

SCANNED  
KPSI  
Peshawar

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	25.01.2017	<p><u>BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR</u></p> <p>Appeal No. 1344/2013</p> <p>Sajid Ali Versus District Population Welfare Officer, Afzal Abad, Abdara Road; University Town, Peshawar and others.</p> <p><u>JUDGMENT</u></p> <p><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Counsel for the appellant and Mr. Ziaullah, Government Pleader alongwith Mr. Zaristan, Stenographer for respondents present.</p> <p>2. Sajid Ali S/o Bakhtiar Ali, hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against impugned order dated 29.04.2013 vide which he was dismissed from service on the allegation of willful absence and where-against his departmental appeal dated 29.05.2013 was not responded and hence the instant service appeal on 17.09.2013.</p> <p>3. Brief facts giving rise to the instant appeal are that the appellant was serving as Family Welfare Assistant (M)(BPS-05) when subjected to enquiry on the allegation of willful absence and dismissed from service vide impugned order referred to above.</p>

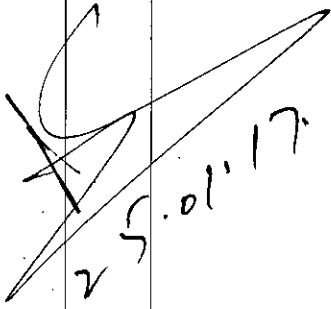
~~25.01.17~~

4. Learned counsel for the appellant has argued that the impugned order is against facts and law as the appellant was neither proceeded against within meaning of Rule-9 of Khyber Pakhtunkhwa Govt Servant (E&D) Rules, 2011 nor afforded opportunity in the enquiry proceedings despite his availability. That the appellant has not remained absent and was condemned unheard.

5. Learned Government Pleader has argued that the appellant was proceeded against in accordance with law. That since the appellant has received show cause notice as such publication in two leading news papers as required under Rule-9 were not warranted. That the appellant was at Afghanistan and has never performed his duty. He also placed reliance on case law reported in 2011 PLC (C.S)990 (Supreme Court of Pakistan) wherein it was observed that when absence is admitted then there would be no need for conducting a formal enquiry.

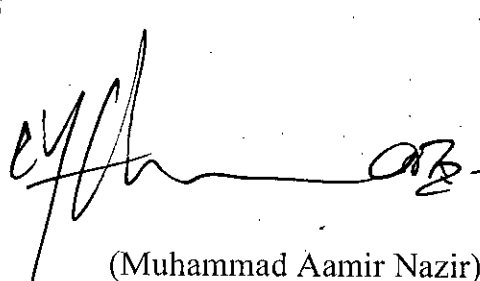
6. We have heard arguments of learned counsel for the parties and perused the record.

7. Show cause notice placed on record would suggest that the same was issued on 11.04.2013. According the stance of the appellant he has received the same on 16.04.2013. The appellant was required to answer the allegation in the show cause notice within fifteen days from its date of delivery. The appellant has been dismissed from service on 29.04.2013 i.e. prior to the lapse of fifteen days as prescribed in the show cause notice dated 11.04.2013. In

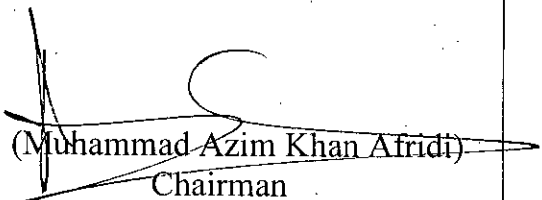
A handwritten signature and date are present in the left margin. The signature is a stylized, cursive mark. Below it, the date '25.01.17' is written in a simple, handwritten style.

such eventuality we are of the view that the competent authority has failed to adhere to the required procedure and has passed the impugned order without giving due attention to the contents and requirements of the said show cause notice.

8. We would, therefore, and without touching the other merit of the case, accept the instant appeal and as a consequence thereof reinstate the appellant in service for the purpose of enquiry and would place the respondents at liberty to conduct *de-novo* enquiry against the appellant on the afore-stated charges enumerated in the show cause notice within a period of two months from the date of receipt of this judgment. The respondents shall conduct the enquiry in accordance with the prescribed procedure wherein opportunity of hearing including defense should be afforded to the appellant. The issue of back benefits shall be subject to outcome of the *de-novo* enquiry. The appeal is accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Aamir Nazir)  
Member

  
(Muhammad Azim Khan Afridi)  
Chairman

25.01.17.

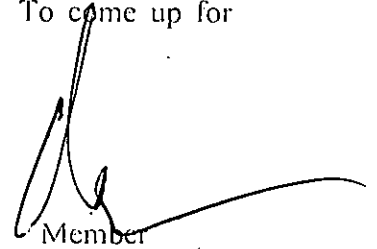
ANNOUNCED  
25.01.2017

28.06.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Learned Government Pleader submitted before the court that the representative of the respondent is not before the court today to clarify about the written statements submitted of respondent No. 1 therefore, adjournment be granted. Respondents are directed to clarify the position on next date. To come up for further proceedings and arguments on 13.10.2016.



Member




Member

13.10.2016

Counsel for the appellant and Additional AG for respondents present. Counsel for the appellant requested for adjournment. Adjournment granted. To come up for arguments on 25.01.2017.



(ABDUL LATIF)  
MEMBER



(PIR BAKHSH SHAH)  
MEMBER

8.5.2015

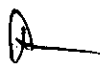
Appellant in person and Mr. Muhammad Jan, GP for the respondents present. Rejoinder received. To come up for arguments on 13.11.2015.

  
MEMBER

13.11.2015

Counsel for the appellant and Mr Ziaullah, GP for respondents present. Learned counsel for the appellant submitted that respondent No. 2 and 3 should clarify the position about the written statement submitted by respondent No. 1. Learned Government Pleader stated that the same will be clarifying on the next date. To come up for such clarification and arguments on.


*24-3-2016.*

  
Member

  
Member

24.03.2016

Appellant in person and Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to paucity of time. Therefore, the case is adjourned to 28.06.2016 for arguments.

  
Member

  
Member

1344/13

10.7.2014.

Counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Ishfaq, DDO for the respondents present and requested for further time. To come up for written reply on 29.09.2014.

MEMBER

MEMBER

29.09.2014

~~Junior to counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Zarif Khan Steno present and reply filed. To come up for rejoinder on 16.12.2014. come up for written reply on~~

~~16.12.2014~~

MEMBER

MEMBER

16.12.2014

Father of the appellant and Mr. Ziaullah, GP with Zaristan Steno for the respondents present. The Tribunal is incomplete. To come up for the same on 3.3.2015.

MEMBER

3.3.2015

Appellant in person and Addl. AG for the respondents present. Appellant requested for time to file rejoinder. To come up for rejoinder on 8.5.2015.

MEMBER

Appeal No. 1344/2013.  
Mr. Saajid Ali.

12.2013


Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 30.01.2013.

  
Member

2014

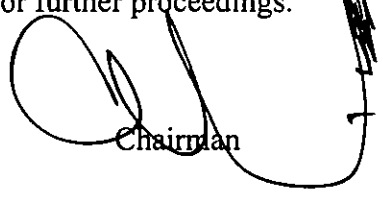
Appellant with counsel present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the dismissal order dated 29.04.2013, the appellant filed departmental appeal on 29.05.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 17.09.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 23.04.2014.

*Appellant deposits  
of process fee & security  
Rs. 1800/- Bank Receipt  
attached with file*

  
Member

30.01.2014

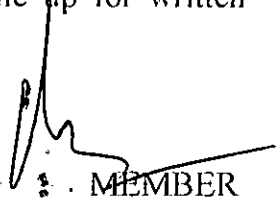
This case be put before the Final Bench II for further proceedings.

  
Chairman

23.4.2014

Appellant in person and Mr. Muhammad Jan, GP with Muhammad Ishfaq, DDO for the respondents present and requested for adjournment. To come up for written reply on 10.7.2014.

MEMBER 

  
MEMBER

warning and two years leave without was granted for the said period.

(Copies of application, show cause notice, reply and order are enclosed as Annex-B)

That the appellant reported arrival after the expiry of his leave on 01/03/2011 and performed his duties at the place of his posting at FWCentre Hazar Khwani, Peshawar.

5.

That the appellant was transferred from Family Welfare Centre Hazar Khwani to Family Welfare Centre, Chaghar Matti on 02/05/2011 and the appellant submitted his arrival on 23/05/2011, which was properly forwarded to the District Population Welfare Officer, Peshawar by the concerned Incharge of the centre.

(Copies of the transfer order and arrival report are enclosed herewith as Annex- C)

6.

That the appellant remained on medical leave from 15/11/2011 to 14/12/2011 on full pay.

(Copy of the order is enclosed as Annex- D)

7.

That on 28 /12 / 2011, the study session again started and an application for two years leave without pay from 01/01/2012 to 31/12/2013 was submitted which was not considered in spite of the fact that the earlier leave had been granted on the same ground i.e. study.

(Copy of the application is enclosed as Annex-E)

8.

That the District Population Welfare Officer, Peshawar served upon the appellant a show cause notice dated 11/04/2013 wherein absence from duty from 23/05/2011 till date of dismissal has been alleged illegally, unlawfully and in disregard of the evidence on record, and without giving the appellant any chance to clarify his position, was dismissed from service vide the impugned order.

(Copy of the order of dismissal is enclosed herewith as Annex-F)

9.

That the appellant approached the appellant authority vide the appeal dated 29/05/2013 but the same was not considered.

(Copy of the appeal is enclosed as Annex- G)

10.

That the appellant, being seriously aggrieved from the said order, therefore, approaches this Hon'ble forum inter alia on the following

GROUNDS:

- A. That the impugned order is illegal, unlawful and in exclusion of the evidence available on record.



- B. That the allegation of absence from duty is not correct since on 23/05/2011 the appellant had reported arrival for duty in Family Welfare Centre, Chaghar Matti in pursuance of his transfer order and duly signed by the district population welfare officer, Peshawar as elaborated in para 8 facts of the appeal.
- C. That the appellant had been granted leave on medical grounds for one month from 15/11/2011 to 14/12/2011 as explained in para 6 of the facts, which shows the presence of the appellant till 14/12/2011.
- D. That the appellant has not been proceeded against in accordance with the prescribed procedure and no explanation, charge sheet, sheet of allegations, have been served upon him.
- E. That no inquiry has been conducted against the appellant.
- F. That no opportunity of hearing has been given to the appellant.
- G. That no opportunity of reply to the show cause notice within the stipulated period of 15 days has been given to the appellant i.e. the show cause notice was received on 16/04/2013 and the dismissal order was issued on 29/04/2013.
- H. That any other document / ground may kindly also be allowed to be presented at the time of arguments.

It is, therefore, requested that in view of the above grounds the appeal may kindly be accepted; and setting aside the dismissal order, the appellant may very graciously be reinstated in service please.

Dated \_\_\_\_\_/09/2013

*Sajid*  
Appellant

Through

*Riaz Ahmad*  
Riaz Ahmad  
(Advocate Peshawar)

(4)

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE  
TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_/2013

Sajid Ali

..... Appellant

VERSUS

District Population Welfare Officer Peshawar and others .... Respondents

AFFIDAVIT

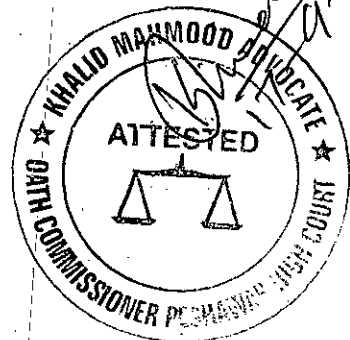
I, Sajid Ali S/ O Bakhtiar Ali, R/O Canal Town, Street No. 4 /A House No. 34, Nasir Bagh Road, Near University of Peshawar (Family Welfare Assistant – Male, BPS – 5, District Population Welfare Office, Peshawar, appellant, do hereby solemnly affirm and declare on oath that the contents of the instant appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

Dated \_\_\_\_\_/09/2013

Deponent

*Sajid Ali*  
Sajid Ali

NICard No. 13782704224



15

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE  
TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_/2013

Sajid Ali

..... Appellant

VERSUS

District Population Welfare Officer Peshawar and others .... Respondents

MEMO OF ADDRESSES

APPELLANT

Sajid Ali S/ O Bakhtiar Ali, R/O Canal Town, Street No. 4 /A House No. 34,  
Nasir Bagh Road, Near University of Peshawar (Family Welfare Assistant –  
Male, BPS – 5, District Population Welfare Office, Peshawar.

RESPONDENTS

1. District Population Welfare Officer, Afzal Abad, Abdara Road,  
University Town, Peshawar
2. The Director General, Population Welfare, F.C. Trust Building,  
Saddar Road, Peshawar.
3. Secretary to the Government of KPK for Population Welfare  
Department, Near Park, Defense colony, Peshawar.

Dated \_\_\_\_\_/09/2013

Appellant

Through

  
Riaz Ahmad  
(Advocate Peshawar)

warning and two years leave without was granted for the said period.

(Copies of application, show cause notice, reply and order are enclosed as Annex-B)

4. That the appellant reported arrival after the expiry of his leave on 01/03/2011 and performed his duties at the place of his posting at FWCentre Hazar Khwani, Peshawar.
5. That the appellant was transferred from Family Welfare Centre Hazar Khwani to Family Welfare Centre, Chaghar Matti on 02/05/2011 and the appellant submitted his arrival on 23/05/2011, which was properly forwarded to the District Population Welfare Officer, Peshawar by the concerned Incharge of the centre.  
(Copies of the transfer order and arrival report are enclosed herewith as Annex- C)
6. That the appellant remained on medical leave from 15/11/2011 to 14/12/2011 on full pay.  
(Copy of the order is enclosed as Annex- D)
7. That on 28 /12 / 2011, the study session again started and an application for two years leave without pay from 01/01/2012 to 31/12/2013 was submitted which was not considered in spite of the fact that the earlier leave had been granted on the same ground i.e. study.  
(Copy of the application is enclosed as Annex-E)
8. That the District Population Welfare Officer, Peshawar served upon the appellant a show cause notice dated 11/04/2013 wherein absence from duty from 23/05/2011 till date of dismissal has been alleged illegally, unlawfully and in disregard of the evidence on record, and without giving the appellant any chance to clarify his position, was dismissed from service vide the impugned order.  
(Copy of the order of dismissal is enclosed herewith as Annex-F)
9. That the appellant approached the appellant authority vide the appeal dated 29/05/2013 but the same was not considered.  
(Copy of the appeal is enclosed as Annex- G)
10. That the appellant, being seriously aggrieved from the said order, therefore, approaches this Hon'ble forum inter alia on the following

**GROUND:**

- A. That the impugned order is illegal, unlawful and in exclusion of the evidence available on record.

- B. That the allegation of absence from duty is not correct since on 23/05/2011 the appellant had reported arrival for duty in Family Welfare Centre, Chaghar Matti in pursuance of his transfer order and duly signed by the district population welfare officer, Peshawar as elaborated in para 8 facts of the appeal.
- C. That the appellant had been granted leave on medical grounds for one month from 15/11/2011 to 14/12/2011 as explained in para 6 of the facts, which shows the presence of the appellant till 14/12/2011.
- D. That the appellant has not been proceeded against in accordance with the prescribed procedure and no explanation, charge sheet, sheet of allegations, have been served upon him.
- E. That no inquiry has been conducted against the appellant.
- F. That no opportunity of hearing has been given to the appellant.
- G. That no opportunity of reply to the show cause notice within the stipulated period of 15 days has been given to the appellant i.e. the show cause notice was received on 16/04/2013 and the dismissal order was issued on 29/04/2013.
- H. That any other document / ground may kindly also be allowed to be presented at the time of arguments.

It is, therefore, requested that in view of the above grounds the appeal may kindly be accepted; and setting aside the dismissal order, the appellant may very graciously be reinstated in service please.

Dated \_\_\_\_\_/09/2013

*Sajid*  
Appellant

Through

*Riaz Ahmad*  
Riaz Ahmad  
(Advocate Peshawar)

(4)

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE  
TRIBUNAL, PESHAWAR

Service Appeal No. \_\_\_\_\_/2013

Sajid Ali

..... Appellant

VERSUS

District Population Welfare Officer Peshawar and others .... Respondents

AFFIDAVIT

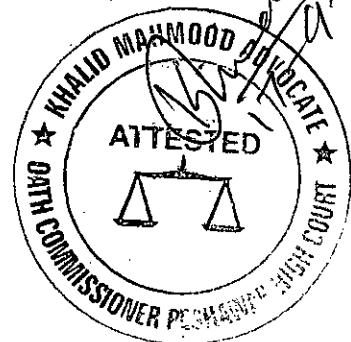
I, Sajid Ali S/ O Bakhtiar Ali, R/O Canal Town, Street No. 4 /A House No. 34, Nasir Bagh Road, Near University of Peshawar (Family Welfare Assistant – Male, BPS – 5, District Population Welfare Office, Peshawar, appellant, do hereby solemnly affirm and declare on oath that the contents of the instant appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

Dated \_\_\_\_\_/09/2013

Deponent

  
Sajid Ali

NICard No. 13782704224



(6) Annex-A

Government of NWFP;  
Office of the District Population Welfare Officer,  
St-2 Hashnagar House Jehangirabad Jamrud Rd. Peshawar.

F.No. 1(4) 2006-Admn:

Dated, Peshawar, the 7 / April 2008

OFFICE ORDER.

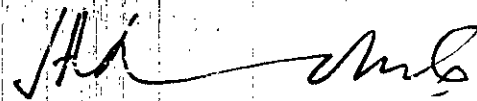
Sanction is hereby accorded to the grant of 365 days (One Year) Leave without pay w.e.f 01-02-2008 in respect of Mr. Sajid Ali Family Welfare Asstt. (M), (BPS-05) Family Welfare Centre Hazar Khawani Peshawar.

He is likely to return to the same post and station of duty after the expiry of her leave.

Sd/-  
Distt. Population Welfare Officer,  
Peshawar.

Copy of the above forwarded to the:

- 1). Accountant General, NWFP, Peshawar for information please.
- 2). Accountant (Local) for information and action.
- 3). I/C FWC, Hazar Khawani, Peshawar for information.
- 4). Mr. Sajid Ali FWA (M), for information w/r to his application dated 15-1-2008.
- 5). P.File.

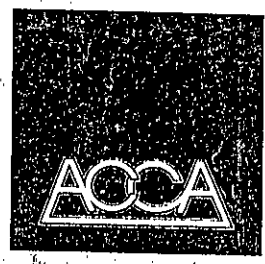


(HABIB UR REHMAN)

Asstt. Distt. Population Welfare Officer,  
Peshawar.

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# ACCA Qualification Initial Registration (IR)



Guidance notes have been provided to assist you with the completion of this form. Please read these notes together with the important information below. Alternatively, you can register online at [www.accaglobal.com](http://www.accaglobal.com)

This form should be completed by anyone wishing to register for the ACCA Qualification, including those students who will be applying through the Mature Student Entry Route. If you answer **YES** to any of the questions below you should **NOT** complete this form, instead you should contact *ACCA Connect* on +44 (0)141 582 2000 or your local ACCA or Joint Examination Scheme office for clarification of your status.

Have you been registered with ACCA before?

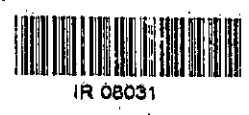
Are you a resident in any of the following countries where ACCA has a Joint Examination Scheme?  
Barbados, Belize, Botswana, Cambodia, Cyprus, Ethiopia, Guyana, Jamaica, Lesotho, Macau, Malawi, Malta, Sierra Leone, Singapore, Swaziland, Trinidad and Tobago, Vietnam and Zambia.

Do you want to register for any of the following qualifications?

- Certified Accounting Technician (CAT)
- Diploma in Financial Management (DipFM)
- Diploma in International Financial Reporting (DipIFR)

**FORM NUMBER**      2000164911

Please keep a note of the unique form number. The number can be used to track the progress of your application via [www.accaglobal.com](http://www.accaglobal.com). As this form, with the unique reference number, is scanned on receipt, please do not submit photocopied versions.



Your form will be read electronically so it is important that you fill in your details in **BLACK INK** and **BLOCK CAPITAL** letters.

**INITIAL REGISTRATION CLOSING DATES**

Closing Date	Exam Session
31 December	June
15 August	December



We recommend that you make every effort to submit your registration form before the above deadlines. Applications are accepted throughout the year. Due to the volume of applications received around each closing date, we are unable to accept any late applications.

ACCA IR  
Jan 2007



19

# 1 Personal and Address Details

### EXAMPLES:

#### Chinese names

Insert your full name, with surname first, in the Surname/Family name box. Western names should be inserted in the First/Western name box.

First/Western name

MARY

Surname/Family name

CHAN YIN YEE

#### Muslim names

Insert your full name in the Surname/Family name box.

First/Western name

Surname/Family name

MOHAMED AHMED SALIM

▼ Title (Mr, Mrs, Miss, Ms, or please specify if other)

MR

▼ First/Western name (see example, opposite)

▼ Surname/Family name (see example, opposite)

SAHIBZADA SAJID ALI

▼ Date of Birth

15091982

▼ Male

▼ Female

▼ Nationality

PAKISTANI

▼ Residential address

HOUSE #34A STREET 4A CANAL TOWN  
NASIR BAGH ROAD

▼ Town or City

PESHAWAR

▼ County or State

NWFP

▼ Post/Zip code

25000

▼ Country

PAKISTAN

Telephone number, including area code (eg +44 (0)141 582 2000)

◀ Country code

◀ Area code

◀ No

▼ Mobile telephone number

00923459146758

# 2 Employment Details – Please refer to guidance notes before completing this section

Please indicate your current employment status.

◀ Employed

◀ Self employed

◀ Unemployed\*

◀ Career break\*

◀ Studying\*

▼ Job title – please specify

▼ Company name

▼ Company address

ACCA\* may contact employers with information about ACCA services. If you are employed and do not wish your employer to be contacted, please leave this section blank and go to section 3.

\* Please go to section 3.

▼ Town or City

▼ County or State

▼ Post/Zip code

▼ Country

Business telephone number, including area code (eg +44 (0)141 582 2000)

◀ Country code

◀ Area code

◀ No

What sector do you work in?

◀ Public practice

◀ Retail/Commerce

◀ Public sector



IR 08032

*10*

### 13 How Did You Find Out About ACCA?

Please cross ALL boxes that apply.

- |  |  |   |  |
|--|--|---|--|
| <input type="checkbox"/> ACCA promotional event  | <input type="checkbox"/> ACCA publication/literature | <input type="checkbox"/> Careers service/literature | <input type="checkbox"/> Trade/career event          |
| <input checked="" type="checkbox"/> ACCA website | <input type="checkbox"/> Other website               | <input checked="" type="checkbox"/> Friend/relative | <input checked="" type="checkbox"/> Tuition provider |
| <input type="checkbox"/> Colleague               | <input type="checkbox"/> Employer                    | <input type="checkbox"/> ACCA advertisement         |  |

### 14 Ethnic Origin – Please refer to guidance notes before completing this section

Please indicate your ethnic origin.

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Asian – Bangladeshi          | <input type="checkbox"/> Asian – Chinese | <input type="checkbox"/> Asian – Indian  | <input type="checkbox"/> Asian – Malay     |
| <input checked="" type="checkbox"/> Asian – Pakistani | <input type="checkbox"/> Asian – Other   | <input type="checkbox"/> Black – African | <input type="checkbox"/> Black – Caribbean |
| <input type="checkbox"/> Black – Other                | <input type="checkbox"/> White           | <input type="checkbox"/> Other           |  |

### 15 Declaration – Please read this section carefully before signing the form

I understand that my eligibility will be based solely on official documents about my qualifications that I have sent to ACCA. I have enclosed all relevant details. I understand that I will be charged for any exemptions at the current rate. I understand that once I have registered, I could be liable to disciplinary action under ACCA Bye-law 11 for events set out in ACCA Bye-law 8 which occurred before or after I registered (See notes below before signing). I have disclosed details of any past events referred to in ACCA Bye-law 8 and understand that they will be taken into account in dealing with my application, but that they will not automatically stop me becoming an ACCA student. I declare that I have included anything ACCA needs to know, and understand that any failure to disclose past events referred to in ACCA Bye-law 8 may render me liable to disciplinary action. I wish to apply for registration to attempt the ACCA Qualification or the Mature Student Entry Route. I agree that while I am registered with ACCA I will tell you about any event which may contravene ACCA Bye-law 8 and make me liable to disciplinary action. I agree to comply with ACCA Charter, Bye-laws, Regulations and Code of Ethics and Conduct.

I declare that I have read and fully understood the declaration above and that the information I have given on this form is correct.

I consent to ACCA processing this information under the Data Protection Act 1998 and understand that this information, together with any subsequent correspondence and documentation will be retained by ACCA in a database, and/or disclosed, for administrative and regulatory purposes. I understand that any such disclosure may be to a country outside the UK that does not have laws to protect this information.

I confirm that I have not previously been registered as a student with ACCA.

*Taj*

Signature

21072009 Date

DO NOT MARK

Notes ACCA Bye-law 8 sets out the details of the events which could lead to disciplinary action. These events include (but are not limited to) the following:

Incompetence in carrying out work, which discredits you, or ACCA or the accountancy profession; breach of ACCA Bye-laws or regulations; disciplinary action against you by another professional body or organisation; bankruptcy or insolvency; misconduct - this includes (but is not limited to) any act, or failure to act, that is likely to discredit you. The following events are conclusive proof of misconduct: conviction for a criminal offence by a UK court, or by a superior court of another country, which discredits you or is derogatory to ACCA or the accountancy profession; a civil judgement by a UK court, or by a superior court of another country, that you have acted fraudulently or dishonestly. Copies of the ACCA Rulebook and post-registration information are available for reading online at the [www.accaglobal.com](http://www.accaglobal.com), or at ACCA offices.

### 16 Where to Send This Form

Please review the checklist on the front of the guidance notes to ensure that you have attached all relevant documentation and the fee or credit/debit card details.

Please send the completed form to:

ACCA CUSTOMER SERVICES 2 Central Quay 89 Hydepark Street Glasgow G3 8BW United Kingdom

If you have any questions tel: +44 (0)141 582 2000 fax: +44 (0)141 582 2222 e-mail: [students@accaglobal.com](mailto:students@accaglobal.com)

Alternatively, if you are resident in a country or region where we have a national office, the Office may be able to forward the form to ACCA on your behalf. Please refer to the ACCA website [www.accaglobal.com](http://www.accaglobal.com) for a full list of national offices.

Official Use Only

- |                                 |                                    |                               |
|---------------------------------|------------------------------------|-------------------------------|
| <input type="checkbox"/> No fee | <input type="checkbox"/> No refund | <input type="checkbox"/> Date |
|---------------------------------|------------------------------------|-------------------------------|

15

BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE  
TRIBUNAL , PESHAWAR

Service Appeal No. \_\_\_\_\_/2013

Sajid Ali

..... Appellant

VERSUS

District Population Welfare Officer Peshawar and others .... Respondents

MEMO OF ADDRESSES

APPELLANT

Sajid Ali S/ O Bakhtiar Ali, R/O Canal Town, Street No. 4 /A House No. 34,  
Nasir Bagh Road, Near University of Peshawar (Family Welfare Assistant –  
Male, BPS – 5, District Population Welfare Office, Peshawar.

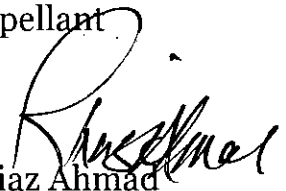
RESPONDENTS

1. District Population Welfare Officer, Afzal Abad, Abdara Road,  
University Town, Peshawar
2. The Director General, Population Welfare, F.C. Trust Building,  
Saddar Road, Peshawar.
3. Secretary to the Government of KPK for Population Welfare  
Department, Near Park, Defense colony, Peshawar.

Dated \_\_\_\_\_/09/2013

Appellant

Through

  
Riaz Ahmad  
(Advocate Peshawar)

**3 Practical Experience Requirements – Please refer to guidance notes before completing this section**

All ACCA trainees must keep a record of their practical work experience and make an annual return to ACCA which details their achievement. To record your experience and make your annual return you will have access to a personalised trainee development matrix (TDM) and services online. You should start recording your work experience as soon as possible so that you receive full credit for past and current experience.

If you do NOT have Internet access and are NOT able to access online support cross here. ACCA will contact you regarding alternative methods of recording experience.

**4 Entry Level and Exemptions – Please refer to guidance notes before completing this section**

Please indicate the level at which you wish to enter the ACCA qualification.

- Mature Student Entry Route (MSER)  
 The ACCA Qualification - no exemptions requested  
 The ACCA Qualification - exemptions requested

**Exemptions** Please indicate below the papers you request to be exempt from:

- F1 Accountant in Business (AB)       F2 Management Accounting (MA)       F3 Financial Accounting (FA)  
 F4 Corporate and Business Law (CL)       F5 Performance Management (PM)       F6 Taxation (TX)  
 F7 Financial Reporting (FR)       F8 Audit and Assurance (AA)       F9 Financial Management (FM)

Please provide details of qualifications that you hold, or are currently studying.

**Educational Details**

Qualification title	College/University/ Professional body attended	Country of study	Length of course	Award date
MASTERS OF COMMERCE	QURTUBA UNIVERSITY	PAKISTAN	2 YEARS	2007
BACHELOR OF COMMERCE	QURTUBA UNIVERSITY	PAKISTAN	2 YEARS	2004

**5 Disability – Please refer to guidance notes before completing this section**

Any information disclosed will be treated in the strictest confidence and will not be passed on to your employer, or any third party organisation without your express consent.

Do you have a long term or permanent disability, health problem, indisposition or specific/learning difficulty that might:

- affect your examinations and for which you require support from ACCA?
- affect any service or facility offered by ACCA for which you may require support?



IR 08032

If you wish to notify ACCA of any such condition, please indicate by placing a cross in this box and enclose supporting documentation with this registration application.

**6 Variant Examinations – Please refer to guidance notes before completing this section**

**Important Notes**

- Law Papers – F4 Corporate and Business Law (CL).
- Tax Papers – F6 Taxation (TX) and Paper P6 Advanced Taxation (ATX).
- If a law paper variant is not available in your country, the most appropriate variants are England or Global.
- Students selecting the Czech Republic, Hungary, India, Pakistan, Poland or Russia tax paper variant will be allocated the UK variant for Paper P6 Advanced Taxation (ATX) - if this paper is selected as an optional paper at a future exam session.

Please select your preferred variant for the law and tax papers.

VARIANTS	LAW PAPERS	TAX PAPERS	VARIANTS	LAW PAPERS	TAX PAPERS
China	<input type="checkbox"/>	<input type="checkbox"/>	Malaysia	<input type="checkbox"/>	<input type="checkbox"/>
Czech Republic	<input type="checkbox"/>	<input type="checkbox"/>	Pakistan	<input type="checkbox"/>	<input type="checkbox"/>
England	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Poland	<input type="checkbox"/>	<input type="checkbox"/>
Global	<input type="checkbox"/>	<input type="checkbox"/>	Russia	<input type="checkbox"/>	<input type="checkbox"/>
Hong Kong	<input type="checkbox"/>	<input type="checkbox"/>	Scotland	<input type="checkbox"/>	<input type="checkbox"/>
Hungary	<input type="checkbox"/>	<input type="checkbox"/>	South Africa	<input type="checkbox"/>	<input type="checkbox"/>
India	<input type="checkbox"/>	<input type="checkbox"/>	UK	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Ireland	<input type="checkbox"/>	<input type="checkbox"/>	Zimbabwe	<input type="checkbox"/>	<input type="checkbox"/>

(12)

## 7 The Oxford Brookes BSc (Hons) in Applied Accounting

– Please refer to guidance notes before completing this section

ACCA's innovative partnership with Oxford Brookes University allows ACCA students to study for a BSc (Hons) in Applied Accounting, while taking their ACCA examinations.

If you are eligible and unless you indicate otherwise below, you will automatically be considered for inclusion in this programme. Your details will be disclosed to Oxford Brookes University.

◀ Do NOT include me in the ACCA/Oxford Brookes University Programme.

## 8 ACCA Exchange Employer Number

If your employer is part of the ACCA Exchange Employer Service, please indicate their Exchange Employer number.

◀ ACCA Exchange Employer number



IR 08033

## 9 ACCA Accelerate/Customer Number

If you are an *accelerate* student you must confirm your registration number to ensure that your account details are updated accordingly. Alternatively, please confirm any customer number issued by ACCA.

◀ ACCA Accelerate/Customer number

## 10 E-mail, E-client and Preferred Contact Address

– Please refer to guidance notes before completing this section

Please indicate your e-mail address. This will be used for e-mails sent to you by ACCA, therefore, please ensure that you indicate your level of consent.

E-mail

SAHIBZADASAJIDALI@HOTMAIL.COM

ACCA may send you information by e-mail. To ensure that you receive only the type of information you require by e-mail, please cross one of the four boxes.

E-mail consent level

◀ If you do NOT wish to receive any electronic correspondence from ACCA, please cross here. All correspondence will be sent by post.

◀ If you wish to receive the majority of correspondence via e-mail rather than by post, please cross here.

◀ Throughout the year ACCA may send specific information and general promotional/event information. Should you wish to receive these by e-mail, please cross here.

◀ ACCA may carry out mailings on behalf of third parties where, solely in ACCA's opinion, the products or services on offer are likely to be of direct interest, relevance or benefit to a student or member. Should you wish to receive these by e-mail, please cross here.

By opting into *e-client* you will receive a paper free service from ACCA enabling you to view any documentation from ACCA instantly through the online student portal. Please note that official confirmation of registration and your exam results will still be sent via post.

E-client

◀ To opt into *e-client* please cross the box and ensure you have selected your e-mail consent level, which must include receipt of correspondence via e-mail.

Please indicate the address to which ACCA communications should be directed.

Preferred contact address

◀ Residential | | ◀ Business

Upon registration you will be sent your post registration information on a CD-ROM.

◀ If you do NOT wish to receive the CD-ROM and wish to request a paper copy please cross here.



IR 08033

UB

### 11 UK Data Protection Act

Under the terms of the Data Protection Act (1998) third parties such as current and future employers, educational institutes, professional bodies, tuition providers and recruitment consultants may request information from ACCA on registered students. The information ACCA can provide is limited to a student's name, address, date of birth and examination details. Please indicate below if you consent to ACCA giving out this information.

I consent to ACCA giving out this information.

If you wish your name and details of examination passes to be published on the Affiliate list, please indicate your express consent by crossing this box.

Whilst ACCA never supplies mailing details to third parties, it does undertake strictly controlled mailings on behalf of selected third parties where the product or service being advertised is likely to be of interest to its registered students.

If you wish to receive such mailings please indicate your express consent by crossing this box.

### 12 Method of Payment to ACCA – Please refer to guidance notes before completing this section

Payment should be made to The Association of Chartered Certified Accountants, please write your form number on the front of your payment documents. We can only accept the credit/debit cards listed. Please select one payment method only.

Crossed GBP cheque/bank draft drawn on a UK bank

Crossed GBP British postal orders

Solo

Visa

Mastercard

American Express

Switch/Maestro UK

▼ Name of cardholder (as shown on card)

Card number (from front of card - do not include spaces, do not include the 3 digit security code on the reverse.)

▼ Card number

▼ Start date (if shown)

▼ Expiry date

▼ Issue no. (if shown)

▼ Amount payable

▼ Today's date

▼ Cardholder's signature



IR 08034



2000164911

Please ignore this section do not mark any of these boxes.



IR 08034

(17)

Government of Khyber Pakhtunkhwa  
Office of the District Population Welfare Officer  
House No.17 Sector J-1, Phase-II, Baghi Naraan Chowk  
Hayatabad Peshawar.

F.No:1(15)/2009-Admn

Dated: 05/03/2011.

To

Sajid Ali  
F.W.A(M)

Subject:- WARNING.

With reference to your reply Dated: 01/03/2011 in response of this office Show cause Notice No. 1(15)/2009-Admn Dated: 17-02/2011, the undersigned has accepted your reply but you are strictly warned for the future. If you repeat such practice again in future your service will be terminated under Khyber Pakhtunkhwa, Removal from Service (Special Power) Ordinance 2000, Amended 2001 without any warning. Moreover your two years leave period (which you took without any intimation/permission to this office) will be converted into leave without pay i.e. 01/03/2009 to 28/02/2011.

*(Akhtar Laman Marwat)*

District Population Welfare Officer  
Peshawar

Copy to:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar for information pl.
2. Accountant (Local), Khyber Pakhtunkhwa, Peshawar for information pl.
3. PS to Director General, Population Welfare, Khyber Pakhtunkhwa, Peshawar for information please.
4. Personal File of the Official Concerned.

*(Akhtar Laman Marwat)*

District Population Welfare Officer  
Peshawar

(18)

Annex - C

Government of Khyber Pakhtunkhwa  
Office of the District Population Welfare Officer  
House No. 4501, St.3, Sikandar Town Peshawar.

F.No:1(19)/2010-Admn.

Dated:20 /05/2011.

OFFICE ORDER.

The Office Order of even no. Dated: 12/04/2011 regarding F.W.A(M)s transfer is hereby cancelled/withdrawn from the date of it's issuance with immediate effect & till further orders.

Mr. Sajid Ali, F.W.A(M) is hereby transferred to FWC Chaghar Matti against the vacant post of F.W.A(M). Moreover Mr. Sajid Ali is strictly directed to report his arrival for duty in compliance to office order no. F.No. 1(15)/2009-Admn Dated: 05/03/2011.

*(Akhtar Zaman Marwat)*  
District Population Welfare Officer  
Peshawar

Copy to:-

1. Accountant (Local) for information & n/action.
2. I/C FWCs Concerned for information & n/action.
3. Officials Concerned for information & Strict Compliance.
4. Personal File of the officials concerned.

*(Akhtar Zaman Marwat)*  
District Population Welfare Officer  
Peshawar



(19)

152

Diary No .....

Dated 23/5/11

Signature .....

DPWO Peshawar.

The District Officer

Population Welfare Department

Peshawar

Subject: Annual Report

Dear Sir,

Reference to the office order FWC/1(19)/2011-

Admn; I hereby submit my annual report at  
FWC Chaghar Malli and FWA (M) on date of

23 May 2011

Thank you very much.

Sincerely,

Sajid Ali

FWA (M)

Date 23/05/2011

Forwarded to DPWO

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

(20)

Annex - D

Government of Khyber Pakhtunkhwa  
Office of the District Population Welfare Officer  
House No. 4501, St.3, Sikandar Town Peshawar.

F.No:1(4)/2011-Admin

Dated Peshawar, the 23 / 12 / 2011.

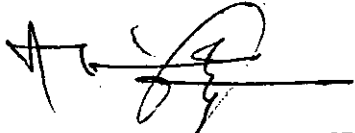
OFFICE ORDER.

Sanction is hereby accorded to the grant of 30 days Earned/ Medical/  
Maternity and other leave from 15-11-2011 to 14-12-2011 in respect of  
Mr./Mrs./Miss Sajjid Ali FWC (M) F.W. Centre Chagar Mathi with full average pay / without pay.  
He/She is likely to return to the same post and station of duty after the expiry of the said  
leave.

District Population Welfare Officer  
Peshawar

Copy to:-

- (1) Accountant (Local), for information and n/action.
- (2) Official concerned for information.
- (3) I/C FWC Chagar mathi for information.
- (4) Personal file of the official concerned.

  
District Population Welfare Officer  
Peshawar

No.

Rs. 5,-

OUT-PATIENTS DEPARTMENT.

NAME *[Handwritten Name]*

YEARLY NO *64245*

DATE *15/11/11*

DISEASE *Acute*

FACE VALUE RUPEES 5

*(21)*

- Cap Feldene 20mg  
1+

- Tab Neurobion  
1+

- Nintogeno Cream  
1+1+

Advised complete bed  
rest for *(01) one*  
month  
wef 15/11/2011

Medical Officer  
Police, F.I. and Services  
Hospital, Peshawar



GOVERNMENT OF PAKISTAN  
ACCOUNTANT GENERAL KHYBER PAKHTUNKHA  
DISTRICT Peshawar Dist.  
PAY ROLL SYSTEM

(22)

PAYMENT ADVICE

F Sec:004 Month:September 2011  
PW6491 -Population Welfare Pesh  
Min: Population Welfare  
HTN:  
GPF #: JM 022339  
Old #:

Pers #: 00050510 Buckle: 0  
Name: SAJID ALI  
Dsg.: F.W. ASSISTANT  
NIC No.: 13722704224

GPF Interest Applied  
05 Active Temporary

DEPTT CODE

PAYS AND ALLOWANCES:		PW6491
0001-Basic Pay		7,740.00
1000-House Rent Allowance		1,002.00
1210-Gratuity Allowance 2005		1,150.00
1300-Medical Allowance		1,000.00
1521-Fixed T.A / D.A		250.00
1948-Adhoc Allowance 2010@ 50%		2,390.00
1970-Adhoc Relief Allow 2011		717.00
5002-Adjstment House Rent		3,006.00
5012-Adjustment Medical All		3,000.00
Gross Pay and allowances		50,363.00
DEDUCTIONS:		
GPF Balance 20,942.00		
3501-Benevolent Fund	Subrc:	425.00
3511-Add: Group Insurance		180.00
3604-Group Insurance		7.00
4001-Adj benevolent Fund		67.00
6006-Adj Group Insurance		720.00
6075-Adj GPF		249.00
6145-Adj Addl Group Insurance		810.00
		28.00
Total Deductions		2,545.00
NET AMOUNT PAYABLE		47,818.00

QUALIFYING SERVICE  
YRS MON  
10 Years 04 Months 002 Days  
D.O.B  
15.09.1982

LFP Contact:  
BOV, UNIVERSITY ROAD  
UNIVERSITY ROAD  
CP-7833-4



GOVERNMENT OF PAKISTAN  
ACCOUNTANT GENERAL KHYBER PAKHTUNKHA  
DISTRICT Peshawar Dist.  
PAY ROLL SYSTEM

PAYMENT ADVICE

F Sec:004 Month:September 2011  
PW6491 -Population Welfare Peshawar  
Min: Population Welfare  
HTN:  
GPF #: JM 022339  
Old #:

Pers #: 00050510 Buckle: 0  
Name: SAJID ALI  
Dsg.: F.W. ASSISTANT  
NIC No.: 13722704224

GPF Interest Applied  
05 Active Temporary

DEPTT CODE

PAYS AND ALLOWANCES:		PW6491
5031-Adj Fixed T.A.		750.00
5081-Adj Special Additional Al		1,050.00
5084-Adj P.P.M. Allowance		2,868.00
5244-Adj Adhoc Relief Allowanc		1,215.00
5255-Adj Special Relief Allowa		1,215.00
5098-Adj Adhoc Allowance 50%		7,170.00
6142-Adj Dearness All. (2006)		1,500.00
5801-Adj Basic Pay		4,340.00
Gross Pay and Allowances		50,363.00
DEDUCTIONS:		
GPF Balance 20,942.00		
	Subrc:	
Total Deductions		2,545.00
NET AMOUNT PAYABLE		47,818.00

QUALIFYING SERVICE  
YRS MON  
10 Years 04 Months 006 Days  
D.O.B  
15.09.1982

LFP Contact:  
BOV, UNIVERSITY ROAD  
UNIVERSITY ROAD  
CP-7833-4

کے لئے دوسرے سال کے لئے دیکھنا اور اس کے لئے

دو سالہ لکھنے کی ضرورت

صاحب کے لئے ہے کہ آپ کے لئے اس کے لئے  
 کوئی چیز ہے ACCA اور اس کے لئے  
 لکھنے کی ضرورت ہے۔ فردی اور مزدوری  
 سال کے لئے ہے 2012-01-01 تا 2013-12-31  
 عنایت اور اس کے لئے فردی کا مطالعہ ہے  
 دوبارہ شروع ہوا ہے۔ اور فردی کے لئے  
 اس کے لئے ہے اور اس کے لئے ہے  
 کہ اس کے لئے ہے اور اس کے لئے ہے  
 کے لئے ہے

لکھنے کی ضرورت ہے کہ فردی کو  
 لکھنے کی ضرورت ہے کہ فردی کو  
 کوئی چیز ہے

16/12/11

آئیے لکھنا اور اس کے لئے  
 لکھنے کی ضرورت ہے



Population Welfare Department  
Office of the District Population Welfare Officer, Pesh.  
Govt. of Khyber Pakhtunkhwa  
House no.1943, Salar St. Afzal Abad university town, Old Bara road Pesh.



F.No:1(15)/2013-Admn

Dated, Peshawar the 11/04/2013.

**SHOW CAUSE NOTICE.**

I, Mr. Shahi Nawab, District Population Welfare Officer Peshawar, as competent authority, under the KPK Govt Servant (E&D) Rules 2011, do hereby serve you Mr. Sajid Ali, FWA (M) Show Cause Notice, as follows:

1. (i) That consequent upon the completion of enquiry conducted against you by the Enquiry Committee you have been found guilty of the regular absence from your official duty since May, 23 2011.
- (ii) On going through the findings and recommendations of the Enquiry Committee, the material on record and other connected papers including your lack of defense before the Enquiry Committee, -

I am satisfied that you have committed the following omissions/commissions as specified in Rule 3 of the above mentioned rules:

- a. That it has been proved beyond any shadow of doubt that you are working in Afghanistan without any written orders/ permission from the competent authority.
- b. That you kept the Population Welfare Department in dark regarding your ex-Pakistan engagement or leaving of the country.
- c. That you committed gross negligence by keeping yourself engaged in foreign country without seeking NOC from the competent authority.
- d. That you could not defend yourself despite written direction.

2. As a result thereof I as competent authority have tentatively decided to impose upon you one of the penalties including removal from service under Rule 4 of the above rules.

3. You are therefore required to show cause as to why the above mentioned penalties should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 15 days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings and recommendations of the Enquiry Committee is enclosed.

(Shahi Nawab)

District Population Welfare Officer  
Peshawar

Mr. Sajid Ali, FWA(M)(BPS-5)

(on home address & on address of FWC)

Copy to:-

1. I/C FWC Chaghar Matti for information.
2. P/F of the official concerned.

(Shahi Nawab)

District Population Welfare Officer  
Peshawar

(25)

REGISTERED



Population Welfare Department  
Office of the District Population Welfare Officer, Pesh.  
Govt. of Khyber Pakhtunkhwa  
House no.1943, Salar St. Afzal Abad university town, Old Bara road Pesh.



F.No:1(15)/2013-Admn

Dated, Peshawar the 29 /04/2013.

**OFFICE ORDER.**

On account of unauthorized regular absence from Official duty since 23<sup>rd</sup> May, 2011 till date without prior permission Mr. Sajid Ali S/O Bakhtiar Ali, FWA(M) (BPS-5) is hereby dismissed from the service under section (4(b)(iv)) of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) rules, 2011 with immediate effect.

DPWO, Peshawar

Mr. Sajid Ali S/O Bakhtiar Ali  
Home Address:

Copy to:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar for information & n/a.
2. Accountant (local) for information & n/a.
3. I/C FWC concerned for information.
4. P/F of the Official concerned.

DPWO, Peshawar

fare,  
Yonkhwa,  
iding, Peshawar:

Appeal from the order bearing No.1 (15)/2013-Admn: dated 29/04/2013 whereby the District Population Welfare Officer, Peshawar, dismissed the services of the appellant

Sir

It is submitted with due respect that the appellant was a Family Welfare Assistant (male) BPS-5 in the District Population Welfare Office, Peshawar. The appellant has rendered 12 years service in the Department and had sufficient earned leave in his leave credit account.

The appellant in continuation of his leave on medical grounds till 14/12/2011 had applied for leave without pay for one year from 15/12/ 2011 to 14/12/ 2012 on grounds of some indispensable domestic affair but the appellant received no order either of acceptance of application or rejection. The appellant again submitted an application for leave for 5 months without pay from 15/12/2912 to 15/4/2013. However, as he had requested the competent authority to grant him leave without pay for the said period he remained on extraordinary leave.

The appellant's application, after medical leave, for one year extension as extraordinary leave has not been accepted nor has his subsequent application for 5 months leave without pay been accepted and he knew of that only when he received a show cause notice on 16/04/2013 without intimating him in connection with any inquiry against him.

The appellant was preparing his reply to the show-cause notice but he received his dismissal order dated 29/04/2013, impugned above on 04/05/2013, which is illegal and unlawful on the following grounds:

1. The appellant has not been engaged in the process of inquiry and his legal and constitutional rights have been infringed.

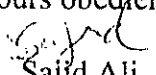


2. The appellant has not been served upon any charge sheet, sheet of allegations and no reply thereto has been asked from him.
3. The appellant has not been given the opportunity of hearing.
4. The appellant has not been given the opportunity of legally stipulated time of 15 days mentioned in the show cause notice to reply to it.
5. That even the medical leave for one month of the appellant till 14.12.2011 has been considered as absence.

The appellant has been dismissed from service illegally and unlawfully, he therefore, submits the instant appeal before your honour in view of the above grounds. The appeal may very kindly be accepted as the appellant has served very regularly and to the satisfaction of his superiors. There is no previous complaint or disciplinary action against the appellant and still wants to serve under your kind control please.

Dated 28/05/2013

Yours obediently

  
Sajid Ali

Family Welfare Assistant  
District Population Welfare Office,  
Peshawar.

# BEFORE THE SERVICE TRIBUNAL KPK, PESHAWAR

In Ref to Appeal No.1344/2013

Sajid Ali S/O Bakhtiar Ali,  
Resident of Canal Town, Street No 4/A House No. 34, Nasir Bagh Road,  
Near University of Peshawar.....**Appellant**

VERSUS

1. District Population Welfare Officer, Peshawar.
2. Director General, Directorate General, Population Welfare, F.C Trust Building Khyber Pakhtunkhwa, Peshawar.
3. Secretary to the Government of Khyber Pakhtunkhwa for Population Welfare.

..... **Respondents**

Appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974.

## PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 3

Respectfully Sheweth:

### Preliminary objections:

1. That the appeal is not maintainable in its present form.
2. That the appellant / petitioner has no locus standi to file the appeal.
3. That the appeal is not maintainable due to non joinder & misjoinder of necessary parties factices.
4. That the appeal is time barred.
5. That the appellant has not come to this tribunal with clean hands.
6. That the appellant has no cause of action.

### Facts:

1. Incorrect. As per office record, the appellant was appointed as Family Welfare Assistant (Male), BPS-05 vide offer of appointment dated 26/05/2001.
2. Incorrect. The appellant uphold that he had got admission in ACCA qualification in Glasgow UK on 21/07/2009 (as contained in page No. 10 of the appeal) while 365 days leave without pay w.e.f 01/02/2008 was requested on 15/01/2008 citing domestic reasons (annex-A) and the same was granted.
3. Incorrect. The application for study leave of two years w.e.f 01/03/2009 to 28/02/2011 was not considered on the ground that his first request for one year leave was on the ground of domestic problems and the second request was for continuation of ACCA

study for which the appellant has not requested for NOC and continuously absented himself from duty at the cost of suffering his official duty. As a result, he was issued show cause notice and in reply to the show cause notice he informed that he had some land issues due to which he was out of Peshawar (annex-B). Keeping in view his reply, lenient view was taken and he was warned to be careful in future. If his carefulness is proved, his absence period from 01/03/2009 to 28/02/2011 will be converted into leave without pay.

4. Incorrect. The appellant didn't submit his arrival on 01/03/2011 at Family Welfare Centre Hazar khwani and continuously remained absent (copy of attendance register of Family Welfare Centre Hazar Khwani during March & April, 2011 is enclosed at annex-C).
5. Incorrect. On the verbal request of the appellant's father, he was posted in Family Welfare Centre Chaghar Matti where he reported for duty but continuously absented himself from duty as is evident from the statement of Mrs. Fozia Gul, Family Welfare Assistant (Female), Family Welfare Centre Chaghar Matti (annex-D).
6. Partially correct. He was given medical leave of one month w.e.f 15/11/2011 to 14/12/2011 but neither before nor afterward he could turn up for his official duty. It is also pertinent to mention that on expiry of his medical leave, he couldn't produce certificate of medical fitness.
7. False, misconceived and concocted, hence denied.
8. With regard to evidence on record i.e annexure-D & attendance register (annexure-E) regarding his continuous absence, the showcase notice issued upon the appellant by this office was legal and lawful. Matter of the fact is that according to the verbal statement of the father of the appellant, the appellant is doing some job in Afghanistan since 2009 and appears in ACCA Exam from there as mentioned in Examination Attendance Docket submitted by him along with his appeal, his center of examination is Kabul American University of Afghanistan Darul Aman Road Kabul (Annexure-F).
9. Pertain to record.
10. No comments.


Reply of each ground has been given below:-

#### Grounds

- A. Incorrect. The order is legal and lawful and an inclusive of the evidence on record.
- B. Incorrect. Though he submitted his arrival report in Family Welfare Centre Chaghar Matti but he remained willfully absent since then. Statement of the incharge of Family Welfare Centre Chaghar Matti manifests of his unauthorized absence (Annexure-G).
- C. Incorrect. During his absence, the District Population Welfare Officer, Peshawar visited the Family Welfare Centre Chaghar Matti on 15/11/2012 and found him absent. The remarks of which was recorded in the attendance register at annexure-E. knowing this, he managed medical certificate for grant of medical leave for one month from 15/11/2011 to 14/12/2011 but again he failed to submit his arrival report & medical fitness and remained absent from official duty without any intimation.

- D. Incorrect. Preliminary inquiry was conducted on complaint lodged by Incharge Family Welfare Centre Chaghar Matti in which statement of Family Welfare Assistant Chaghar Matti and attendance register was checked and it was observed that the appellant was continuously absent from his official duty since May, 2011 and there was no need of further inquiry in the matter. It may also be added that appellant was earlier warned to be careful in future but he couldn't improve himself and proved himself guilty of misconduct (inquiry report annex-H)
- E. As stated in Para-D above. It is also to mention that sufficient evidence was available on record and there was no need of further inquiry.
- F. Incorrect. The appellant failed to submit reply to the showcase notice wherein but he failed to submit reply.
- G. Show cause notice was issued on 11/04/2013 and the appellant was likely to submit his reply within the stipulated period of time but he failed to submit till date.

In view of the above submitted facts & evidence on record, the appeal is devoid of legal footing, merits and the appellant was dismissed under provision made in the E&D rules, therefore humbly prayed that the appeal may kindly be dismissed please.



District population Welfare Officer,  
Peshawar  
(For Respondents No.1to 3)

Annex B

Adm. The 4/5/11  
Give chance  
to  
cannot  
leave full in  
future

Annex B

Please issue stern  
warning of in future  
He repeat this practice  
The service will be  
terminated. The previous  
period 11-3-2009 to  
28-2-2011  
is considered with  
out pay.

To District Officer,  
Peshawar Welfare Department,  
Peshawar.

Subject: Reply of show cause notice.

R/Sir,

With profound reverence, it is stated that I am employee with your esteemed department as FWA(M) and during last month on 17-02-2011, I have been issued a show cause notice reference: (F.NC.1(15)/2009-Adm) for absence from my duty for two years i.e. from March 2009 to February 2011.

I want to bring this fact to your kind notice, that I had already submitted my application for two years leave without pay on 01-03-2009, but it came to my notice that unfortunately it was not accepted. The purpose of leave was my ACCA studies.

It was also mentioned in show cause notice that, I have been abroad and did not inform the office of my stay abroad. But there was no such thing.

While my studies, in the mean time we had some serious domestic problems on land issues. During these past years I had to stay outside Peshawar due to serious security problems I was facing, that's why could not reply to this office on time.

Now as our issues are resolved, I want to join back my duty as a FWA(M). Therefore it is requested in your honor to kindly accept my previous application of 01 March, 2009 for two years leave without pay, and grant me the opportunity to start my duty.

I shall be very grateful to you for this act of kindness.

Thanking you in anticipation.

Sincerely,  
Sajid Ali

FWA(M)  
Date: 01-03-2011

ATTENDANCE ROLL FOR THE

No.	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1	Aster-10 Bul F.W.C. Mubassir																				
2	Fazli Malik F.W.A. (M)																				
3	Ummu Kal Soom F.W.A. (F)																				
4	Gulab Zari HELPER																				
5	Haj Nawaz chokidar																				

C







MONTH OF *April*

2011

	21	22	23	24	25	26	27	28	29	30	31	Total Late		Casual Leave		Holidays		REMARKS
												Current month	To end of current month	Current month	To end of current month	Current month	To end of current month	
<i>ASST</i>	<i>ASST</i>	<i>ASST</i>	<i>ASST</i>	<i>ASST</i>	<i>ASST</i>	<i>ASST</i>	<i>ASST</i>	<i>ASST</i>	<i>ASST</i>	<i>ASST</i>	<i>ASST</i>							
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مہربان خان رند لاکھ پور

863

صبا کلاں

Annex-D  
399

صوبہ گجرات کی حکومت کے سامنے

کا ٹرانسپارنٹ اور پورے 2011ء کے قلمی نوکریوں کی فہرست میں پورا تقاضا  
 وقت، بجٹ اور دیگر امور کے تحت وہ جو وہ دوسرے امور میں  
 کے لئے لکھی گئی ہیں انہیں سامنے رکھ کر  
 کا قلمی نوکریوں کی فہرست میں پورا تقاضا  
 آئے ہیں۔ اس کے علاوہ دیگر نوکریوں کی فہرست میں  
 کے لئے لکھی گئی ہیں انہیں سامنے رکھ کر  
 کے لئے لکھی گئی ہیں انہیں سامنے رکھ کر  
 کے لئے لکھی گئی ہیں انہیں سامنے رکھ کر

مہربان خان رند  
 لاکھ پور





ATTENDANCE ROLL FOR NT

No.	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1	Sahia Nureen F/W/M																				
2	Fahim Abdul F/W/A/F																				
3	Rahis Basim F.W.A.F																				
4	Sajad Ali F/W/A (M)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
5	Fay Bibi idya	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H	H
6	Sahib Shah cokedia																				

SUNDAY

SUNDAY

SUNDAY

SUNDAY













ATTENDANCE ROLL FOR TOI

No.	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	
1	Rabia Basri F.W.A (F)																							
2	Fozia Gul F.W.A (F)																							
3	Sajad Ali F.W.A (M)																							
4	Taj Bibi Aya																							
5	Said Shou Chorale																							

9:34













ATTENDANCE ROLL FOR T

No.	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
1)	Rahis Basal F.W.A (E)																		
2)	Fozia Qadri F.W.A (E)																		
3)	Sajid Ali Shah F.W.A (E)																		
4)	Said Ali Shah																		
5)	Nabeela Khan																		

Handwritten notes and signatures in the grid cells, including words like "Sunday", "Meeting", "F.W.A", and various scribbles.





REPORT OF

July

20 12

Date	Total Late		Casual Leave		Holidays		REMARKS
	Current month	To end of current month	Current month	To end of current month	Current month	To end of current month	
16							
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338

اندر قلم سے دستبرد کے لئے درخواستیں دی گئیں اور ان کے بارے میں

فوری طور پر اطلاع دی گئی ہے کہ جیل انسپشن میں (ساحری) کے بارے میں

(362)

سے فوری طور پر اطلاع دی گئی ہے کہ جیل انسپشن میں (ساحری) کے بارے میں

اس بارے میں دفتر دہلی کے لئے بھی بلا فوری طور پر اطلاع دی گئی ہے

جو کہ اس کے بارے میں دہلی کے لئے بھی فوری طور پر اطلاع دی گئی ہے

دوران اس بات کو نوٹ کیا گیا ہے۔

لہذا اس دوران متعلقہ جیل انسپشن میں

کی طرف سے فوری طور پر اطلاع دی گئی ہے

فوری طور پر اطلاع دی گئی ہے

الغرض

ان کے بارے میں اطلاع دی گئی ہے

FWA(F) Incharge FWC Chaghenpralli  
Rabia Das

No. conduct -  
inquiry in the matter immediately

25/2/13

DPW

CA

GOVERNMENT OF KHYBER PAKHTUNKHWA  
POPULATION WELFARE DEPARTMENT

**Inquiry report about the unauthorized long absenteeism of Mr. Sajid ali, Family Welfare Assistant (M)**

As reported by the Incharge Family Welfare Centre Chaghar Matti on 25/2/2013, the District Population Welfare Officer being competent authority ordered undersigned to inquire into the matter regarding continuous absence of Mr. Sajid Ali Family Welfare Assistant BPS-05.

**BACKGROUND:**

Mr. Sajid Ali was appointed as FWA-M in 2001. In 2008 he had applied for one year leave without pay on account of domestic reasons and the leave was granted. Again he applied for two years leave in 2009 for study purpose and the same was denied because it was transpired that his earlier request of one year leave was also for study purpose but he concealed the facts and absented himself and resultantly, a show cause notice was issued to him. In response to show cause reply the department took lenient view and warned him to be careful in future otherwise his services will be terminated without any warning.

On February 25, 2013 the Incharge of Family Welfare Center, Mrs. Rabia Gul complained that Mr. Sajid Ali is continuously absent since June, 2011.

**Proceedings:-**

The undersigned visited the FWC-Chagharmatti in order to ascertain the facts. It was observed that Mr. Sajid Ali remained regularly absent from his duty since his arrival report which was submitted on 20/5/2011. In the meanwhile in January, 2013 he managed to transfer himself from FWC Chaghar Matti to FWC Shakar Pura but he did not submit his arrival.

The FWA(F), FWC Chaghar Matti in her written statement stated that Mr. Sajid Ali never attended the FWC since his posting. She also added that the then Incharge Mrs. Sabiha Norin used to attend FWC twice a week and stressed her to mark the attendance of Mr. Sajid Ali but she refused to do so because Mr. Sajid Ali was regularly absent. However his father used to come to the center and deposit sale proceed. After her refusal, Mrs. Sabiha Noreen herself marked his proxy attendance. The undersigned went through the attendance

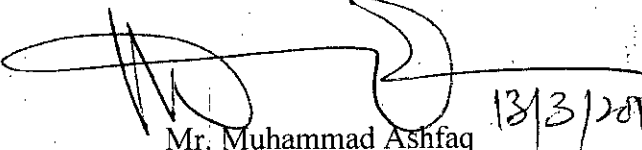
register record and observed that bogus sign of Mr. Sajid Ali were appended on the register. It is observed that Mr. Sajid Ali did not attend his duty since his posting in May, 20, 2011.

**FINDINGS :**

- Mr Sajid Ali is absent from his official duty since his posting in FWC, Chaghar Matti since May 20, 2011.
- Mrs. Sabiha Noreen aided and abetted in the misconduct of MR. Sajid Ali.
- Some of field staff stated verbally that Mr. Sajid Ali is in Afghanistan and doing some job there.

**Recommendation:**

- Disciplinary action may be taken under the rules against Mr. Sajid Ali.
- Warning may be issued to Mrs. Sabiha Noreen for her role of giving illegal coverage to Mr. Sajid Ali.

  
Mr. Muhammad Ashfaq 13/3/2011

DDPWO(C&T)

Inquiry officer



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 246 /ST

Dated 30 / 1 / 2017

To

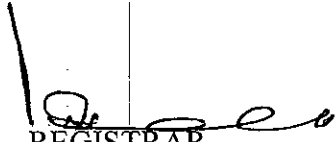
The District Population Welfare Officer,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: -

JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 25.01.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.





HO OF Sep 20 12

ABSENCE ROLL FOR

No	Name	24	25	26	27	28	29	30	31	Total Late		Casual Leave		Holidays		REMARKS
										Current month	To end of current month	Current month	To end of current month	Current month	To end of current month	
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ATTENDANCE ROLL FORTH OF... *Oct*

No.	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
1)	Robia Bano F.W.A. (F)	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
2)	Fozia Gul F.W.A. (F)	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
3)	Sajid Ghani F.W.A. (M)	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
4)	Abbeela Khan F.W.A. (M)	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>
5)	Sajid Ali F.W.A. (M)	absent																													



ATTENDANCE ROLL FORTH OF.....

No.	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
①	Rabia Basi F.W.A (F)	[Handwritten notes and marks for Rabia Basi, including 'SUNDAY' and 'SUNDAY' repeated across columns]																												
②	Fozia Qud F.W.A (F)	[Handwritten notes and marks for Fozia Qud, including 'SUNDAY' and 'SUNDAY' repeated across columns]																												
③	Said Shah	[Handwritten notes and marks for Said Shah, including 'SUNDAY' and 'SUNDAY' repeated across columns]																												
④	Nabeela Khan	[Handwritten notes and marks for Nabeela Khan, including 'SUNDAY' and 'SUNDAY' repeated across columns]																												
⑤	Sajid Ali F.W.A (m)	[Handwritten marks for Sajid Ali, consisting of a series of 'A's and 'A's across columns]																												







ATTENDANCE ROLL FOR

December

20

OS&FD, MWFP, 2536-Form, Store Jobs

NO Regis. of NOL 29.09.2008/P42/F-Form Store Jobs/NWFP Routine 34

8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total Late		Casual Leave		Holidays		REMARKS
																								Current month	To end of current month	Current month	To end of current month	Current month	To end of current month	
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March

ATTENDANCE ROLL FOR OF...

No.	Name	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	24	25	26	2	
1	Rabia Bano F.W.A (F)																						
2	Rabia Qadir F.W.A (F)																						
3	Saied Shah Chaukedar																						
4	Nabeela Khan Waya Hafiz																						
5	Muhammad Dawood F.W.A (M)																						

Handwritten notes and signatures in the grid cells, including names like 'Rabia Bano', 'Rabia Qadir', 'Saied Shah', 'Nabeela Khan', and 'Muhammad Dawood'. There are also various initials and marks, some appearing to be 'S' or 'D', and some illegible scribbles.

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 Approved 6/3/2011