, which was his legitimate right as enshrined in the Constitution, but instead of refusing or accepting the application, the respondents/ department resorted to departmental proceedings illegally and passed the impugned order, which is not sustainable at all.
- M. That no right of personal hearing is afforded to the appellant nor any regular enquiry conducted, nor any specific order regarding the dispensation of enquiry was communicated/issued thus the proceedings conducted are illegal and not tenable.
- N. That basic right of the appellant as enshrined in the constitution has been infringed by the department by illegal removal from service.
- O. That no show cause notice was issued to appellant nor imposition of predetermination of major penalty was conveyed to him, which was a basic legal requirement for completion of enquiry.
- P. That the impugned order for removal of service not conveyed to the appellant lacks its validity from all angles.
- Q. That the appellant seeks the permission of this Honourable tribunal to rely on additional grounds at the time of hearing of this appeal.

**PRAYER:-**

**It is therefore, very humbly requested,** that on acceptance of this appeal the impugned notification dated 04-03-2012 may please be set aside being illegal and void abinitio and the appellant may be re-instated in service with full back wages and consequential benefits of service.

**Any other relief,** which is not specifically asked for, may kindly be granted in favour of appellant.

*[Handwritten signature]*

APPELLANT

THROUGH

*[Handwritten signature]*

Amina Rafiq  
Advocate High Court.

Dated: 06/09/2013.

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

Appeal #...../2013

**OVAIS AHMAD** (Ex- A.D) PDA, Hayat Abad,  
Peshawar.(village Sherpao, Mohallah Mian Killi,  
Tehsil Tangi, District Charsadda.....**Appellant**

**VERSUS**

1. **Chief Secretary, Government of KPK, Civil Sectt. Peshawar**
2. **Secretary Local & Rural Development Deptt, Peshawar**
3. **Director General PDA, Phase-V, Hayatabad Peshawar.**
4. **Director Admn. PDA, Phase-V, Hayatabad Peshawar.....Respondents**

**AFFIDAVIT**

I ,Ovais Ahmad,(Ex- A.D) PDA, Hayat Abad,Peshawar.(village Sherpao, Mohallah Mian Killi, Tehsil Tangi, District Charsadda, do here by solemnly affirm and declare on oath that the contents of instant Service Appeal are true and correct with the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.

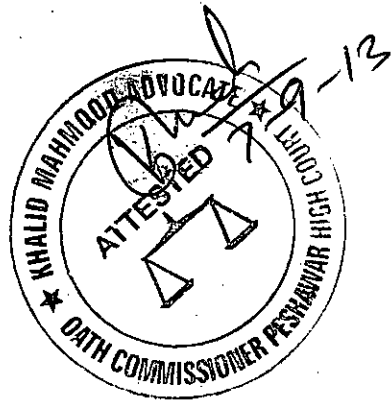
*Ovais Ahmad*

**Deponent**  
**Ovais Ahmad**  
CNIC # 17102-7815702-5

Identified by

*Sajjad Ali Shah*

**Mr Sajjad Ali Shah**  
CNIC # 17102-1146653-3



"A"

Annex - "A"

7

~~scribble~~

From: The Secretary,  
Peshawar Dev: Authority,  
Peshawar.

- To
- 1) The Director Hayatabad/Hort:  
Peshawar Development Authority,  
Peshawar.
  - 2) Deputy Director (Horticulture),  
Peshawar Development Authority,  
Peshawar.

Memo: No.

Dated Peshawar, the \_\_\_/\_\_\_/89.

Subject:- APPOINTMENT OF MR. QVAIS AHMAD AS HORTICULTURIST (EPS-16).

Mr. Qvais Ahmad has been appointed as Horticulturist by P.D.A. He has submitted his arrival report in this Authority on 28.8.1989 (Fore-Noon).

He is directed to report you for duty.

*[Signature]*  
Secretary,  
Peshawar Development Authority,  
Peshawar.

Enclt: No. 1.07.01 / 44-46 Dated Peshawar, the 29/8/89.

*Attested to be a true copy.*  
*[Signature]*

Copy to:-

The Director Finance, P.D.A.

*[Signature]*  
Secretary,  
Peshawar Development Authority

From: The Secretary,  
Peshawar Dev: Authority,  
Peshawar.

To 1. The Director Hayatabad/ Hort:  
Peshawar Development Authority,  
Peshawar.

2. Deputy Director (Horticulture),  
Peshawar Development Authority,  
Peshawar.

Memo: No.  
Dated Peshawar, the \_\_\_\_/8/89.

Subject: Application of Mr. Ovais Ahmad as  
Horticulturist (BPS-16).

Mr. Ovais Ahmad has been appointed as Horticulturist  
by PUDE. He has submitted his arrival report in this Authority on  
28/08/1989 (Pore-Noon).

He is directed to report you for duty.

Secretary  
Peshawar Development Authority,  
Peshawar.

Endst: NO. 1.07.01/44-46

dated Peshawar, the 29/8/89.

Copy to:-  
The Director Finance, PDA.

Secretary  
Peshawar Development Authority,  
Peshawar.

GOVERNMENT OF N.W.F.P.,  
LOCAL GOVERNMENT, ELECTIONS AND RURAL  
DEVELOPMENT DEPARTMENT

~~Amex-B~~  
Amex-B  
8

NOTIFICATION

Dated Peshawar, the 1<sup>st</sup> July, 2006

No.SO(LG-I)4-4/DAs/05/Vol:II.- On having been cleared for promotion by the Board in its meeting held on 08-06-2006, Mr.Ovais Ahmad, Horticulturist (BPS-16), CD&MD is hereby promoted to the post of Assistant Director (Horticulture BPS-17) in City Development and Municipal Department, Peshawar with immediate effect.

2. On his promotion, Mr.Ovais Ahmad is hereby posted against the vacant post of Assistant Director (Horticulture) in CD&MD, Peshawar.

SECRETARY TO GOVERNMENT OF NWFP,  
LOCAL GOVT. ELECTIONS AND RURAL  
DEVELOPMENT DEPARTMENT

Endst. No.SO(LG-I)4-4/DAs/06

Dated Peshawar, the 1<sup>st</sup> July, 2006

Copy is forwarded to:-

1. The Secretary to Government of NWFP, Establishment Department.
2. The District Coordination Officer, City District Government, Peshawar.
3. The Director General, CD&MD, Commercial Complex, Phase-V, Hayatabad, Peshawar.
4. Mr.Ovais Ahmad, Assistant Director (Horticulture), CD&MD, Peshawar.
5. The Director (Finance & Budget), CD&MD, Phase-V, Hayatabad, Peshawar.
6. The Project Directors, KDA, BDA, DDA, MDA, SDA, SDA, Swat, ADA and MDA, Mansehra.
7. The Manager, Government Printing Press, Peshawar.
8. Personal file of the officer concerned.

Attested to  
be a true copy  
Amir

(ILAM KHAN KHATTAK)  
SECTION OFFICER (ESTAB:)

173

"C"

Annex-

(9)

GOVERNMENT OF N.W.F.P.,  
LOCAL GOVT. ELECTIONS AND RURAL  
DEVELOPMENT DEPARTMENT

NOTIFICATION

Dated Peshawar, the 12<sup>th</sup> August, 2006

No.SO(LG-I)2-318/CD&MD/06.- Sanction to the grant of two years (730) days Study Leave is hereby accorded in respect of Mr.Owais Ahmad, Assistant Director (Hort), City Development and Municipal Department, Peshawar with effect from 15-08-2006 subject to title.

2. The Provincial Government has no objection to the proceeding abroad of Mr.Owais Ahmad, Assistant Director (Hort) during the leave period.
3. On expiry of leave, the officer is likely to return to the same post and station.

SECRETARY TO GOVT. OF N.W.F.P.,  
LOCAL GOVT. ELECTIONS & RURAL  
DEVELOPMENT DEPARTMENT

Endst.No.SO(LG-I)2-318/CD&MD/06 Dated Peshawar, the 12<sup>th</sup> August, 2006

Copy is forwarded to.

1. The District Coordination Officer, City District Government, Peshawar.
2. The Director General, CD&MD, Peshawar, Commercial Complex, Phase-V, Hayatabad, Peshawar.
3. The Director (Budget & Accounts), CD&MD, Peshawar.
4. The Officer concerned.

*Attested to be a  
true copy  
Annex*

*Dil Muhammad*  
(DIL MUHAMMAD)  
SECTION OFFICER (ESTAB)



To

The Director General  
CD & MD, Hayatabad  
Peshawar,

~~Amex-D~~  
Amex-"D"

(10)

Subject: STUDY LEAVE

With due respects, it is stated that my study leave has been expired on 14.8.2008. My study is still not completed and I am in need of more leave to complete my study. It is therefore requested that my study leave may be extended for two years more. (From 15.08.2008 to 14.08.2010)

Your's Obediently

*Ovais Ahmad*

(Ovais Ahmad)

Assistant Director, Horticulture

Dated 13/8/2008

Attested to be  
a true copy  
*Ovais*

~~Annex-1~~  
3  
Annex-D/1  
(11)

To

The Director General  
City Development & Municipal Department  
Peshawar.

Subject: - Extension of Study Leave

Dear Sir,

With due respect it is submitted that my 2 years study leave with pay is going to expire on 15.8.2008 while my study will be completed in 2010. In order to complete my study I am in need of two year more ex-Pakistan Study leave with effect from 15.8.2008 to 14.8.2010.

You are, therefore requested to kindly grant me the above mentioned leave without pay and oblige.

Attested to be  
a true copy  
Jinnah

Yours Faithfully

(QVAIS AHMAD)  
Assistant Director (Hort)  
CD&MD

(E) 254  
CITY DEVELOPMENT & MUNICIPAL DEPARTMENT  
COMMERCIAL COMPLEX, PHASE-V, HAYATABAD.

No.1.13.59/57-52  
Dated Peshawar the, 08/09/2008.

~~Annexure~~

AB  
Annex-  
"E"

12

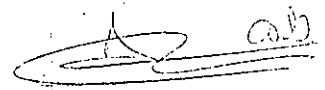
To

The Section Officer (Estab),  
Local Government Department,  
Government of N.W.F.P.,  
Peshawar.

SUBJECT: EXTENSION IN STUDY LEAVE.

I am directed to enclose herewith an application regarding extension in Ex-Pakistan Study Leave for 02-Years with effect from 15-08-2008 to 14-08-2010 in respect of Mr.Ovais Ahmad, Assistant Director (Hort), CD&MD duly recommended for approval please.

Encl: Attached.

  
DIRECTOR (ADMIN)  
CD&MD

Encl: No.1.13.59/57-52

Dated Peshawar the, 08/09/2008.

Copy to: -

1. The P.S to Director General, CD&MD

Attested to be  
a true copy  
Ovais  
o/c

  
DIRECTOR (ADMIN)  
CD&MD

City Development & Municipal, Department  
Commercial Complex, Phase-V, Hayatabad

No. 1.13.52.57-52

Dated Peshawar the 08/09/2008

To

The Section Officer (Estab:)  
Local Government Department  
Government of N.W.F.P.,  
Peshawar.

Subject: EXTENSION IN STUDY LEAVE.

I am directed to enclose herewith an application regarding extension in Ex-Pakistan Study Leave for 02-years with effect from 15-08-2008 to 14-08-2010 in respect of Mr. Qvais Ahmad, Assistant Director (Hort), CD & MD. duly recommended for approval please.

Encl: Attached.

Director (Admin)  
CD&MD

Ends: No. 1.13.59/51-52

Dated Peshawar the, 08/09/2008

Copy to:-

1. The P.S to Director General CD&MD,

Director (Admin)  
CD&MD

~~(15/17)~~  
CITY DEVELOPMENT & MUNICIPAL DEPARTMENT  
COMMERCIAL COMPLEX, PHASE-V, HAYATABAD.

No. 1.13.59/16-17  
Dated Peshawar the, 13/09/2008.

(13)

To

The Section Officer (Estab),  
Local Government Department,  
Government of N.W.F.P.,  
Peshawar.

~~Amex-E~~  
Amex-E

SUBJECT: EXTENSION IN STUDY LEAVE.

I am directed to enclose herewith an application regarding **extension in**  
Ex-Pakistan Study Leave (without pay) for 02-Years with effect from **15-08-2008 to 11-**  
**08-2010** in respect of Mr.Ovais Ahmad, Assistant Director (Hort), CD&MD **duly**  
recommended for approval please.

Encl: Attached.

DIRECTOR (ADMIN)  
CD&MD

Endst: No. 1.13.59/16-17

Dated Peshawar the, 13/09/2008.

Copy to: -

1. The P.S to Director General, CD&MD.

*P.F. attested to be a true copy. O/C.*

DIRECTOR (ADMIN)  
CD&MD

CITY DEVELOPMENT & MUNICIPAL DEPARTMENT  
COMMERCIAL COMPLEX, PHASE-V, HAYATABAD.

No. 1-13-59/11-12  
Dated Peshawar the 09/10/2008.

Annex - F

The Section Officer (Estab),  
Local Government Department,  
Government of N.W.F.P.,  
Peshawar.

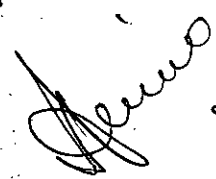
SUBJECT: EXTENSION IN STUDY LEAVE.

Reference: Your letter No. S.O (LG-I) 2-318/CD&MD 08 Dated 22-09-2008

The requisite Para-wise reply is as under please.

1. The matter was pointed out vide this office letter No. 1-13-59/0-3 dated 30-11-2006 (Copy enclosed), which was clarified vide your Office letter No. SO (LG-I) 2-2-318/CD&MD/06 Dated 07-12-2006. (Copy enclosed)
2. Initially the documents were produced with the application submitted in the first instance for study leave by the officer concerned (copy of approval regarding admission of the said officer by the concerned university is enclosed). However, no documents were produced with the application submitted by the said officer for extension of study leave.
3. As already clarified vide item No. 2.
4. Leave account duly verified by Director Finance on the prescribed performa is enclosed please.

  
DIRECTOR (ADMIN)  
CD&MD

Attested to be a true copy.  


Endst: No.

Dated Peshawar the, \_\_\_/10/2008.

Copy to: -

1. The P.S to Director General, CD&MD.

  
DIRECTOR (ADMIN)  
CD&MD

City Development & Municipal, Department  
Commercial Complex, Phase-V, Hayatabad

No. 1.13.52.59/11-12

Dated Peshawar the 09/10/2008

To

The Section Officer (Estab:)  
Local Government Department  
Government of N.W.F.P,  
Peshawar.

Subject: EXTENSION IN STUDY LEAVE.

Reference: Your Letter No. S.O (LG-1)2-318/CD&MD 08 Dated 22-09-2008

The requisite Para-wise reply is as under please.

1. The matter was pointed out vide this office letter No. 1-13-59/0-3 dated 30-11-2006 (Copy enclosed), which was clarified vide your Office letter No. SO(LG-1)2-2-318/CD&MD/06 Dated 07-12-2006. (Copy enclosed).
2. Initially the documents were produced with the application submitted in the first instance for study leave for the officer concerned (Copy of approval regarding admission of the said officer by the concerned university is enclosed). However, no documents were produced with the application submitted by the said officer for extension of study leave.
3. As already clarified vide item No. 2.
4. Leave account July verified by Director Finance of the prescribed performa is enclosed.

Encl: Attached.

Director (Admin)  
CD&MD

Ends: No. Dated Peshawar the, /10/2008

Copy to:-

2. The P.S to Director General CD&MD,

Director (Admin)  
CD&MD

The Director General,  
Peshawar Development Authority  
Hayatabad, Peshawar.

~~Annex-1142-~~

15

Annex - G

SUBJECT: ARRIVAL REPORT.

R/Sir,

I hereby submit my arrival report for duty today dated 11.03.2009

(F.N).

Dated 11.03.2009

2323  
11/03/09

Attested to be  
a true copy

Yours Obediently

Ovais Ahmad  
(OVAIS AHMAD)  
ASSISTANT DIRECTOR  
(Hort) PDA

D/A

Handwritten signatures and dates at the bottom of the page, including "11/3/09".



No. 1-13-59/49-50  
Dated Peshawar the, 3/103/2009.

~~Annexure~~ (16)  
Annex-H

The Section Officer (Estab),  
Local Government Department,  
Government of N.W.F.P.,  
Peshawar.

SUBJECT: ARRIVAL REPORT

Mr. Owais Ahmad Assistant Director (Hort) of this Authority was granted Two years (730-days) Ex-Pakistan study leave w.e.f 15-08-2006 to 14-08-2008 vide Notification No. SO (LG-I) 2-281/CD&MD/06 dated 12-08-2008. The said officer applied for time extension in the said Ex-Pakistan study leave for further 2-years, which was under process in LGE&EDD. However, approval of the same was not been granted so far. In the meantime the said officer has submitted Arrival Report on 11-03-2009 in this Authority.

It is therefore recommended that ex-post facto sanction may kindly be accorded for the Ex-Pakistan study leave w.e.f 15-08-2008 to 10-03-2009 in order to regularize the matter please.

u

oll

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY

Dated Peshawar the, 3/103/2009.

Endst: No. 1-13-59/49-50

Copy to: -

oll

1. The P.S to Director General, PDA.

Attested to  
be a true copy  
Jinnah

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY

17

To

The Director General,  
Peshawar Dev: Authority,  
Peshawar.

~~Ammer-I~~  
~~Ammer-I~~

Ammer-I

THROUGH: PROPER CHANNEL.

SUBJECT: EX-PAKISTAN LEAVE.

Respected Sir,

It is stated that my Education in Canada is still under process and I want to complete my education, which will need further two years. It is therefore requested to kindly grant me leave without pay from May, 2009 to May, 2011 (two years) to complete my education and obliged.

Thanks.

Dated: 02/05/2009.

Attested to be  
a true copy

*[Signature]*

Yours Obediently,

*[Signature]*

(OVAIS AHMAD)  
Assistant Director PDA.

No. 5186  
02/06/09


*[Signature]*

*[Signature]*  
02/06/2009

Subh

*[Signature]*

No. 1-13-59/11-12.  
Dated Peshawar the, 27 /06/2009.

~~(I/P)~~

~~Ames...~~ (18)

Annex-I  
17/1

To

The Section Officer (Estab),  
Local Government Department,  
Government of N.W.F.P,  
Peshawar.

SUBJECT: ARRIVAL REPORT

Reference: Your letter No. SO(LG-I) 2-318/PDA/09 dated 09.05.2009

Enclosed please find herewith arrival report submitted by  
Mr. Owais Ahmad, Assistant Director (Hort) in this authority on 11.03.2009.

In light of instruction issued in the notification by your office vide No.  
SO(LG-I) 2-318/CD&MD/06 dated 12.09.2006 (copy enclosed), the officer has  
submitted arrival report in this authority.

Moreover, the officer has again applied for Ex-Pakistan leave w.e.f May  
2009 to May 2011 as per application attached which is forwarded for your further action  
please.

Recd 27/6/2009

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY

Dated Peshawar the, 27 /06/2009.

Endst: No. 1-13-59/11-12

Copy to: -

- 1. P.S to the Director General, PDA.

Attested to be  
a true copy  
[Signature]

B

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY

PESHAWAR DEVELOPMENT AUTHORITY  
COMMERCIAL COMPLEX, PHASE-V, HAYATABAD.

No.1.13.59/44-46  
Dated Peshawar the, 23/05/2009.

~~Annex-1~~

Annex-"J"

OFFICE ORDER.

Consequent upon the promotion of Mr. Owais Ahmad as Assistant Director (Hort) BPS-17 vide Secretary, Local Government Department Notification No.SO (LG-I)4-4/DAs/06, dated 27/07/2006, the Director General, PDA has been pleased accord approval for fixation of pay of the said officer as per detailed below:-

- |   |                |
|---|----------------|
| 1) Basic pay as-on 30-11-2006                 | Rs. 10,350/-   |
| 2) By granting annual increment on 1.12.2006  | Rs. 10,885/-   |
| 3) Pay revised on 1.07.2007 and fixed         | Rs. 12,515/-   |
| 4) By granting annual increment on 01.12.2007 | Rs. 13,130/-   |
| 5) Pay revised on 01.08.2008 and fixed        | Rs. 15,770/- ✓ |

*Q. Owais Ahmad*  
23/5/2009

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY

Dated Peshawar the, 23/05/2009.

Endst:No.1.13.59/44-46

Copy to: -

1. The Director Finance, PDA.
2. Officer Concerned.
3. File No.1.15.112.

*Attested to be  
a true copy  
Q. Owais Ahmad*

*Q. Owais Ahmad*  
23/5/2009

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY

*Ar*

PESHAWAR DEVELOPMENT AUTHORITY  
COMMERCIAL COMPLEX, PHASE-V, HAYATABAD.

No. 1-13-59/35-36  
Dated Peshawar the, 15/09/2009.

243  
20  
Annexure - K

To

The Secretary,  
Local Government Department,  
Government of N.W.F.P.,  
Peshawar.

SUBJECT: WILFUL ABSENCE FROM DUTY OF MR. OWAIS AHMAD,  
ASSISTANT DIRECTOR (Hort)

I am directed to state that Mr. Owais Ahmad, Assistant Director (Hort), has submitted arrival report on 11.03.2009 after availing Ex-Pakistan leave. He has submitted an application on 2.05.2009 for a period of 2-years and after submitting his application his whereabouts are not known.

I am further directed that the said officer may be suspended from **service** and disciplinary action under Removal from service (Special Power) Ordinance, 2000 against the said officer may also be initiated please.

c/e

15/9/2009

DIRECTOR (ADMIN)  
PESHAWAR DEV. AUTHORITY

Dated Peshawar the, 15/09/2009.

Encls: No. 1-13-59/35-36

Copy to: -

1. The P.S to Director General, PDA.

Attested to be a true copy  
Official

DIRECTOR (ADMIN)  
PESHAWAR DEV. AUTHORITY

248. ~~248~~ 22

PESHAWAR DEVELOPMENT AUTHORITY  
COMMERCIAL COMPLEX, PHASE-V, HAYATABAD.

No. 1-13-59/4-5  
Dated Peshawar the 11/11/2009.

Annexure-M

To: The Section officer (Establishment)  
LG&RDD, NWFP.  
Peshawar.

Subject: ARRIVAL REPORT

Reference: Your letter No: SO(LG-1)2-318/PDA/09/KC dated. 16-09-2009.

Mr. Owais Ahmad Assistant Director (Horticulture) was granted Ex-Pakistan Study Leave w.e.f 15-08-2006 vide your office order No. SO (LG-1) 2-318 / CD&MD /06 dated. 12-08-2006 which has been expired on 14-08-2008. The said officer applied for extension in his study leave for further 2 years which was under process in LG&RDD.

In the meantime the said officer submitted arrival report on 11-3-2009 which was sent to LG&RDD with the recommendation to sanction his Ex-Pakistan study leave w.e.f 15-08-2008 to 10-03-2009. The said case was under process in LG&RDD and in the meantime the said officer has again submitted leave application for 2 years on 02-05-2009 which was also sent to LG&RDD for disposal. However some observation was made by your office vide letter No. SO(LG-1)2-318 /PDA/09/KC dated. 21-07-2009 after which this Authority made report to LG&RDD for taking disciplinary action against the said officer vide letter No. 1-13-59/35-36 dated. 15-09-2009.

Now the said officer has submitted Medical Certificate for 4 week w.e.f 1-9-2009 and after availing the medical leave the said officer has resumed his duty w.e.f. 28-09-2009.

In view of the above it is recommended that the said officer may be allowed the leave as mentioned below in order to regularize the matter.

1. w.e.f. 15-08-2008 to 10-03-2009 (207 days) as Ex-Pakistan study leave.
2. w.e.f 01-09-2009 to 28-09-2009 (28 days) as medical leave on full pay.

*[Signature]*  
02/11/2009

DIRECTOR (ADMIN)  
PESHAWAR DEV. AUTHORITY  
Dated Peshawar the, 11/11/2009.

Endst: No. 1-13-59/4-5

Copy to:-

1. P.S to the Director General, PDA.

*attested to  
be true copy*

DIRECTOR (ADMIN)  
PESHAWAR DEV. AUTHORITY

To

The Director General,  
Peshawar Development Authority,  
Peshawar.

Annexure - M

(23)

Att

Subject: - LEAVE WITH OUT PAY

R/Sir,

With due respect it is stated that I have taken admission in Master of Science, Food Safety and Quality Assurance in the University of Guelph Canada (copy of the admission offer is enclosed herewith). My classes are started from January 11, 2010.

19

It is earnestly requested that I may please be granted leave with out pay for three years to complete my aforesaid study.

Dated 15/01/2010

Your Obediently

*or Mas*

(OVAIS AHMAD)  
Assistant Director (Hort)

*OK*

*25/3/2010*

*Attested to be a true copy*

*Qureshi*

*Put up in file*

*27/3*

*RM*

PESHAWAR DEVELOPMENT AUTHORITY  
COMMERCIAL COMPLEX, PHASE-V, HAYATABAD.

No. 1-13-59/26-27  
Dated Peshawar the, 28/5/2010.

24  
Annexure N/1  
15

To

The Section Officer (Estab),  
Local Government Department,  
Government of Khyber Pukhtunkhwa,  
Peshawar.

SUBJECT: ARRIVAL REPORT

I am directed to inform that Mr. Owais Ahmad Assistant Director (Hort) of this Authority was granted Two years (730-days) Ex-Pakistan study leave w.e.f 15-08-2006 to 14-08-2008 vide Notification No. SO (LG-I) 2-281/CD&MD/06 dated 12-08-2008 (copy enclosed). The said officer applied for time extension in the said Ex-Pakistan study leave for further 2-years, which was under process in LGE&EDD. However, approval of the same has not been granted so far. In the meantime the said officer has submitted Arrival Report on 11-03-2009 in this Authority. Again the officer has submitted application for 02-Years study leave on 02-05-2009 which was sent to LGE&RDD upon which LGE&RDD has made some observation vide letter No. SO (LG-I) 2-378/PDA/09/KC dated 21 July 2009. This Authority has requested to LGE&RDD for taking disciplinary action against the said officer vide letter No. 1-13-59/35-36 dated 15-09-2009 (copy enclosed).

On 01-09-2009 above named officer has submitted a medical certificate for 04-weeks leave and after expiry of the leave he has reported for duty w.e.f 28.09.2009. Finally this office has recommended earned leave for 235-days to the said officer and sent to LGE&RDD vide letter No.1-13-59/4-5 dated 04-11-2010 approval of which is still awaited (copy enclosed).

Now the said officer has again submitted an application, dated 15-01-2010 for study leave (with out pay) received in this office on 25-03-2010 (Copy Enclosed)

It is requested that the officer is habitual for taking leave on one pretext or the other, therefore strict disciplinary action may be initiated against the said officer please.

Endst: No. 1-13-59/26-27

Copy to: -

1. The P.S to Director General, PDA.

attested to be a true copy  
[Signature]

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY  
Dated Peshawar the, 28/5/2010.

[Signature] 28/5/2010

O/C

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY

O/C



# INQUIRY REPORT

25

Subject:

DISCIPLINARY PROCEEDING UNDER THE KHYBER  
PAKHTUNKHWA GOVERNMENT SERVANTS (E&D)  
RULES, 2011 AGAINST MR. OWAIS AHMAD ASSISTANT  
DIRECTOR (HORTICULTURE) PDA.

Annex-0

Authority:

The undersigned has been appointed as Inquiry Officer vide Secretary, LG&RDD letter No. SO(LG-I)2-318/PDA-2012, dated 27-06-2012.

Background:-

Mr. Owais Ahmad, Assistant Director (Horticulture) was absent w.e.f. 15-08-2008 without approval of the Competent Authority.

Inquiry Proceedings:-

Mr. Owais Ahmad, Assistant Director (Horticulture) was summoned through this office letter No. 3.09.01/21-23, dated 05-07-2012, letter No.3.09.01/13-15, dated 26-07-2012 letter No. 3.09.01/8-10 dated 13-08-2012 and letter No. 3.09.01/17-19 dated 06-09-2012 to attend the office of the undersigned to be heard in person and record his written statement regarding his willful absence from duty in his defence.

Allegations:-

- i) That you were granted two years study leave with effect from 15-08-2006 to 14-08-2008. This period of leave was expired on 14-08-2008 (A.N), but you failed to report for duty.
- ii) That a notice was served upon you at your home address vide LG&RDD letter No. SO(LG-I)2-318/PDA/2012/KC, dated 24-04-2012 to report duty and explain reason for your willful absence.
- iii) That you reported arrival but no reasons have been given to justify your willful absence with effect from 15-08-2008 onward.
- iv) That due to your willful absence from duty, the official work has been affected, which prove your in-efficiency as well as misconduct towards performing of official duty.

Reply of Allegations by the Officer:-

Mr. Owais Ahmad, Assistant Director (Horticulture) attended the office of the undersigned and recorded his statement regarding charges leveled against him. The written statement of the officer is attached as Annex-AA.

Analysis of evidence:-

On expiry of study leave on 14-08-2008 the officer submitted his application on 13/08/2008 copy attached as Annex-A to enhance study leave upto 14-08-2010. The application was recommended and forwarded for approval of the Competent Authority copy attached as Annex-B.

Subject: DISCIPLINARY PROCEEDING UNDER THE KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (E&D) RULES, 2011 AGAINST MR. AWAIS AHMAD ASSISTANT DIRECTOR (HORTICULTURE) PDA.

Authority:

The undersigned has been appointed as Inquiry Officer vide Secretary, LGF&RDD Letter No. SO (LG-1)2-318/PDA-2012 Dated 27-06-2012.

Background:

Mr. Owais Ahmad, Assistant Director (Horticulture) as absent w.e.f. 15-08-2008 without approval of the Competent Authority.

Inquiry Proceedings:-

Mr. Owais Ahmad, Assistant Director (Horticulture) was summoned through this office letter No. 3.09.01/21-23, dated 05-08-2013, letter No. 3.09.01/13-15, dated 26-07-2012 letter No. 03.09.01/8-10 dated 13-08-2012 and letter No. 3.09.01/17-19 dated 06-09-2012 to attend the office of the undersigned to be heard in person and record his written statement regarding his willful absence from duty in his defended.

Allegations:-

- i) That you were granted two years study leave with effect from 15-08-2006 to 14-08-2008. This period of leave was expired on 14-08-2008 (A.N), but you failed to report for duty.
- ii) That a notice was served upon you at your home address vide LG&RDD letter No. SO(LG-I)2-318/PDA/2012/KC, dated 24-04-2012 to report duty and explain reason from your willful absence.
- iii) That you reported arrival but no reasons have been given to justify your willful absence with effect from 15-08-2008 onward.
- iv) That due to your willful absence from duty, the official work has been affected, which prove your in-efficiency as well as misconduct towards performing of official duty.

Reply of Allegations by the Officer:-

Mr. Owais Ahmad, Assistant Director (Horticulture) attended the office of the undersigned and recorded his statement regarding charges leveled against him. The written statement of the officer is attached as Annex-AA.

Analysis of evidence:-

On expiry of study leave on 14-08-2008 the officer submitted his application on 13/08/2008 copy attached as Annex-A to enhance study leave upto 14-08-2010. The application was recommended and forwarded for approval of the Competent Authority. Copy attached as Annexure-B.

- Another application is attached as Annex-C, was also sent to Section Officer (E) LGE&RDD through letter attached as Annex-D.
- Different quarries were made time and again by LGE&RDD through letter attached as Annex-E
- The officer submitted his arrival report on 11-03-2009 is attached as Annex-F. The arrival report was conveyed to Section Officer (E) through letter attached as Annex-G for ex-post-facto sanction in Ex-Pakistan leave with effect from 15-08-2008 to 10-03-2009 in order to regularize the matter.
- On 25-05-2009 upon promotion of officer as Assistant Director (Hort.) BPS-17 the pay fixation was done copy attached as Annex-H.
- On 02-06-2009 the officer again submitted his application for Ex-Pakistan leave without pay upto May 2011 copy attached as Annex-I. The same was forwarded to Section Officer (E) through letter copy attached as Annex-J.
- On 15-09-2009 PDA through letter attached as Annex-K, informed Section Officer (E) LGE&RDD that the where-about of the officer after arrival, is not known.
- On 28-09-2009 the officer submitted his arrival report copy attached as Annex-L. The matter was again informed to Section Officer (E) LGE&RDD through letter attached as Annex-M, to regularize the matter.
- The officer on 15-01-2010 again submitted an application to Director General, PDA attached as Annex-N. The application was send to Section Officer (E) LGE&RDD through letter which is self explanatory attached as Annex-O.
- No further correspondence is available in personal file of the officer.

Observations & Findings:-

Upon written statement, verbal discussion with Mr. Owais Ahmad, Assistant Director (Hort.) and the analysis of evidence. The officer had to obey the rules of the department but he did not wait till the decision of the Competent Authority hence the charges are established.

Recommendations:-

Keeping in view length of service of the officer, it is recommended that absence period of the officer may be converted into leave without pay from August 14, 2008 to September 12, 2012. and stoppage of one increment with warning notice if agreed please.

*Attested to  
be a true copy  
Owais*

*Ijaz*  
17/10/12  
IJAZ AFZAL KHAN  
DIRECTOR (ESTATE-MANAGEMENT)  
Peshawar Development Authority  
Hayatabad, Peshawar.  
(INQUIRY OFFICER)

- ✓ Another application is attached as Annex-C, was also sent to Section Officer (E) LGE&RDD through letter attached as Annex-D.
- ✓ Different quarries were made time and again by LGE&RDD through letter attached as Annex-E.
- ✓ The officer submitted his arrival report on 11-03-2008 is attached as Annex-F. the arrival report was conveyed to Section officer (E) through letter attached as Annex-G for ex-post-Facto sanction in Ex-Pakistan leave with effect from 15-08-2008 to 10-03-2009 in order to regularize the matter.
- ✓ On 25-05-2009 upon promotion of officer as Assistant Director (Hort:) BPS-17 the pay fixation was done copy attached as Annex-H.
- ✓ On 02-06-2009 the officer against submitted his application for Ex-Pakistan leave without pay upto May 2011 copy attached as Annex-I. the same was forwarded to Section Officer (E) through letter copy attached as Annex-J.
- ✓ On 15-09-2009 PDA through letter attached as Annex-K, informed Section Officer (E) LGE&RDD that the where-about of the officer after arrival, is not known.
- ✓ On 28-09-2009 the officer submitted his arrival report copy attached as Annex-L. the matter was again informed to Section officer (E) LGE&RDD through letter attached as Annex-M, to regularize the matter.
- ✓ The officer on 15-01-2010 again submitted an application to Director General PDA attached as Annex-N. The application was send to Section Officer (E) LGE&RDD through letter which is self explanatory attached as Annex-O.
- ✓ No further correspondence is available in personal file of the officer.

Observations & Findings:-

Upon written statement, verbal discussion with Mr. Owais Ahmad, Assistant Director (Hort:) and the analysis of evidence. The officer had to obey the rules of the department but he did not wait till the decision of the Competent Authority hence the charges are established.

Recommendations:-

Keeping in view length of service of the officer, it is recommended that absence period of the officer may be converted into leave without pay from August 14, 2008 to September 12, 2012. And stoppage of one increment with warning notice if agreed please.

IJAZ AFZAL KHAN  
DIRECTOR (ESTATE MANAGEMENT)  
Peshawar Development Authority  
Hayatabad, Peshawar.  
(INQUIRY OFFICER)

*Annex 1*

*P*

*27*

GOVERNMENT OF KHYBER PAKHTUNKHWA,  
LOCAL GOVERNMENT, ELECTIONS AND RURAL  
DEVELOPMENT DEPARTMENT

ORDER

Dated Peshawar, the 4<sup>th</sup> March, 2013

No.SO(LG-I)2-318/PDA/2012.- WHEREAS, Mr.Owais Ahmad, Assistant Director (Hort) BPS-17, Peshawar Development Authority was granted Ex-Pakistan leave and was required to report for duty on 15-08-2008, but he did not report for duty and remained absent;

2. WHEREAS notice was issued to him on his home address vide registered letter No.SO(LG-I)2-318/PDA/2012/KC, dated 24-04-2012 directing him to resume duty within 15 days of receipt of notice and intimate cause of his absence failing which action will be taken against him under the relevant rules/laws;

3. WHEREAS the officer submitted arrival report within the stipulated period but no reasons were given to justify his willful absence with effect from 15/08/2008 and onward;

4. WHEREAS Mr.Ijaz Afzal, Director (Estate Management) Peshawar Development Authority was appointed as an Enquiry Officer to conduct enquiry into the allegations mentioned in the charge sheet dated 27-06-2012 served upon the above officer;

5. AND WHEREAS the Enquiry Officer conducted the enquiry against him in accordance with Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, examined the charges, evidence on record, submitted his report recommending termination of services of the officer as his whereabouts are not known and reportedly he has again proceeded abroad without permission of the Competent Authority. The allegations stands established against him;

6. NOW THEREFORE, the Competent Authority under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline), Rules, 2011 and in view of recommendation of the Enquiry Officer has been pleased to order the "Removal from Service" of Mr.Owais Ahmad, Assistant Director (Hort) BPS-17, Peshawar Development Authority with immediate effect. The period from date of his absence to 3-03-2013 shall be treated as willful absence from duty.

*Attested to be a true copy*  
*Shiraz*

SECRETARY TO GOVT.OF KHYBER  
PAKHTUNKHWA, LG&RDD/  
CHAIRMAN BOARD

28

...2...

Endst No.SO(LG-12-318/PDA/2012

Dated Peshawar. the 4<sup>th</sup> March, 2013

Copy is forwarded:-

1. The Director General, Peshawar Development Authority, Hayatabad, Peshawar.
2. The Director Finance, PDA, Hayatabad, Peshawar.
3. All Project Directors. Local Area Authorities in Khyber Pakhtunkhwa.
4. The Director Information. Khyber Pakhtunkhwa, Khyber Road, Peshawar.
5. Mr.Owais Ahmad. Ex-AD(Hort), Village Mian Kaley, Sherpao, Tehsil and district Charsadda.
6. The PS to Advisor to Chief Minister for LG&RDD, Khyber Pakhtunkhwa
7. The PS to Secretary, LG&RDD
8. The office order file.

(IZAZ ULLAH)  
SECTION OFFICER (ESTAB)

Annex-Q

29

To,

1. **The Chief Secretary**  
Government of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar

✓ 2. **The Secretary**,  
Government of Khyber Pakhtunkhwa,  
Local Government & Rural Development Department,  
Civil Secretariate, Peshawar.

THROUGH PROPER CHANNEL

APPEAL / REPRESENTATION UNDER SECTION 9 OF  
THE KHYBER PAKHTUNKHWA REMOVAL FROM  
SERVICE (SPECIAL POWERS) ORDINANCE AGAINST  
ORDER # SO(LG-1)2-318/PDA/2013 DATED 04-03-2012.

Prayers in departmental appeal.

On acceptance of this departmental appeal the impugned Order dated 04-03-2012 pertaining to removal from service may please be set aside and the appellant may be reinstated in service with full benefits of service.

Respected Sir,

I submit my departmental appeal as under.

1. That the undersigned joined Peshawar Development Authority, Peshawar and worked as Assistant Director on merit and regular basis.
2. That I rendered satisfactory services during the tenure of my stay as incumbent.
3. That it is a fact that not a petty complaint arised out of my service tenure against my official career, and my superior always remained satisfied with my efficient and honest working.

4. That while serving in the capacity of Assistant Director (Hort) BPS-17 (Peshawar Development Authority, Hayat abad Peshawar), due to some unavoidable circumstances, I duly applied for Ex-Pakistan leave. The application was duly processed and accepted. Hence, I was allowed Ex-Pakistan leave till 15/08/2008.
5. That on expiry of my leave, I again applied for extension of leave under extreme necessity and compulsion, but my application was not entertained accordingly and was neither accepted nor rejected and yet to be decided hence it was presumed by me in good faith that my extension of long leave has been considered and sanctioned.
6. That thereafter, I reported my arrival to the department but attitude of the department was mala fide/ prejudiced and no posting order, as required under the rules, on return of leave was issued hence the undersigned remained indecisive.
7. That in the meanwhile I was astonishingly informed by some reliable sources about some notice against me. In fact, the department issued unjustified and unwarranted notice for resuming duty within 15 days vide Order # SO(LG-1)2-318/PDA/2012/KC, dated 24.04.2012, which was never received by me nor by any of my representative.
8. That however, once again in the undersigned with bonafide intention, in order to compliance with above mentioned order once again submitted his arrival report along with reasons of absence but in vain. Afterwards, time and again requested the department to clarify his situation but it is most regretfully stated that the department turn deaf ear to my request and the matter was suspended and hanging in the air for a long period. Thus, again the department miserably remained reluctant to issue my posting orders.
9. That the proceeding of the enquiry committee was kept confidential from me and it was never brought into my knowledge, which I just came to know after the above mentioned impugned order.
10. That no show cause notice was issued to me nor imposition of predetermination of major penalty was conveyed to me.
11. That even the Order of removal from service was not conveyed to me, which was brought in my knowledge through some other reliable sources on 09/05/2013, hence I am lodging this appeal without wastage of time.
12. That it is worth mentioning that the impugned Order for removal of service does not conveyed or received by the appellant, which proves that the said notification was also kept secret and was conducted one sided proceedings against present appellant..

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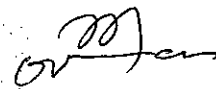
13. That the Notification whereby I was awarded the major penalty of removal from service is liable to be set aside inter alia on the following grounds.

GROUNDS OF APPEAL

- a. That I have not been treated in accordance with standing law and laid down F&D rules from by the Government of Khyber Pakhtunkhwa. And thus my right secured and guaranteed under the law has been violated.
- b. That all the proceedings conducted against me were violative of law and service rules as well as against the mandatory provisions of KPK Removal from service (special powers) Ordinance 2000, hence the impugned Notification is liable to be set at naught.
- c. That I have never been informed formally or informally about the constitution of the enquiry committee.
- d. That I have never been served with any notice/ show cause/ charge sheet nor any notice regarding refusing leave, thus I have been condemned unheard.
- e. That I never absented my self willfully, but I was of the bonafide belief that the leave has been sanctioned.
- f. That I have at my credit a long, clean and spotless career throughout my service. I have never been issued even letter of explanation, thus the penalty imposed is harsh and liable to be set aside. Furthermore ACR of the appellant is self explanatory.
- g. That the Notification of impugned order is not communicated to undersigned what so ever.

It is therefore humbly prayed that on acceptance of this departmental Appeal, the impugned order dated 04-03-2013 may please be set aside and the appellant may be reinstated in service with full back benefits of service.

20/5/13



OVAIS AHMAD  
Ex-Assistant Director (Hort) BPS-17  
Peshawar Development Authority  
(Resident of village of Sherpao, Mohalla  
Mian Kaly Tehsil Tangi, District  
Charsada.

No. 849

For Insurance Notices see reverse.

Rs. Ps.

Stamps affixed except in case of

Registered letters of not more than

the initial weight prescribed in the

Postal Office Guide or on which no

judgement is due.

Received and

addressed to

Date-Stamp

Initials of Receiving Office

Write here "letter", "postcard", "packet" or "parcel"

with the word "insured" before it when necessary.

Insured for Rs. (in figures)

(in words)

If insured.

Insurance fee Rs. Ps.

Weight (in words)

Kilo Grams

Name and address of sender

Eden Smith

No. 850

For Insurance Notices see reverse.

Rs. Ps.

Stamps affixed except in case of

Registered letters of not more than

the initial weight prescribed in the

Postal Office Guide or on which no

judgement is due.

Received and

addressed to

Date-Stamp

Initials of Receiving Office

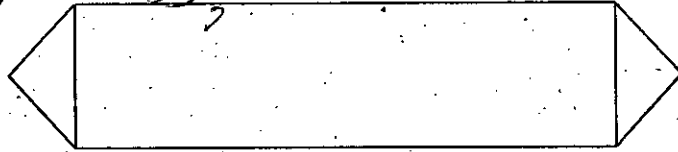
Write here "letter", "postcard", "packet" or "parcel"

with the word "insured" before it when necessary.

Insured for Rs. (in figures)

(in words)

بعدالت صاحب خبر ٹیون فوان سٹریٹس ٹریڈنگ کمپنی



2013ء پنجاب سٹریٹس ٹریڈنگ کمپنی

سند

مورخہ

مقدمہ

دعویٰ

جرم

بنام

اولس احمد

صوف سٹریٹس ٹریڈنگ کمپنی

### باعث تحریر آنکہ

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

آن مقام لکھنؤ کیلئے (صوف سٹریٹس ٹریڈنگ کمپنی) لکھنؤ اور انڈیا سٹریٹس ٹریڈنگ کمپنی لکھنؤ کے مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

2013ء

ماہ سند

مقام

17102-7815702

اولس احمد

الع د گ واہ الع

کے لئے منظور ہے۔

سند

مقام

سند

Accepted  
Service

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIUNAL  
PESHAWAR.

Appeal #.....1336/2013

**OVAIS AHMAD** (Ex- A.D) PDA, Hayat Abad,  
Peshawar.(village Sherpao, Mohallah Mian Killi,  
Tehsil Tangi, District Charsadda.....Appellant

**VERSUS**

1. Chief Secretary, Government of KPK, Civil Sectt. Peshawar
2. Secretary Local & Rural Development Deptt, Peshawar
3. Director General PDA, Phase-V, Hayatabad Peshawar.
4. Director Admn. PDA, Phase-V, Hayatabad Peshawar.....Respondents

**I N D E X**

Sr #	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1	Memo of Appeal	-----	1-5
2	Affidavit	-----	6
3	Copies of appointment letter dated 29-08-1989 & Promotion notification dated 01/07/2006	A - B	7-8
4	Copy of Ex-Pakistan leave notification dated 12-08-2006	C	9
5	Copies of Extension leave applications & Forwarding Memos	D, D/1 E, E/1	10-13
6	Copies of Observation letter dated 9/10/08 & arrival report dated 11-3-2009	F, G	14-15
7	Copy of Recommendation letter (ex-Pakistan leave) dated 31/03/2009	H	16
8	Copies of Application for ex-Pakistan leave dated 02/05/09 & Forwarding letter dated 27/06/09	I, I/1	17-18
9	Copy of Office Order dated 23/05/2009 (regarding fixation of pay)	J	19
10	Copy of Letter of Admn (willful absence) dated 15/09/2009	K	20

**INDEX**

Sr #	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
11	Copies of Arrival report dated 28-09-2009 & recommendation letter dated 04/11/2009	L, M	21-22
12	Copies of Application for leave without pay dated 15/01/2010 & letter Disciplinary proceedings dated 28/05/2010	N, N/1	23-24
13	Copy of Enquiry report dated 17/10/2012	O	25-26
14	Copy of Impugned Order dated 04-03-2013	P	27-28
15	Departmental appeal & Receipt	Q	29-32
16	Vaqalat Nama	-----	33

*Or Mas*

APPELLANT

THROUGH

*Aminia*

Amina Rafiq  
Advocate High Court.

Dated: 06/09/2013.

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

①

Appcal #...../2013

**OVAIS AHMAD (Ex- A.D) PDA, Hayat Abad,  
Peshawar.(village Sherpao, Mohallah Mian Killi,  
Tehsil Tangi, District Charsadda.....Appellant**

**VERSUS**

- 1) Chief Secretary, Government of KPK, Civil Sectt. Peshawar
- 2) Secretary Local & Rural Development Deptt, Peshawar
- 3) Director General PDA, Phase-V, Hayatabad Peshawar.
- 4) Director Admn. PDA, Phase-V, Hayatabad Peshawar.....**Respondents**

**APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT 1974 READ WITH SECTION 10 OF THE KHYBER PAKHTUNKHWA (THE THEN NWFP) REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE 2000 AGAINST THE NOTIFICATION No.SO(LG1/318 PDA/2013 DATED 04-03-2012, WHEREBY PENALTY OF REMOVAL FROM SERVICE HAS BEEN AWARDED TO THE APPELLANT AGAINST WHICH THE DEPARTMENTAL APPEAL HAS NOT BEEN REPLIED DESPITE THE LAPSE OF 90 DAYS.**

**PRAYER IN APPEAL:**

**On acceptance of this appeal the impugned Notification dated 04-03-2012 may please be set aside being illegal and void abinitio and the appellant may be re-instated in service with full back wages and consequential benefits of service.**

Respectfully Submitted,

1. That the appellant was appointed as Horticulturist (BPS-16) vides order dated 29/08/1989 in (PDA) Peshawar Development Authority Peshawar /Respondent # 3, and was promoted to the post of Assistant Director (BPS-17) in CD&MD /PDA Peshawar on merit, brilliant record and regular basis. (Copies of the letters are annexed as A & B respectively.)
2. That the appellant rendered satisfactory service during the tenure of his stay as incumbent.
3. That it is a fact that not a petty complaint arised out of his service tenure against official career and his superior always remained satisfied with his efficient and honest working.
4. That while working in the capacity of Assistant Director (Hort) BPS 17 (PDA) , the appellant applied for ex- Pakistan leave for acquiring further studies. The application was duly processed and accepted vide notification dated 12/08/2006 by allowing leave for 730 days with effect from 15/08/2006 till 14-08-2008. ( Copy of Notification attached as annex C)
5. That on expiry of leave, the appellant again applied for extension of leave twice for two years under extreme necessity and compulsion. It is pertinent to add that in the first application leave with full pay was sought, but due to the urgency of the matter, the second application was submitted for grant of leave without pay. Both the applications were duly recommended by the department and forwarded to concerned quarters (Respondents -1 to 3) for approval. (copies of applications and forwarding memos are attached as annex D, D/1 , E ,& E/1 respectively)
6. That after considerable lapse of time, the respondents/department did not convey any decision regarding further study leave, therefore it was presumed by the appellant in good faith, that the leave has been sanctioned by the respondents/ department. Later on , the appellant came to know through sources that leave has not yet been sanctioned due to some observations , the appellant therefore reported for duty on 11-03-2009.( Copies of the observation and arrival repot is attached as annex F, G respectively)
7. That (Respondent-4) Director Admin PDA vides his recommendation letter dated 31-03-2009, suggested to the Section officer Local Govt Deptt: (Respondent-2) that Ex- Pakistan Study leave may kindly be accorded to the appellant with effect from 15-08-2008 to 10-03-2009 in order to regularize the matter. (copy of recommendation letter is attached as annex H).
8. That despite the arrival report and recommendation letter, it was noticed that the attitude of the respondents was malafidely prejudiced and no posting order as required under the rules on his return was issued, hence the appellant remained un posted.
9. That on 02/05/2009, the appellant submitted application for ex-Pakistan leave from May 2009 to May 2011 for completion of his study/ course. This application was duly forwarded to the concerned Quarters for

appropriate action vide Director Admin letter dated 27-06-2009 ( Copies of the application and forwarding Memo are attached as annex 1, & 1/1 )

- 10. That on 23-05-2009 an office order was issued by the respondent # 4/ Director Admin PDA for fixation of appellant's pay, but interestingly no posting order was issued till date , which clearly shows the malafide intention of the respondents.( copy of the office order is attached as annex J )
- 11. That on 15-09-2009, the Director Admin (Respondent-4) reported to the Secretary Local Govt (Respondent-2) with malafide intention that the appellant disappeared after submitting application on 02/05/2009, whereas , the factual position is that the appellant never disappeared, but the department did not issue any posting order despite of above mentioned letters.( Copy of director Admin letter is attached as annex K )
- 12. That due to the continued pressure and malafide intention of the respondents, the appellant was constrained to submit another arrival report on 28-09-2009, which was duly recommended by the respondent # 4/Director Admin to the concerned Quarter by treating the period from 15-08-2008 to 10-03-2009 as ex- Pakistan Leave and from 01-09-2009 to 28-09-2009 on Medical leave, however no posting order was issued till date. (Copies of arrival report dated 28-09-2009 and recommendation letter are attached as annex L & M )
- 13. That since long no action regarding appellant's posting Order was issued. On the other hand, the appellant was sitting idle in the office because of malafide intention and consideration of the respondents. therefore on 15-01-2010, the appellant again submitted application with prayer that he may be allowed ex-Pakistan leave for completion of study w.e.f 11-01-2010, which was his fundamental right as enshrined in the Constitution. But instead of considering this application on merit, the respondent # 4/ Director Admin recommended Disciplinary proceedings to the competent officer without valid reason.( Copies of the application and letter is attached as annex N& N/1)
- 14. That in the meanwhile, the appellant was astonishingly informed by some reliable sources that respondents/ department had issued unjustified and unwarranted notice to the appellant for resuming duty within 15 days vide order # SO (LG-1)2-318/PDA/2012/KC, dated 24/04/2012, It is pertinent to add that the said notice was never received by the appellant nor by any of his representative.
- 15. That Disciplinary proceedings were initiated against the appellant with out fulfilling the legal formalities as no proper show cause notice/ statement of allegation and charge sheet was issued and served upon the appellant . (which is a mandatory requirement) However, the appellant got the information through some sources and submitted a proper reply to the charge sheet as evident from the enquiry report dated 17/10/2012 submitted by the enquiry officer, which was also not communicated to the appellant. ( Copy of enquiry report is annex as O )
- 16. That the appellant complied with the orders of the respondents/department, time and again reported arrival but the department miserably failed to issue his posting order. Rather illegally and unlawfully initiated Disciplinary Proceedings against the appellant.



- (21)
17. That impugned Order for removal from Service was issued on 04-03-2013, which was kept confidential. This order is contradictory to the findings of the enquiry officer. (copy of the impugned order is attached as annex P)
  18. That the impugned order of removal from services was kept confidential and never conveyed to the appellant, which was otherwise traced by the appellant himself through some sources.
  19. That departmental appeal was filed against the impugned order well within time, when came to the notice of appellant, but the department did not take any action on departmental appeal within the prescribed period. (copy of departmental appeal is enclosed as annexure-Q).
  20. That the Impugned Order whereby appellant was awarded the major penalty of removal from service is liable to be set aside inter alia on the following grounds.

**GROUND OF APPEAL:**

- A. That the impugned order regarding termination of service issued by the competent authority, without affording opportunity of proper hearing is not sustainable in the eye of law and is liable to be set aside.
- B. That it was mandatory upon the competent authority under the rules to communicate his intention of levy of penalty to the appellant and give him proper and adequate opportunity of hearing before issuance of the order..
- C. That the copy of the enquiry report is mandatory to be issued to the accused as held by the superior courts in numerous cases, but in the instant case no such report was delivered to the appellant.
- D. That the appellant never disappeared from the office and submitted his arrival report time and again but illegally and with malafide intention of the respondents, no posting order was issued on his return from abroad.
- E. That departmental enquiry was initiated without valid reason as the appellant submitted his arrival report and the department was legally bound to issue his posting order accordingly.
- F. That there is clear contradiction in the enquiry report, and the order issued by the competent authority. Therefore the impugned order needs to be set aside.
- G. That under the constitution / law of country the appellant has due right of access to Inquiry report and related material , but no such record/ basis / recommendations have been shown or given to the appellant, so for, hence the entire proceedings are liable to cancelled/ set aside.
- H. That all the proceedings conducted against the appellant were violative of law and against the mandatory provisions of Khyber Pakhtunkhwa (the then NWFP) Removal from Service (Special Powers) Ordinance 2000. therefore, order impugned is thus liable to be set at naught.
- I. That Disciplinary proceedings were initiated against the appellant with out fulfilling the legal formalities as no proper show cause notice/ statement of allegation and charge sheet was issued and served upon the appellant .

(Which is a mandatory requirement) thus the order of termination as well as enquiry proceedings etc are violative of the principle of natural justice.

- J. That the appellant has at his credit a long service, serving the department since 1989 so the penalty imposed is too harsh and has brushed aside his long service career with one pen stroke.
- K. That the appellant never absented himself willfully and has availed leave duly applied for well in time, however refusal of leave was never communicated to him.
- L. That the department initiated illegal departmental proceedings against the appellant when he submitted last application for ex-pakistan leave in 2010, which was his legitimate right as enshrined in the Constitution, but instead of refusing or accepting the application, the respondents/ department resorted to departmental proceedings illegally and passed the impugned order, which is not sustainable at all.
- M. That no right of personal hearing is afforded to the appellant nor any regular enquiry conducted, nor any specific order regarding the dispensation of enquiry was communicated/issued thus the proceedings conducted are illegal and not tenable.
- N. That basic right of the appellant as enshrined in the constitution has been infringed by the department by illegal removal from service.
- O. That no show cause notice was issued to appellant nor imposition of predetermination of major penalty was conveyed to him, which was a basic legal requirement for completion of enquiry.
- P. That the impugned order for removal of service not conveyed to the appellant lacks its validity from all angles.
- Q. That the appellant seeks the permission of this Honourable tribunal to rely on additional grounds at the time of hearing of this appeal.

**PRAYER:-**

It is therefore, very humbly requested, that on acceptance of this appeal the impugned notification dated 04-03-2012 may please be set aside being illegal and void abinitio and the appellant may be re-instated in service with full back wages and consequential benefits of service.

Any other relief, which is not specifically asked for, may kindly be granted in favour of appellant.

*[Handwritten Signature]*

APPELLANT

THROUGH

*[Handwritten Signature]*

Amina Rafiq  
Advocate High Court.

Dated: 06/09/2013.

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

Appeal #...../2013

**OVAIS AHMAD (Ex- A.D) PDA, Hayat Abad,**  
Peshawar.(village Sherpao, Mohallah Mian Killi,  
Tehsil Tangi, District Charsadda.....**Appellant**

**VERSUS**

1. Chief Secretary, Government of KPK, Civil Sectt. Peshawar
2. Secretary Local & Rural Development Deptt, Peshawar
3. Director General PDA, Phase-V, Hayatabad Peshawar.
4. Director Admn. PDA, Phase-V, Hayatabad Peshawar.....**Respondents**

**AFFIDAVIT**

I, Ovais Ahmad, (Ex- A.D) PDA, Hayat Abad, Peshawar. (village Sherpao, Mohallah Mian Killi, Tehsil Tangi, District Charsadda, do here by solemnly affirm and declare on oath that the contents of instant Service Appeal are true and correct with the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.

*Ovais Ahmad*

**Deponent**  
**Ovais Ahmad**  
CNIC # 17102-7815702-5

Identified by

*Mr Sajjad Ali Shah*

**Mr Sajjad Ali Shah**  
CNIC # 17102-1146653-3



"A"

Annex - "A"

7

From: The Secretary,  
Peshawar Dev: Authority,  
Peshawar.

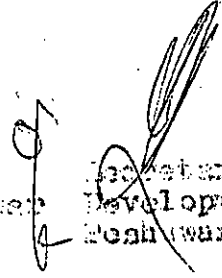
- To 1) The Director Havelabad/Hort.,  
Peshawar Development Authority,  
Peshawar.
- 2) Deputy Director (Horticulture),  
Peshawar Development Authority,  
Peshawar.

Memo: No.  
Dated Peshawar, the \_\_\_/\_\_\_/89.

Subject:- APPOINTMENT OF MR. QVAIS AHMAD AS  
HORTICULTURIST (M.T-16).

Mr. Qvais Ahmad has been appointed as Horticulturist by PUDS. He has submitted his arrival report in this Authority on 29.5.1989 (Fore-Noon).

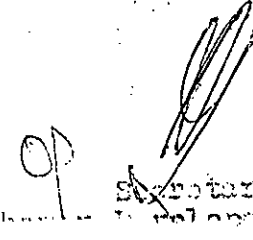
He is directed to report you for duty.

  
Secretary,  
Peshawar Development Authority,  
Peshawar.

Enclt: No. 1-07-01 / 44-46 Dated Peshawar, the 29/5/89.

Copy to:-

The Director Finance, PDA.

  
Secretary,  
Peshawar Development Authority,  
Peshawar.

From: The Secretary,  
Peshawar Dev: Authority,  
Peshawar.

To 1. The Director Hayatabad/ Hort:  
Peshawar Development Authority,  
Peshawar.

2. Deputy Director (Horticulture),  
Peshawar Development Authority,  
Peshawar.

Memo: No.  
Dated Peshawar, the \_\_\_\_/8/89.

Subject: Application of Mr. Ovais Ahmad as  
Horticulturist (BPS-16).

Mr. Ovais Ahmad has been appointed as Horticulturist by PUDE. He has submitted his arrival report in this Authority on 28/08/1989 (Pore-Noon).

He is directed to report you for duty.

Secretary  
Peshawar Development Authority,  
Peshawar.

Endst: NO. 1.07.01/44-46

dated Peshawar, the 29/8/89.

Copy to:-  
The Director Finance, PDA.

Secretary  
Peshawar Development Authority,  
Peshawar.

GOVERNMENT OF N.W.F.P.,  
LOCAL GOVERNMENT, ELECTIONS AND RURAL  
DEVELOPMENT DEPARTMENT

Amex- "B"  
8

NOTIFICATION

Dated Peshawar, the 1<sup>st</sup> July, 2006

No.SO(LG-I)4-4/DAs/05/Vol:II.- On having been cleared for promotion by the Board in its meeting held on 08-06-2006, Mr.Ovais Ahmad, Horticulturist (BPS-16), CD&MD is hereby promoted to the post of Assistant Director (Horticulture BPS-17) in City Development and Municipal Department, Peshawar with immediate effect.

2. On his promotion, Mr.Ovais Ahmad is hereby posted against the vacant post of Assistant Director (Horticulture) in CD&MD, Peshawar.

SECRETARY TO GOVERNMENT OF NWFP,  
LOCAL GOVT. ELECTIONS AND RURAL  
DEVELOPMENT DEPARTMENT

Endst. No.SO(LG-I)4-4/DAs/06

Dated Peshawar, the 1<sup>st</sup> July, 2006

Copy is forwarded to:-

1. The Secretary to Government of NWFP, Establishment Department.
2. The District Coordination Officer, City District Government, Peshawar.
3. The Director General, CD&MD, Commercial Complex, Phase-V, Hayatabad, Peshawar.
4. Mr.Ovais Ahmad, Assistant Director (Horticulture), CD&MD, Peshawar.
5. The Director (Finance & Budget), CD&MD, Phase-V, Hayatabad, Peshawar.
6. The Project Directors, KDA, BDA, DDA, MDA, SDA, SDA, Swat, ADA and MDA, Manshara.
7. The Manager, Government Printing Press, Peshawar.
8. Personal file of the officer concerned.

(ILAM KHAN KHATTAK)  
SECTION OFFICER (ESTAB:)

173  
"C"  
Annex-  
9  
GOVERNMENT OF N.W.F.P.,  
LOCAL GOVT., ELECTIONS AND RURAL  
DEVELOPMENT DEPARTMENT

NOTIFICATION

Dated Peshawar, the 12<sup>th</sup> August, 2006

No.SO(LG-I)2-318/CD&MD/06.- Sanction to the grant of two years (730) days Study Leave is hereby accorded in respect of Mr. Owais Ahmad, Assistant Director (Hort), City Development and Municipal Department, Peshawar with effect from 15-08-2006 subject to title.

2. The Provincial Government has no objection to the proceeding abroad of Mr. Owais Ahmad, Assistant Director (Hort) during the leave period.
3. On expiry of leave, the officer is likely to return to the same post and station.

SECRETARY TO GOVT. OF N.W.F.P.,  
LOCAL GOVT. ELECTIONS & RURAL  
DEVELOPMENT DEPARTMENT.

Endst.No.SO(LG-I)2-318/CD&MD/06 Dated Peshawar, the 12<sup>th</sup> August, 2006

Copy is forwarded to.

1. The District Coordination Officer, City District Government, Peshawar.
2. The Director General, CD&MD, Peshawar, Commercial Complex, Phase-V, Hayatabad, Peshawar.
3. The Director (Budget & Accounts), CD&MD, Peshawar.
4. The Officer concerned.

*Dil Muhammad*  
(DIL MUHAMMAD)  
SECTION OFFICER (ESTAB)

*Handwritten signature*

③

Annex-"D"

⑩

To:

The Director General  
CD & MD, Hayatabad  
Peshawar

Subject: STUDY LEAVE

With due respects, it is stated that my study leave has been expired on 14.8.2008. My study is still not completed and I am in need of more leave to complete my study. It is therefore requested that my study leave may be extended for two years more. (From 15.08.2008 to 14.08.2010)

Your's Obediently

*Handwritten signature*

(Ovais Ahmad)

Assistant Director, Horticulture

Dated 13-8-2008



To

The Director General  
City Development & Municipal Department  
Peshawar.

Subject: - Extension of Study Leave

Dear Sir,

With due respect it is submitted that my 2 years study leave with pay is going to expire on 15.8.2008 while my study will be completed in 2010. In order to complete my study I am in need of two year more ex-Pakistan Study leave with effect from 15.8.2008 to 14.8.2010.

You are, therefore requested to kindly grant me the above mentioned leave without pay and oblige.

Yours Faithfully

(Ovais Ahmad)  
Assistant Director (Flor)  
CD&MD

~~253~~  
Annex-  
3

(11)

D/1

(E) 254  
CITY DEVELOPMENT & MUNICIPAL DEPARTMENT  
COMMERCIAL COMPLEX, PHASE-V, HAYATABAD.

No.1.13.59/51-52  
Dated Peshawar the, 08/09/2008.

~~Annexure~~

AB  
Annex

12

E

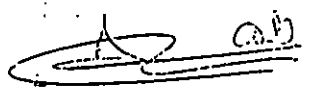
To

The Section Officer (Estab.)  
Local Government Department,  
Government of N.W.F.P.,  
Peshawar.

SUBJECT: EXTENSION IN STUDY LEAVE

I am directed to enclose herewith an application regarding extension in  
Ex-Pakistan Study Leave for 02-Years with effect from 15-08-2008 to 14-08-2010 in  
respect of Mr.Ovais Ahmad, Assistant Director (Hort), CD&MD duly recommended for  
approval please.

Encl: Attached.

  
DIRECTOR (ADMIN)  
CD&MD

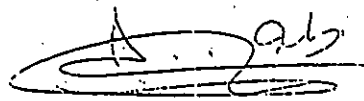
Endst: No.1.13.59/51-52

Dated Peshawar the, 08/09/2008.

Copy to: -

1. The P.S to Director General, CD&MD

o/c

  
DIRECTOR (ADMIN)  
CD&MD

City Development & Municipal, Department  
Commercial Complex, Phase-V, Hayatabad

No. 1.13.52.57-52  
Dated Peshawar the 08/09/2008

To

The Section Officer (Estab:)  
Local Government Department  
Government of N.W.F.P,  
Peshawar.

Subject: EXTENSION IN STUDY LEAVE.

I am directed to enclose herewith an application regarding extension in Ex-Pakistan Study Leave for 02-years with effect from 15-08-2008 to 14-08-2010 in respect of Mr. Ovais Ahmad, Assistant Director (Hort), CD & MD duly recommended for approval please.

Encl: Attached.

Director (Admin)  
CD&MD

Ends: No. 1.13.59/51-52

Dated Peshawar the, 08/09/2008

Copy to:-

1. The P.S to Director General CD&MD,

Director (Admin)  
CD&MD

CITY DEVELOPMENT & MUNICIPAL DEPARTMENT  
COMMERCIAL COMPLEX, PHASE-V, HAYATABAD.

No. 1.13.59/16-17  
Dated Peshawar the, 13/09/2008.

252  
13

To

The Section Officer (Estab),  
Local Government Department,  
Government of N.W.F.P.,  
Peshawar.

~~Amex-E~~  
Amex-E

SUBJECT: EXTENSION IN STUDY LEAVE

I am directed to enclose herewith an application regarding **extension in Ex-Pakistan Study Leave (without pay) for 02-Years with effect from 15-08-2008 to 11-08-2010** in respect of Mr.Ovais Ahmad, Assistant Director (Hort), CD&MD **duly recommended for approval please.**

Encl: Attached.



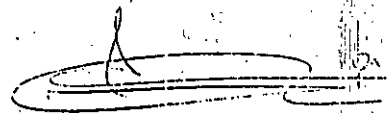
DIRECTOR (ADMIN)  
CD&MD

Enclst: No.1.13.59/16-17

Dated Peshawar the, 13/09/2008.

Copy to: -

1. The P.S to Director General, CD&MD.



DIRECTOR (ADMIN)  
CD&MD

RIF.

OIC.

CITY DEVELOPMENT & MUNICIPAL DEPARTMENT  
COMMERCIAL COMPLEX, PHASE-V, HAYATABAD.

No. 1-13-59/1-12  
Dated Peshawar the 09/10/2008.

10251

14

The Section Officer (Estab.)  
Local Government Department  
Government of N.W.F.P.  
Peshawar.


Annex - F

SUBJECT: EXTENSION IN STUDY LEAVE.

Reference: Your letter No. S.O (LG-I) 2-518/CD&MD 08 Dated 22-09-2008

The requisite Para-wise reply is as under please.

1. The matter was pointed out vide this office letter No. 1-13-59/0-3 dated 30-11-2006 (Copy enclosed), which was clarified vide your Office letter No. SO (LG-I) 2-2-318/CD&MD/06 Dated 07-12-2006. (Copy enclosed)
2. Initially the documents were produced with the application submitted in the first instance for study leave by the officer concerned (copy of approval regarding admission of the said officer by the concerned university is enclosed). However, no documents were produced with the application submitted by the said officer for extension of study leave.
3. As already clarified vide item No. 2.
4. Leave account duly verified by Director Finance on the prescribed performa is enclosed please.

  
DIRECTOR (ADMIN)  
CD&MD

Endst: No.

Dated Peshawar the, \_\_\_/10/2008.

Copy to: -

1. The P.S to Director General, CD&MD.

  
DIRECTOR (ADMIN)  
CD&MD

City Development & Municipal, Department  
Commercial Complex, Phase-V, Hayatabad

No. 1.13.52.59/11-12  
Dated Peshawar the 09/10/2008

To

The Section Officer (Estab:)  
Local Government Department  
Government of N.W.F.P,  
Peshawar.

Subject: EXTENSION IN STUDY LEAVE.

Reference: Your Letter No. S.O (LG-1)2-318/CD&MD 08 Dated 22-09-2008

The requisite Para-wise reply is as under please.

1. The matter was pointed out vide this office letter No. 1-13-59/0-3 dated 30-11-2006 (Copy enclosed), which was clarified vide your Office letter No. SO(LG-1)2-2-318/CD&MD/06 Dated 07-12-2006. (Copy enclosed).
2. Initially the documents were produced with the application submitted in the first instance for study leave for the officer concerned (Copy of approval regarding admission of the said officer by the concerned university is enclosed). However, no documents were produced with the application submitted by the said officer for extension of study leave.
3. As already clarified vide item No. 2.
4. Leave account July verified by Director Finance of the prescribed performa is enclosed.

Encl: Attached.

Director (Admin)  
CD&MD

Ends: No. Dated Peshawar the, /10/2008

Copy to:-

2. The P.S to Director General CD&MD,

Director (Admin)  
CD&MD

To,

The Director General,  
Peshawar Development Authority  
Hayatabad, Peshawar.

~~Annexure~~  
15

Annex - 9

SUBJECT: ARRIVAL REPORT.

R/Sir,

I hereby submit my arrival report for duty today dated 11.03.2009

(F.N).

Yours Obediently

*Ovais Ahmad*  
(OVAIS AHMAD)  
ASSISTANT DIRECTOR  
(Hort) PDA

Dated 11.03.2009

No. 2323

11/03/09


*D/A*

*Sund*  
*Qin*  
*12*

*12*

*1-13-59*

PESHAWAR DEVELOPMENT AUTHORITY  
COMMERCIAL COMPLEX, PHASE-V, HAYATABAD.

No. 1-13-59/49-50

Dated Peshawar the, 31/03/2009.

249

~~Annexure~~

16

Annex - H

To

The Section Officer (Estab),  
Local Government Department,  
Government of N.W.F.P.,  
Peshawar.

SUBJECT: ARRIVAL REPORT

Mr. Owais Ahmad Assistant Director (Hort) of this Authority was granted Two years (730-days) Ex-Pakistan study leave w.e.f 15-08-2006 to 14-08-2008 vide Notification No. SO (LG-I) 2-281/CD&MD/06 dated 12-08-2008. The said officer applied for time extension in the said Ex-Pakistan study leave for further 2-years, which was under process in LGE&EDD. However, approval of the same was not been granted so far. In the meantime the said officer has submitted Arrival Report on 11-03-2009 in this Authority.

It is therefore recommended that ex-post facto sanction may kindly be accorded for the Ex-Pakistan study leave w.e.f 15-08-2008 to 10-03-2009 in order to regularize the matter please.

u

o/c

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY

Dated Peshawar the, 31/03/2009.

Endst: No. 1-13-59/49-50

Copy to: -

o/c

1. The P.S to Director-General, PDA.

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY



The Director General,  
Peshawar Dev: Authority,  
Peshawar.

THROUGH: PROPER CHANNEL.

SUBJECT: EX-PAKISTAN LEAVE.

Respected Sir,

It is stated that my Education in Canada is still under process and I want to complete my education, their which need further two years. It is therefore requested to kindly grant me leave without pay from May,2009 to May,2011 (two years) to complete my education and obliged.

Thanks.

Dated: 02/05/2009.

No 5186  
02/06/09


D.A  
Subh

02/06/2009

WYH

Yours Obediently,

(OVAIS AHMAD)  
Assistant Director PDA.

(17)

Annex  
I

~~Annex~~  
~~Annex~~

PESHAWAR DEVELOPMENT AUTHORITY  
COMMERCIAL COMPLEX, PHASE-V, HAYATABAD.

246

No. 1-13-59/11-12.  
Dated Peshawar the, 27 /06/2009.

~~IA~~

~~Ames...~~ 18  
Annex-I/1  
P

To

The Section Officer (Estab),  
Local Government Department,  
Government of N.W.F.P,  
Peshawar.

SUBJECT: ARRIVAL REPORT

Reference: Your letter No. SO(LG-I) 2-318/PDA/09 dated 09.05.2009.

Enclosed please find herewith arrival report submitted by  
Mr. Owais Ahmad, Assistant Director (Hort) in this authority on 11.03.2009.

In light of instruction issued in the notification by your office vide No.  
SO(LG-I) 2-318/CD&MD/06 dated 12.09.2006 (copy enclosed), the officer has  
submitted arrival report in this authority.

Moreover, the officer has again applied for Ex-Pakistan leave w.e.f May  
2009 to May 2011 as per application attached which is forwarded for your further action.  
please.

Recd. 27/6/09

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY

Dated Peshawar the, 27 /06/2009.

Endst: No. 1-13-59/11-12

Copy to: -

1. P.S to the Director General, PDA.

B

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY

PESHAWAR DEVELOPMENT AUTHORITY  
COMMERCIAL COMPLEX, PHASE-V, HAYATABAD.

No.1.13.59/44-46  
Dated Peshawar the, 23/05/2009.

~~Annexure~~  
Annex-"J"

OFFICE ORDER.

Consequent upon the promotion of Mr. Owais Ahmad as Assistant Director (Hort) BPS-17 vide Secretary, Local Government Department Notification No.SO (LG-I)4-4/DAs/06, dated 27/07/2006, the Director General, PDA has been pleased accord approval for fixation of pay of the said officer as per detailed below:-

- |   |              |
|---|--------------|
| 1) Basic pay as on 30-11-2006                 | Rs. 10,350/- |
| 2) By granting annual increment on 1.12.2006  | Rs. 10,885/- |
| 3) Pay revised on 1.07.2007 and fixed         | Rs. 12,515/- |
| 4) By granting annual increment on 01.12.2007 | Rs. 13,130/- |
| 5) Pay revised on 01.08.2008 and fixed        | Rs. 15,770/- |

*Revised*  
23/5/2009

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY

Dated Peshawar the, 23/05/2009.

Endst:No.1.13.59/44-46

Copy to: -

1. The Director Finance, PDA.
2. Officer Concerned.
3. File No.1.15.112.

*Revised*  
23/5/2009

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY

*Ar*

PESHAWAR DEVELOPMENT AUTHORITY  
COMMERCIAL COMPLEX, PHASE-V, HAYATABAD.

No. 1-13-59/35-36  
Dated Peshawar the, 15/09/2009.

245  
20  
Annexure - K

To

The Secretary,  
Local Government Department,  
Government of N.W.F.P.,  
Peshawar.

SUBJECT: WILFUL ABSENCE FROM DUTY OF MR. OWAIS AHMAD,  
ASSISTANT DIRECTOR (HORD)

I am directed to state that Mr. Owais Ahmad, Assistant Director (Hord), has submitted arrival report on 11.03.2009 after availing Ex-Pakistan leave. He has submitted an application on 2.05.2009 for a period of 2-years and after submitting his application his whereabouts are not known.

I am further directed that the said officer may be suspended from **Service** and disciplinary action under Removal from service (Special Power) Ordinance, 2000 against the said officer may also be initiated please.

c/e

15/9/09

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY

Dated Peshawar the, 15/09/2009.

Encls: No. 1-13-59/35-36

Copy to: -

1. The P.S to Director General, PDA.

o/l

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY

(245) (21)  
Annexure - L

To

The Director General,  
Peshawar Development Authority,  
Hayatabad Peshawar.

(12)

Subject: - ARRIVAL REPORT.

R/Sir,

I hereby submit my arrival report for duty today Dated 28/09/2009,

please.

Date: 28/09/2009.

Slary No 8472  
 Date 28/09/09


D. A

Sent 29/9/2009

Yours Sincerely,

*Ovais Ahmed*  
 OVAIS AHMED  
 Asstt Director (Hort)  
 P.D.A

*H. 20/6*

PESHAWAR DEVELOPMENT AUTHORITY  
COMMERCIAL COMPLEX, PHASE-V, HAYATABAD.

No. 1-13-59/4-5  
Dated Peshawar the 02/11/2009.

249.2009  
22

Annexure-M

To:

The Section officer (Establishment)  
LG&RDD, NWFP.  
Peshawar.

Subject: ARRIVAL REPORT

Reference: Your letter No: SO(LG-1) 2-318/PDA/09/KC dated. 16-09-2009.

Mr. Owais Ahmad Assistant Director (Horticulture) was granted Ex-Pakistan Study Leave w.e.f 15-08-2006 vide your office order No. SO (LG-1) 2-318 / CD&MD /06 dated. 12-08-2006 which has been expired on 14-08-2008. The said officer applied for extension in his study leave for further 2 years which was under process in LG&RDD.

In the meantime the said officer submitted arrival report on 11-3-2009 which was sent to LG&RDD with the recommendation to sanction his Ex-Pakistan study leave w.e.f 15-08-2008 to 10-03-2009. The said case was under process in LG&RDD and in the meantime the said officer has again submitted leave application for 2 years on 02-05-2009 which was also sent to LG&RDD for disposal. However some observation was made by your office vide letter No. SO(LG-1)2-318 /PDA/09/KC dated.21-07-2009 after which this Authority made report to LG&RDD for taking disciplinary action against the said officer vide letter No.1-13-59/35-36 dated.15-09-2009.

Now the said officer has submitted Medical Certificate for 4 week w.e.f 1-9-2009 and after availing the medical leave the said officer has resumed his duty w.e.f.28-09-2009.

In view of the above it is recommended that the said officer may be allowed the leave as mentioned below in order to regularize the matter.

1. w.e.f.15-08-2008 to 10-03-2009 (207 days)  
as Ex-Pakistan study leave.
2. w.e.f 01-09-2009 to 28-09-2009 (28days)  
as medical leave on full pay.

*[Signature]*  
02/11/2009  
DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY

Dated Peshawar the, 02/11/2009.

Encl: No. 1-13-59/4-5

Copy to:-

1. P.S to the Director General, PDA.

*[Signature]*  
DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY

247  
Annexure - N

(23)

247

The Director General,  
Peshawar Development Authority,  
Peshawar.

Subject: - LEAVE WITH OUT PAY.

R/Sir,

With due respect it is stated that I have taken admission in Master of Science, Food Safety and Quality Assurance in the University of Guelph Canada (copy of the admission offer is enclosed herewith). My classes are started from January 11, 2010.

It is earnestly requested that I may please be granted leave with out pay for three years to complete my aforesaid study.

Dated 15/01/2010

Your Obediently

*Or. Ovais*

(OVAIS AHMAD)  
Assistant Director (Hort)

*247*  
*25/3/2010*

*Put up in file*  
*20/3*  
*RM*

PESHAWAR DEVELOPMENT AUTHORITY  
COMMERCIAL COMPLEX, PHASE-V, HAYATABAD.

No. 1-13-59/26-27  
Dated Peshawar the, 28/5/2010.

24

Ammer ~~W~~ N/1

To

The Section Officer (Estab),  
Local Government Department,  
Government of Khyber Pukhtunkhwa,  
Peshawar.

SUBJECT: ARRIVAL REPORT

I am directed to inform that Mr. Owais Ahmad Assistant Director (Hort) of this Authority was granted Two years (730-days) Ex-Pakistan study leave w.e.f 13-02-2006 to 14-08-2008 vide Notification No. SO (LG-I) 2-281/CD&MD/06 dated 12-08-2008 (copy enclosed). The said officer applied for time extension in the said Ex-Pakistan study leave for further 2-years, which was under process in LGE&EDD. However, approval of the same has not been granted so far. In the meantime the said officer has submitted Arrival Report on 11-03-2009 in this Authority. Again the officer has submitted application for 02-Years study leave on 02-05-2009 which was sent to LGE&RDD upon which LGE&RDD has made some observation vide letter No. SO (LG-I) 2-378/PDA/09/KC dated 21 July, 2009. This Authority has requested to LGE&RDD for taking disciplinary action against the said officer vide letter No. 1-13-59/35-36 dated 15-09-2009 (copy enclosed).

On 01-09-2009 above named officer has submitted a medical certificate for 04-weeks leave and after expiry of the leave he has reported for duty w.e.f 28.09.2009. Finally this office has recommended earned leave for 235-days to the said officer and sent to LGE&RDD vide letter No. 1-13-59/4-5 dated 04-11-2010 approval of which is still awaited (copy enclosed).

Now the said officer has again submitted an application dated 15-01-2010 for study leave (with out pay) received in this office on 25-03-2010 (Copy Enclosed)

It is requested that the officer is habitual for taking leave on one pretext or the other, therefore strict disciplinary action may be initiated against the said officer please.

Endst: No. 1-13-59/26-27  
Copy to:-  
1. The P.S to Director General, PDA.

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY  
Dated Peshawar the, 28/5/2010.

DIRECTOR (ADMIN)  
PESHAWAR DEV: AUTHORITY

28/5/2010

O/C

O/C



## INQUIRY REPORT

25

Subject: DISCIPLINARY PROCEEDING UNDER THE KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS' (E&D) RULES, 2011 AGAINST MR. OWAIS AHMAD ASSISTANT DIRECTOR (HORTICULTURE) PDA.

Annex - 0

### Authority:

The undersigned has been appointed as Inquiry Officer vide Secretary, I.G.&RDD letter No. SO(LG-I)2-318/PDA-2012, dated 27-06-2012.

### Background:-

Mr. Owais Ahmad, Assistant Director (Horticulture) was absent w.e.f. 15-08-2008 without approval of the Competent Authority.

### Inquiry Proceedings:-

Mr. Owais Ahmad, Assistant Director (Horticulture) was summoned through this office letter No. 3.09.01/21-23, dated 05-07-2012, letter No. 3.09.01/13-15, dated 26-07-2012 letter No. 3.09.01/8-10 dated 13-08-2012 and letter No. 3.09.01/17-19 dated 06-09-2012 to attend the office of the undersigned to be heard in person and record his written statement regarding his willful absence from duty in his defence.

### Allegations:-

- i) That you were granted two years study leave with effect from 15-08-2006 to 14-08-2008. This period of leave was expired on 14-08-2008 (A.N), but you failed to report for duty.
- ii) That a notice was served upon you at your home address vide I.G.&RDD letter No. SO(LG-I)2-318/PDA/2012/KC, dated 24-04-2012 to report duty and explain reason for your willful absence.
- iii) That you reported arrival but no reasons have been given to justify your willful absence with effect from 15-08-2008 onward.
- iv) That due to your willful absence from duty, the official work has been affected, which prove your in-efficiency as well as misconduct towards performing of official duty.

### Reply of Allegations by the Officer:-

Mr. Owais Ahmad, Assistant Director (Horticulture) attended the office of the undersigned and recorded his statement regarding charges leveled against him. The written statement of the officer is attached as Annex-AA.

### Analysis of evidence:-

On expiry of study leave on 14-08-2008 the officer submitted his application on 13/08/2008 copy attached as Annex-A to enhance study leave upto 14-08-2010. The application was recommended and forwarded for approval of the Competent Authority copy attached as Annex-B.

Subject: DISCIPLINARY PROCEEDING UNDER THE KHYBER PAKHTUNKHWA GOVERNMENT SERVANTS (E&D) RULES, 2011 AGAINST MR. AWAIS AHMAD ASSISTANT DIRECTOR (HORTICULTURE) PDA.

Authority:

The undersigned has been appointed as Inquiry Officer vide Secretary, LGF&RDD Letter No. SO (LG-1)2-318/PDA-2012 Dated 27-06-2012.

Background:

Mr. Owais Ahmad, Assistant Director (Horticulture) as absent w.e.f. 15-08-2008 without approval of the Competent Authority.

Inquiry Proceedings:-

Mr. Owais Ahmad, Assistant Director (Horticulture) was summoned through this office letter No. 3.09.01/21-23, dated 05-08-2013, letter No. 3.09.01/13-15, dated 26-07-2012 letter No. 03.09.01/8-10 dated 13-08-2012 and letter No. 3.09.01/17-19 dated 06-09-2012 to attend the office of the undersigned to be heard in person and record his written statement regarding his willful absence from duty in his defended.

Allegations:-

- i) That you were granted two years study leave with effect from 15-08-2006 to 14-08-2008. This period of leave was expired on 14-08-2008 (A.N), but you failed to report for duty.
- ii) That a notice was served upon you at your home address vide LG&RDD letter No. SO(LG-I)2-318/PDA/2012/KC, dated 24-04-2012 to report duty and explain reason from your willful absence.
- iii) That you reported arrival but no reasons have been given to justify your willful absence with effect from 15-08-2008 onward.
- iv) That due to your willful absence from duty, the official work has been affected, which prove your in-efficiency as well as misconduct towards performing of official duty.

Reply of Allegations by the Officer:-

Mr. Owais Ahmad, Assistant Director (Horticulture) attended the office of the undersigned and recorded his statement regarding charges leveled against him. The written statement of the officer is attached as Annex-AA.

Analysis of evidence:-

On expiry of study leave on 14-08-2008 the officer submitted his application on 13/08/2008 copy attached as Annex-A to enhance study leave upto 14-08-2010. The application was recommended and forwarded for approval of the Competent Authority. Copy attached as Annexure-B.

Another application is attached as Annex-C, was also sent to Section Officer (E) LGE&RDD through letter attached as Annex-D.

Different quarries were made time and again by LGE&RDD through letter attached as Annex-E

The officer submitted his arrival report on 11-03-2009 is attached as Annex-F. The arrival report was conveyed to Section Officer (E) through letter attached as Annex-G for ex-post-facto sanction in Ex-Pakistan leave with effect from 15-08-2008 to 10-03-2009 in order to regularize the matter.

On 25-05-2009 upon promotion of officer as Assistant Director (Hort.) BPS-17 the pay fixation was done copy attached as Annex-H

On 02-06-2009 the officer again submitted his application for Ex-Pakistan leave without pay upto May 2011 copy attached as Annex-I. The same was forwarded to Section Officer (E) through letter copy attached as Annex-J.

On 15-09-2009 PDA through letter attached as Annex-K, informed Section Officer (E) LGE&RDD that the where-about of the officer after arrival, is not known.

On 28-09-2009 the officer submitted his arrival report copy attached as Annex-L. The matter was again informed to Section Officer (E) LGE&RDD through letter attached as Annex-M, to regularize the matter.

The officer on 15-01-2010 again submitted an application to Director General, PDA attached as Annex-N. The application was send to Section Officer (E) LGE&RDD through letter which is self explanatory attached as Annex-O.

No further correspondence is available in personal file of the officer.

Observations & Findings:-

Upon written statement, verbal discussion with Mr. Owais Ahmad, Assistant Director (Hort.) and the analysis of evidence. The officer had to obey the rules of the department but he did not wait till the decision of the Competent Authority hence the charges are established.

Recommendations:-

Keeping in view length of service of the officer, it is recommended that absence period of the officer may be converted into leave without pay from August 14, 2008 to September 12, 2012 and stoppage of one increment with warning notice if agreed please.

*[Handwritten Signature]*  
17/01/12

IJAZ AFZAL KHAN  
DIRECTOR (ESTATE MANAGEMENT)  
Peshawar Development Authority  
Hayatabad, Peshawar.  
(INQUIRY OFFICER)

- ✓ Another application is attached as Annex-C, was also sent to Section Officer (E) LGE&RDD through letter attached as Annex-D.
- ✓ Different quarries were made time and again by LGE&RDD through letter attached as Annex-E.
- ✓ The officer submitted his arrival report on 11-03-2009 is attached as Annex-F. the arrival report was conveyed to Section officer (E) through letter attached as Annex-G for ex-post-Facto sanction in Ex-Pakistan leave with effect from 15-08-2008 to 10-03-2009 in order to regularize the matter.
- ✓ On 25-05-2009 upon promotion of officer as Assistant Director (Hort:) BPS-17 the pay fixation was done copy attached as Annex-H.
- ✓ On 02-06-2009 the officer against submitted his application for Ex-Pakistan leave without pay upto May 2011 copy attached as Annex-I. the same was forwarded to Section Officer (E) through letter copy attached as Annex-J.
- ✓ On 15-09-2009 PDA through letter attached as Annex-K, informed Section Officer (E) LGE&RDD that the where-about of the officer after arrival, is not known.
- ✓ On 28-09-2009 the officer submitted his arrival report copy attached as Annex-L. the matter was again informed to Section officer (E) LGE&RDD through letter attached as Annex-M, to regularize the matter.
- ✓ The officer on 15-01-2010 again submitted an application to Director General PDA attached as Annex-N. The application was send to Section Officer (E) LGE&RDD through letter which is self explanatory attached as Annex-O.
- ✓ No further correspondence is available in personal file of the officer.

Observations & Findings:-

Upon written statement, verbal discussion with Mr. Owais Ahmad, Assistant Director (Hort:) and the analysis of evidence. The officer had to obey the rules of the department but he did not wait till the decision of the Competent Authority hence the charges are established.

Recommendations:-

Keeping in view length of service of the officer, it is recommended that absence period of the officer may be converted into leave without pay from August 14, 2008 to September 12, 2012. And stoppage of one increment with warning notice if agreed please.

IJAZ AFZAL KHAN  
DIRECTOR (ESTATE MANAGEMENT)  
Peshawar Development Authority  
Hayatabad, Peshawar.  
(INQUIRY OFFICER)

Annex P

27

GOVERNMENT OF KHYBER PAKHTUNKHWA,  
LOCAL GOVERNMENT, ELECTIONS AND RURAL  
DEVELOPMENT DEPARTMENT

ORDER

Dated: Peshawar, the 4<sup>th</sup> March, 2013

No.SO(LG-I)2-318/PDA/2012.- WHEREAS, Mr.Owais Ahmad, Assistant Director (Hort) BPS-17, Peshawar Development Authority was granted Ex-Pakistan leave and was required to report for duty on 15-08-2008, but he did not report for duty and remained absent;

2. WHEREAS notice was issued to him on his home address vide registered letter No.SO(LG-I)2-318/PDA/2012/KC, dated 24-04-2012 directing him to resume duty within 15 days of receipt of notice and intimate cause of his absence failing which action will be taken against him under the relevant rules/laws;

3. WHEREAS the officer submitted arrival report within the stipulated period but no reasons were given to justify his willful absence with effect from 15/08/2008 and onward;

4. WHEREAS Mr.Ijaz Afzal, Director (Estate Management) Peshawar Development Authority was appointed as an Enquiry Officer to conduct enquiry into the allegations mentioned in the charge sheet dated 27-06-2012 served upon the above officer;

5. AND WHEREAS the Enquiry Officer conducted the enquiry against him in accordance with Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, examined the charges, evidence on record, submitted his report recommending termination of services of the officer as his whereabouts are not known and reportedly he has again proceeded abroad without permission of the Competent Authority. The allegations stands established against him;

6. NOW THEREFORE, the Competent Authority under Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline), Rules, 2011 and in view of recommendation of the Enquiry Officer has been pleased to order the "Removal from Service" of Mr.Owais Ahmad, Assistant Director (Hort) BPS-17, Peshawar Development Authority with immediate effect. The period from date of his absence to 3-03-2013 shall be treated as willful absence from duty.

SECRETARY TO GOVT.OF KHYBER  
PAKHTUNKHWA, LG&RDD/  
CHAIRMAN BOARD

28

Endst No. SO(LG-12-318/PDA/2012

Dated Peshawar, the 4<sup>th</sup> March, 2013

Copy is forwarded:-

1. The Director General, Peshawar Development Authority, Hayatabad, Peshawar.
2. The Director Finance, PDA, Hayatabad, Peshawar.
3. All Project Directors, Local Area Authorities in Khyber Pakhtunkhwa.
4. The Director Information, Khyber Pakhtunkhwa, Khyber Road, Peshawar.
5. Mr. Owais Ahmad, Ex-AD(Hort), Village: Mian Kaley, Sherpao, Tehsil and district Charsadda.
6. The PS to Advisor to Chief Minister for LG&RDD, Khyber Pakhtunkhwa.
7. The PS to Secretary, LG&RDD
8. The office order file.

(IZAZ ULLAH)  
SECTION OFFICER (ESTAB)

Annex-Q

(29)

To,

1. The Chief Secretary  
Government of Khyber Pakhtunkhwa,  
Civil Secretariat, Peshawar.

✓ 2. The Secretary,  
Government of Khyber Pakhtunkhwa,  
Local Government & Rural Development Department,  
Civil Secretariate, Peshawar.

THROUGH PROPER CHANNEL

APPEAL / REPRESENTATION UNDER SECTION 9 OF  
THE KHYBER PAKHTUNKHWA REMOVAL FROM  
SERVICE (SPECIAL POWERS) ORDINANCE AGAINST  
ORDER # SO(L.G-1)2-318/PDA/2013 DATED 04-03-2012.

Prayers in departmental appeal.

On acceptance of this departmental appeal the impugned Order dated 04-03-2012 pertaining to removal from service may please be set aside and the appellant may be reinstated in service with full benefits of service.

Respected Sir,

I submit my departmental appeal as under.

1. That the undersigned joined Peshawar Development Authority, Peshawar and worked as Assistant Director on merit and regular basis.
2. That I rendered satisfactory services during the tenure of my stay as incumbent.
3. That it is a fact that not a petty complaint arised out of my service tenure against my official career, and my superior always remained satisfied with my efficient and honest working.

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30
4. That while serving in the capacity of Assistant Director (Hort) BPS-17 (Peshawar Development Authority, Hayat abad Peshawar), due to some unavoidable circumstances, I duly applied for Ex-Pakistan leave. The application was duly processed and accepted. Hence, I was allowed Ex-Pakistan leave till 15/08/2008.
  5. That on expiry of my leave, I again applied for extension of leave under extreme necessity and compulsion, but my application was not entertained accordingly and was neither accepted nor rejected and yet to be decided hence it was presumed by me in good faith that my extension of long leave has been considered and sanctioned.
  6. That thereafter, I reported my arrival to the department but attitude of the department was malafide/ prejudiced and no posting order, as required under the rules, on return of leave was issued hence the undersigned remained indecisive.
  7. That in the meanwhile I was astonishingly informed by some reliable sources about some notice against me. In fact, the department issued unjustified and unwarranted notice for resuming duty within 15 days vide Order # SO(LG-I)2-318/PDA/2012/KC, dated 24.04.2012, which was never received by me nor by any of my representative.
  8. That however, once again in the undersigned with bonafide intention, in order to compliance with above mentioned order once again submitted his arrival report along with reasons of absence but in vain. Afterwards, time and again requested the department to clarify his situation but it is most regretfully stated that the department turn deaf ear to my request and the matter was suspended and hanging in the air for a long period. Thus, again the department miserably remained reluctant to issue my posting orders.
  9. That the proceeding of the enquiry committee was kept confidential from me and it was never brought into my knowledge, which I just came to know after the above mentioned impugned order.
  10. That no show cause notice was issued to me nor imposition of predetermination of major penalty was conveyed to me.
  11. That even the Order of removal from service was not conveyed to me, which was brought in my knowledge through some other reliable sources on 09/05/2013, hence I am lodging this appeal without wastage of time.
  12. That it is worth mentioning that the impugned Order for removal of service does not conveyed or received by the appellant, which proves that the said notification was also kept secret and was conducted one sided proceedings against present appellant.

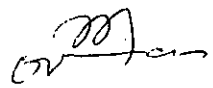


13. That the Notification whereby I was awarded the major penalty of removal from service is liable to be set aside inter alia on the following grounds.

GROUNDS OF APPEAL

- a. That I have not been treated in accordance with standing law and laid down E&D rules from by the Government of Khyber Pakhtunkhwa. And thus my right secured and guaranteed under the law has been violated.
- b. That all the proceedings conducted against me were violative of law and service rules as well as against the mandatory provisions of KPK Removal from service (special powers) Ordinance 2000, hence the impugned Notification is liable to be set at naught.
- c. That I have never been informed formally or informally about the constitution of the enquiry committee.
- d. That I have never been served with any notice/ show cause/ charge sheet nor any notice regarding refusing leave, thus I have been condemned unheard.
- e. That I never absented my self willfully, but I was of the bonafide belief that the leave has been sanctioned.
- f. That I have at my credit a long, clean and spotless career throughout my service. I have never been issued even letter of explanation, thus the penalty imposed is harsh and liable to be set aside. Furthermore ACR of the appellant is self explanatory.
- g. That the Notification of impugned order is not communicated to undersigned what so ever.

It is therefore humbly prayed that on acceptance of this departmental Appeal, the impugned order dated 04-03-2013 may please be set aside and the appellant may be reinstated in service with full back benefits of service.



OVAIS AHMAD  
Ex-Assistant Director (Hort) BPS-17  
Peshawar Development Authority  
(Resident of village of Sherpao, Mohalla  
Mian Kaly Tehsil Tangi, District  
Charsada.

No. 849

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For Insurance Notices see reverse. Rs. Ps.

Received at  
addressed to

Initials of Receiver

If insured.

Insurance fee Rs.	Ps.	Weight	Kilo
		(in words)	Grams
Name and address of sender		Eden Smith	

No. 850

For Insurance Notices see reverse. Rs. Ps.

Received at registered  
addressed to

Initials of Receiver

Insurance fee Rs.	Ps.	Weight	Kilo
		(in figures)	(in words)