

Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	26.09.2016	<p align="center"><u>BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR</u></p> <p align="center">Appeal No. 755/2013</p> <p align="center">Baghi Gul Versus the Secretary Administration Department, Government of Khyber Pakhtunkhwa, Peshawar &amp; 3 others.</p> <p align="center"><u>JUDGMENT</u></p> <p align="center"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-</u></p> <p>Counsel for the appellant and M/S Muhammad Farooq Afridi, Advocate/Legal Advisor and Usman Ghani, Senior Government Pleader for respondents present.</p> <p>2. Baghi Gul son of Hayat Gul. 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 20.12.2012 whereby period w.e.f. 19.11.2007 till 20.12.2012 was treated as leave without pay.</p> <p>3. Brief facts giving rise to the present appeal are that the appellant was charged in a criminal case under Section 302/337-F(2) 148/149 PPC and on the strength of the said criminal case he was suspended from service vide order dated 20.7.2006. Appellant was subsequently acquitted from the criminal charges where-after he submitted application for resuming his duties on 02.04.2012 and that after certain queries appellant was reinstated in service on 20.12.2015 but the intervening period</p>

*Handwritten signature and date:*  
26-09-16

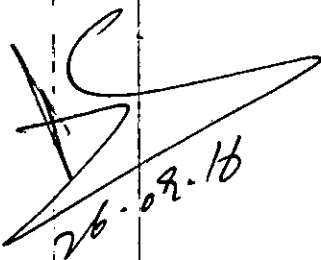
referred to above was treated as leave without pay where-against appellant preferred departmental appeal on 19.1.2013 which was not responded and hence the instant service appeal on 25.4.2013.

4. Learned counsel for the appellant has argued that the appellant was suspended from service with immediate effect vide order dated 20.07.2006 on the allegations of willful absence from duty and was lateron reinstated in service vide impugned order dated 20.12.2012 whereby intervening period of suspension was wrongly treated as leave without pay.

5. Legal Advisor as well as Senior Government Pleader for respondents have argued that the appellant remained absconder after registration of criminal case and did not perform duty. That he himself had applied for leave without pay for one year and that the impugned order is in accordance with law and warrants no interference.

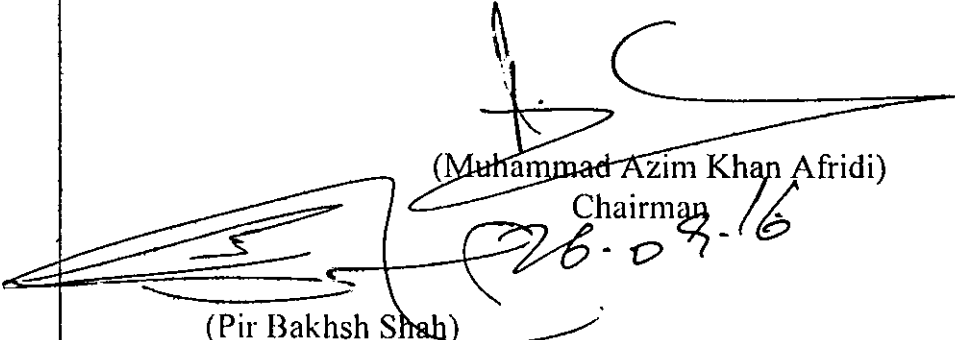
6. We have heard arguments of learned counsel for the parties and perused the record.

7. It was not disputed before us that the appellant has put in considerable service and leave including earned leave is available to his credit. The appellant has admittedly remained absent from duty. He is stated at the verge of retirement from service. In the circumstances of the case we therefore deem it appropriate to modify impugned order by converting order of leave without pay to that of the leave of the kind due. The appeal is therefore accepted and it is directed that the respondents shall consider the period of absence of the appellant

  
26.09.16

as leave of the kind due. Parties are left to bear their own costs.

File be consigned to the record room.

  
(Muhammad Azim Khan Afridi)  
Chairman

(Pir Bakhsh Shah)  
Member

ANNOUNCED

26.09.2016

01.09.2016

Appellant with counsel and Mr. Muhammad Jan, GP for respondents present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 26-9-16 before D.B.


Member

  
Member



18.03.2016

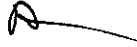
Counsel for the appellant, Addl: AG for official respondents No. 1 & 4 and Mr. Fawad Afzal, Advocate on behalf of Legal Advisor for respondents No. 2 and 3 present and requested for adjournment as Legal Advisor for respondents No. 2 and 3 was not available. The points raised by learned counsel for the appellant that learned counsel (Mr. Muhammad Farooq Afridi) for official respondents No. 2 and 3 is not competent to appeal on their behalf in the absence of specific order of the approval of Law Department. The respondents No. 2 and 3 are directed to produce such order or explain their position. It was submitted by learned counsel for the appellant that the appellant is going to retire soon, therefore, the case may be fix shortly. To come up for such explanation and arguments on 5.5.2016.

  
Member

  
Member

05.05.2016


Junior to counsel for the appellant, Sher Jehan, Assistant alongwith Mr. Muhammad Jan, GP for official respondents and Mr. Fawad Afzal, Advocate on behalf of legal Advisor for respondents for respondents No. 2 and 3 present. Junior to counsel for the appellant requested for adjournment. To come up for arguments on 01.09.2016.

  
Member

  
Member

12.06.2015

Junior to counsel for the appellant, Mr. Ziaullah. G{ with Irshad Muhammad, Supdt, Sultan Shah, Assistant and Mr. Muhammad Farooq Afridi, Legal Advisor for the respondents present. Junior to counsel for the appellant requested for adjournment as his senior is not available to-day due to medical check-up of his ailing father. Therefore, case is adjourned to 02.09.2015 for arguments.



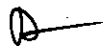
MEMBER



MEMBER

02.09.2015

Counsel for the appellant and Muhammad Farooq Afridi, Legal Advisor alongwith Mr. Ziaullah, GP for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 2-12-2015.



Member



Member

02.12.2015

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Arguments could not be heard due to shortage of time. Therefore, the case is adjourned to 18.3.2016 for arguments.



Member



Member

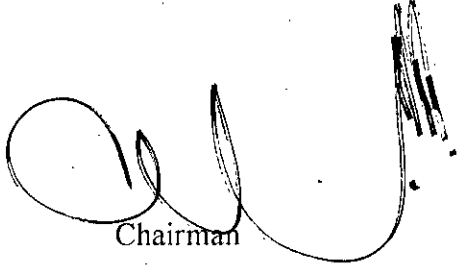
13.6.2014

Appellant with counsel, M/S Sultan Shah, Assistant for respondent No. 1 and Irshad Muhammad, Supdt. for respondent No. 4 with AAG for the respondents present. Written reply also received on behalf of respondent No. 4 wherein respondent No. 4 has relied upon the written reply/para-wise comments filed on behalf of respondents No. 2 & 3. Representative of respondent No. 1 stated that respondent No. 1 would also be relying on the written reply/para-wise comments filed on behalf of respondents No. 2 & 3. To come up for rejoinder on 25.9.2014.

  
Chairman

25.09.2014

Appellant with counsel and Mr. Muhammad Adeel Butt, AAG for the respondents present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned AAG for arguments on 02.04.2015.

  
Chairman

2.4.2015

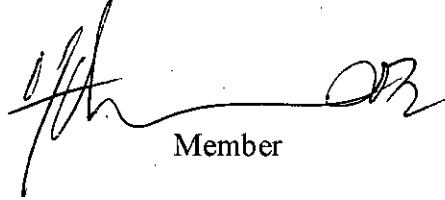
Appellant with counsel and Mr. Ziaullah, GP with Farooq Khan, Advocate/Legal Advisor for the respondents present. Counsel for the appellant requested for adjournment. Therefore, case is adjourned to 12.06.2015 for arguments.

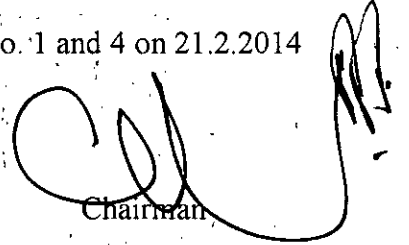
  
MEMBER

  
MEMBER

31.12.2013

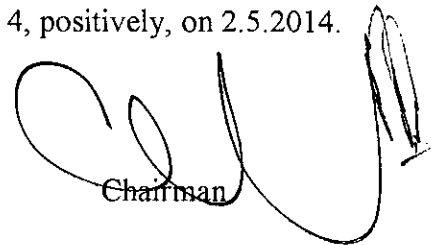
Appellant in person, AAG for respondents No. 1 and 4 and Mr. Muhammad Farooq Afridi, Advocate on behalf of respondents No. 2 and 3 present. Written reply on behalf of respondents No. 2 and 3 received alongwith Wakalat Nama. Copy of written reply on behalf of respondents No. 2 and 3 is handed over to the appellant for rejoinder. Written reply on behalf of respondents No. 1 and 4 has not been received, and request for further time made on their behalf. To come up for written reply on behalf of respondents No. 1 and 4 on 21.2.2014

  
Member

  
Chairman

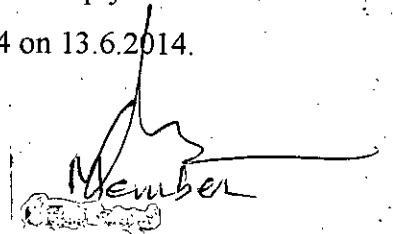
21.2.2014

Appellant with counsel, M/S Sultan Shah, Assistant for respondent No. 1, Mr. Muhammad Farooq Afridi, Advocate/standing counsel for respondents No. 2 and 3 and Irshad Muhammad, Supdt. for respondent No. 4 with AAG present. Written reply has already been received on behalf of respondents No. 2 and 3, while respondents No. 1 and 4 have not yet filed their written reply, and they requested for further time. Another chance is given for written reply/comments on behalf of remaining respondents No. 1 and 4, positively, on 2.5.2014.

  
Chairman

2.5.2014

Appellant with counsel Mr. Irshad Muhammad, Supdt. for respondent No. 4 with AAG for the respondents present. Written reply on behalf of remaining respondents No. 1 and 4 has not been received despite another last chance given for the purpose on the previous date. A last chance is given for written reply/comments on behalf of remaining respondents No. 1 and 4 on 13.6.2014.

  
Member



30.07.2013

Appellant with counsel present and heard on preliminary.

Contends that the appellant has not been treated in accordance with the law/rules. In final order the appellant was remained suspended from service but on reinstatement the intervening period was treated as leave without pay which is violation of FR-53. Points raised 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. Case adjourned to 14.10.2013 for submission of written reply.

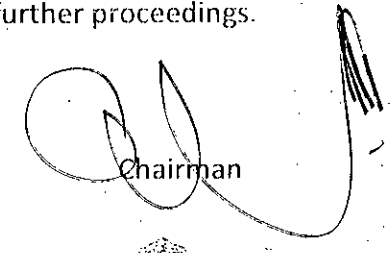
Appellant deposited security & process fees Rs 200/- Bank receipt is attached with file



Member.

30.7.2013

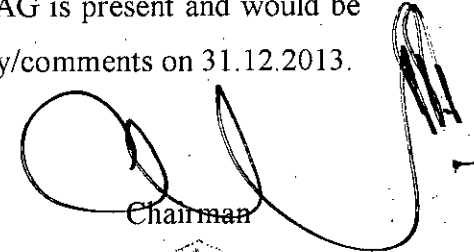
This case be put before the Final Bench I for further proceedings.



Chairman

14.10.2013

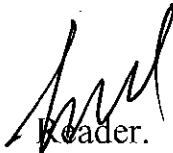
Appellant in person present. Respondents are not present despite their service through registered post/concerned official. However, Mr. Muhammad Adeel Butt, AAG is present and would be contacting the respondents for written reply/comments on 31.12.2013.



Chairman

17.5.2013

Appellant present in person. In pursuance of the Khyber Pakhtunkhwa Service Tribunal (Amendment) Ordinance, 2013 (Khyber Pakhtunkhwa Order No. II of 2013), the case is adjourned on note Reader for proceeding as before on 17.6.2013.

  
Reader.

useful



17.6.2013

Munshi to Counsel for the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord. II of 2013), the case is adjourned on note Reader for proceedings as before on 30.7.2013.

  
Reader

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_  
Case No. 755/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	25/04/2013	<p style="text-align: center;">The appeal of Mr. Baghi Gul presented today by Mr. M. Asif Yousifzai 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	6-5-2013	<p style="text-align: center;">This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>17-5-2013</u></p> <p style="text-align: right;"> CHAIRMAN</p>

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

Appeal No. 755 /2013

Mr. Baghi Gul

V/S

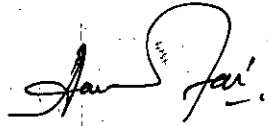
Government of K.P.K.

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S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	01-04
2.	Copy of Order	- A -	05-06
3.	Copy of Order (20.7.2006)	- B -	07
4.	Copy of Order (20.11.2010)	- C -	08-09
5.	Copy of Application	- D -	10
6.	Copy of Judgment	- E -	11-12
7.	Copy of Application	- F -	13
8.	Copy of Order (24.4.2012)	-G-	14
9.	Copy of Order (7.5.2012)	H	15
10.	Copy of Order (4.6.2012)	I	16
11.	Copy of Order (12.6.2012)	J	17
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13.	Copy of Appeal	L	19
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APPELLANT  
Baghi Gul

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

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

Appeal No. 755 /2013

Mr. Baghi Gul, Naib Qasid,  
Planning & Development Department,  
FATA Secretariat, Warsak Road, Peshawar.

**ASST. SECY**  
**PLANNING & DEV. DEPT.**  
**FATA SECRETARIAT**  
**25/4/13**

**APPELLANT**

VERSUS

1. The Secretary, Administration Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
2. The Additional Chief Secretary, (FATA), Government of Khyber Pakhtunkhwa, FATA Secretariat, Peshawar.
3. The Secretary, Planning & Development Department, FATA Secretariat, Peshawar.
4. The Secretary, Finance Department, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

**RESPONDENTS**

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 20.12.2012 WHEREBY THE PERIOD WITH EFFECT FROM 19.11.2007 TILL THE PASSING OF ORDER TREATED AS LEAVE WITHOUT PAY AND NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

.....

**ASST. SECY**  
**PLANNING & DEV. DEPT.**  
**FATA SECRETARIAT**  
**25/4/13**

**PRAYER:**

That on acceptance of this appeal, the respondents may be directed to modify the order dated 20.12.2012 by treating period with effect from 19.11.2007 till 20.12.2012 as leave with full pay benefits being remained suspended till that period and the appellant is entitled under FR-54 to all remuneration and pay benefits regarding that period. Any other relief which this august Tribunal deems fit that may also be awarded in favour of appellant.

**RESPECTFULLY SHEWETH:**

1. That the appellant was appointed as Naib Qasid in the then S&GA Department vide order dated 12.10.1978. Copy of Order is attached as Annexure-A.
2. That during year 2006 the appellant was charged in falls criminal case under 302/337-F (2) 148/149 PPC. Therefore, the appellant could not attend his office for that reasons the appellant was suspended from service till further orders on 20.7.2006. Copy of Order is attached as Annexure-B.
3. That the appellant allowed BBA by the competent Court on 26.11.2010 and after obtaining BBA, the appellant reported his arrival vide application dated 10.12.2010 because at that time the appellant was on deputation to P&D Cell FATA, but not action was taken on that application.
4. That on 10.3.2012, the appellant was acquitted from criminal charges by the competent Court of Law. The appellant after earning acquittal submitted an application again for resuming his duty on 2.4.2012. The Secretary Administration Department requisitioned some documents and information from FATA Secretariat on the basis of that application of the appellant which was replied by the P&D Department vide order dated 7.5.2012. The Administration Department again on 4.6.2012 sent a letter to P&D FATA wherein it was stated that "since there involve neither any transfer from FATA nor

disciplinary proceedings initiated by the lending /borrowing authorities, therefore, the official is still on deputation in FATA Secretariat and the issue of the re-instatement lies before the borrowing authority (FATA) Secretariat) to decide. The P&D Department FATA responded on 12.6.2012 with the plea that lending Deptt: is the competent authority in the matter and not the borrowing one. Copies of Judgment, Application and order are attached as E, F, G, H, I & J respectively.

5. That the issue was also referred to the Law Department who opined that since the appellant was only suspended by the borrowing department, therefore, the borrowing department is the competent authority to reinstate him after putting an end to his suspension, thus, the appellant was reinstated in service on 20.12.2012 but the intervening period with effect from 19.11.2007 was treated as leave without pay which caused huge financial loss to the appellant, because as per law, the appellant is entitled to full pay benefit during suspension period. Copy of Order is attached as Annexure-K.
6. That the appellant filed an appeal for modification in the reinstatement order on 09.1.2013 which was further forwarded to the concerned quarter on 15.1.2013. The appellant waited for statutory period of 90 days but no reply has been received to the appellant, hence the present appeal on the following grounds amongst the others: Copy of Appeal and forwarding letter is attached as Annexure-L and M.

**GROUND:**

- A) That the order dated 20.12.2012 to the extent of treating the intervening period as leave without pay and not taking any action on the appeal of the appellant is against the law, facts, norms of justice and material on record, therefore, not tenable.
- B) That the appellant was suspended from service from 20.7.2006 and remained suspended till 20.12.2012, therefore, under FR-53 and 54 the appellant was on the role of the department and is fully entitled to all

remuneration and pay benefits of the post for the period of suspension as up held by the Appellate Shariat Court in a case.

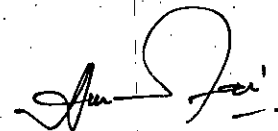
- C) That the appellant has not been treated according to law and rules and has been punished for the fault of others.
- D) That the appellant would suffer from huge financial loss by treating the period from 19.11.2007 to 20.12.2012 as leave without pay, whereas the appellant was under suspension. Thus, the order has not been passed on legal footing and has been passed violation of law and rules in an arbitrary manner.
- E) That the appellant has been kept deprive from the monitory benefits of the suspension period in an illegal manner which is not sustainable in the eyes of law.
- F) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

APPELLANT  
Baghi Gul

باغی گل

THROUGH:



( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.



OFFICE ORDER.

The following are hereby appointed as ~~Sub~~ Qasids in the National Pay Scale No. 1 i.e Rs. 250-5-280/6.000 with effect from the date of joining the duties.

1. Syed Anwar Shah,  
son of S. Bismillah Shah,  
Retired Staff Car Driver,  
Irrigation Colony, Warsak Road,  
Peshawar.
2. Mr. Nazar Muhammad  
son of Habib Gul,  
Village and P.O. Rajar,  
Tehsil Charsadda,  
District Peshawar.
3. Mr. Masal Khan,  
Chowkidar, S&GAD, NWFP, Peshawar.
4. Mr. Mohammad Inam,  
son of Mr. Mohammad Anwar,  
Post Office Utmanzai Kandi Pairan,  
Tehsil Charsadda, District Peshawar.
5. Mr. Ayub Khan,  
son of Mr. Ghulam Rasul,  
Village Shagai, P.O. Tirahi Bala,  
Tehsil & District Peshawar.
6. Mr. Hussain Gul,  
son of Aqal Gul,  
C/O Sultan Akbar, Peon, S&GAD.
7. Mr. Baghi Gul,  
son of Hayat Gul,  
Malikdin Khel,  
resident of Khajuri,  
Khyber Agency.

**ATTESTED**

2. Their appointment in the Civil Secretariat is purely temporary and their services are liable to be terminated without assigning any reasons on 15 days notice or on payment of 15 days salary in lieu of notice period. They have to join duty at their own expenses.

3. In case they wish to resign at any time 15 days advance notice will be necessary or in lieu thereof 15 days pay be forfeited. They will be governed with such rules and orders relating to leave, travelling allowance, medical charges, pay etc; as may be issued by Government of the category of Government servants to which they will belong.

4. If the above terms and conditions are acceptable they should report for duty to this Department immediately.

6

.....2.....

Ends: NO. E&A(S&G AD) 2(35)/77, dated Peshawar, the, 12th October, 19

Copy forwarded to:-

1. The Superintendent E&A Section, S&GAD.
2. The Bill Clerk, S&GAD.
3. All Officials concerned. (as per address shown against each).
4. Office order file.



(SHER BAZ KHAN)  
Section Officer (General-I)  
S&G AD.

12/10/78



GOVERNMENT OF NWFP  
(P&D CELL)  
CIVIL SECRETARIAT (FATA)

B

(7)

Dated : 20/7/ 2006.

**OFFICE ORDER.**

NO:AS/P&D/CS/FATA/2006. On his willful absence from duty, Mr. Baghi Gul Naib Qasid, P&D Cell, Civil Secretariat (FATA) is hereby suspended from service with immediate effect till further orders.

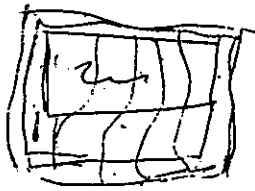
Sd/-  
Additional Secretary (P&D)

**CC:**

- AGPR, Peshawar.
- P.A to Additional Secretary (P&D), Civil Secretariat (FATA).
- Deputy Secretary-II, P&D, Civil Secretariat (FATA).
- Official concerned.
- Personal file.

  
Administrative Officer (P&D)





په کابل ۱۱۶۶

په کابل ۱۱۶۶

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۵۵-۱۸۶۱۶

E  
8

IN THE COURT OF MUHAMMAD ARSHAD KHAN,  
ASJ-III, PESHAWAR.

MUJAHID SHAH ETC VS THE STATE.  
(BBA NO. 443 OF 2010)

ORDER  
26.11.2010.

Accused/petitioner namely Mujahid Shah, Sadiq Shah, Muqaddar Shah, Safer & Baghi Gul having been charged in case F.I.R No.144 dated 09.04.2006, u/s 302/337-F (2) /148/149 PPC, registered at P.S. Pishtakhara moved the instant BBA petition for their pre-arrest bail.

Accused/petitioners were granted ad interim pre-arrest bail by this court vide order dated 22.10.2010, and now the matter is fixed for final disposal.

Today one Faqir Hussain, father of deceased (Ibrar), and injured namely Shiraz Khan and Muhammad Fayaz appeared and submitted affidavit/compromise & proforma regarding compromise effected with the petitioners. To this effect their statements recorded, which was read over and explained to them wherein compromise was admitted by them in unequivocal and plain words. They have got no objection on the confirmation of instant ad interim pre-arrest bail of the accused / petitioners. Father of deceased also stated that deceased died unmarried and injured namely Altaf Hussain & Manzoor Khan (complainant) are his sons who are nowadays in Quetta in connection with their livelihood and he being their father undertake that they too do not charge the accused as the matter has been patched up. Further, statement of mother of deceased has already been recorded through local commission which is placed on

**ATTESTED**

(Examiner)  
Sessions Court Peshawar

20.11.10

Serial No. of Order or proceedings	Date of Order or Proceedings	Order or other proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary.
1	2	3
	<p><b>Contd: order dt: 26.11.2010</b></p>	<p>file wherein she has also got no objection on the confirmation of instant BBA petition.</p> <p>Since the offence with which the accused/ petitioners are charged are compoundable in nature whereby matter too has been patched up between the parties and LRs of deceased and injured persons named above have got no objection on the confirmation of ad interim pre-arrest bail of the accused/petitioners, therefore, sending of the accused/petitioners behind the bars would serve no purpose as ultimately they would then be released on bail.</p> <p>For foregoing reasons and without prejudice to the merits of the case, the instant BBA petition is allowed and the ad interim pre-arrest bail already granted to the accused / petitioners stands confirmed on the existing bail bonds.</p> <p>Record of the local police alongwith copy of this order be returned forthwith, while record of this court be consigned to the record room after its necessary completion and compilation.</p> <p>Announced. 26.11.2010</p> <p>(Muhammad Arshad Khan) Addl: Sessions Judge III, Peshawar.</p>

**CERTIFIED TO BE TRUE COPY**  
 (Examiner)  
 Copying Agency Sessions Court  
 Peshawar.

**No:** 10538

**Dated of Application:** 08-12-10

**Name of Applicant:** [Signature]

**Word:** 6400

**Fee:** 7

**Urgent Fee:** [Signature]

**Signature of Copyist & Date:** [Signature] 08/12/10

**Dated of Preparation:** 08/12/10

**Date of Delivery:** 08/12/10

محکمہ جناب ایڈیشنل سیکرٹری سب ڈیویژن ایف ڈی ٹی فائنل سیکرٹریٹ خیبر پختونخواہ ایف ڈی ٹی

جناب عالی  
آرٹیکل 143 کی بنیاد پر 1978ء سے بدلتی رہتی ہے۔

2006ء میں عدالت نے جو قتل کے مقدمے میں ایف ڈی ٹی (FIR کی کاپی لفٹ) کی بنیاد پر

ایف ڈی ٹی جاری نہیں کروا سکا۔ اور جو مختلف مراحل میں آئے ہیں ان کے عدالت نے 2010-11-26ء کو

اس کے تین ماہ بعد عدالت نے دروازے کھولے کہ اگر وہاں خلاف ورزی ہوئی ہوگی تو اس کو ختم کیا جائے۔ اور جو ایف ڈی ٹی کے خلاف مقدمے چل رہے ہیں ان کو ختم کر دیا جائے۔

مذکورہ بالا تمام باتیں ملاحظہ فرمائی جائیں۔ عدالت نے اس کے بارے میں

ایف ڈی ٹی  
10/12/10

ایف ڈی ٹی (نائب سیکرٹری) ایف ڈی ٹی ڈیویژن ایف ڈی ٹی فائنل سیکرٹریٹ خیبر پختونخواہ ایف ڈی ٹی

ایف ڈی ٹی

ملفوظات عدالت سیشن پشاور

12/08/11

مر 9.1 100/SC

10/03/12

E  
⑪

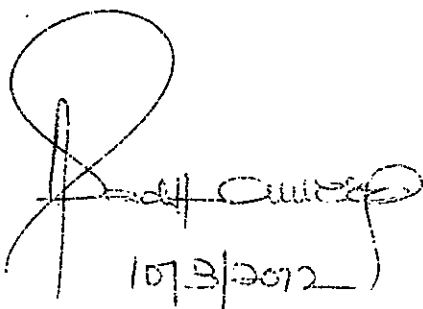
IN THE COURT OF ASAD HAMEED KHAN BANGASH  
ADDITIONAL SESSIONS JUDGE-XI, PESHAWAR


Case No : 100/SC  
Date of Institution : 12/08/2011  
Date of Decision : 10/03/2012

STATE -VERSUS- MUJAHID SHAH ETC

ORDER  
10/03/2012

SPP for State present. Accused Mujahid Shah, Safer and Baghi Jan on bail present whereas accused Sadiq Shah and Muqaddar Shah are not in attendance being out of country and for their exemption an application was already moved on 31/01/2012. Father of deceased Ibrar namely Faqir Hussain and injured Muhammad Fayyaz also present, submitted compromise deed and proforma and stated that they have patched up the matter with accused facing trial alongwith mother of the deceased Mrs. Pardis Nazam and being of old age unable to attend the court and an application for recording her statement through local commission was already submitted, arguments on both the applications concluded. This court while placing reliance on PLD 2003 Peshawar 123 "Tabir Muhammad vs. Mst. Arifa and another" deem it not necessary that both the co-accused Sadiq Shah and Muqaddar Shah must be physically present before the court for granting exemption when the parties have already patched up the matter and it would be inconveience to the parties if the matter is further delayed and that there are any justified reasons, hence, both the co-accused named above are exempted from their personal appearance

  
10/3/2012  
Asad Hameed Khan Bangash  
Additional District & Sessions Judge  
Peshawar

**ATTESTED**  
  
(Examined)  
Sessions Court Peshawar

Accused named above are facing trial before this court in case FIR No. 146, dated 09/04/2000 registered F.S. 302/337-F (2)/148/149 PPC at PS Pishinakhan, Peshawar.

Father of the deceased and injured PW while recording their statements before the court admitted the fact of compromise with accused facing trial stating further that they have pardoned the accused facing trial in the name of Allah Almighty by waiving their right of Qisas. Deed



CONTINUED  
ORDER  
10/03/2012

and Arsh etc and have got no objection if all the accused facing trial are acquitted of the charges on the basis of compromise. Father of deceased also stated that his son complainant Manzoor Khan has also compromised the matter with all accused to me that compromise deed and proforma are placed on file as EX:PA and EX:PB. In order to record the statement of mother of deceased namely Mst Israja, the application for recording her statement through local commission is considered, as such Mrs Sumera Shah advocate was appointed local commission with directions to visit the house of mother of deceased record her statement after her due satisfaction through her close relatives and in presence of high ranking officer of the PS concerned. Fee of local commission was fixed Rs. 4,000/- to be paid to the local commission on the spot. Local commission visited the house of legal heir of deceased.

The report was submitted to the PS/PC, her statement to this effect recorded. Period of which shows that mother of deceased namely Mst. Israja has also compounded the offence with all the accused facing trial and the statement of recording in presence of her relatives in presence of A/SHO of PS concerned.

As the offence against accused facing trial is compoundable and complainant party/legal heirs of deceased have compounded the offence with all the accused facing trial. There is no other aggrieved person, the compromise so produced seems genuine. The compromise is in the interest of parties, therefore, on acceptance of compromise, all the accused facing trial stands acquitted of the charge on the basis of compromise.

Accused are on bail, their bail bonds are cancelled and their sureties are discharged from the liabilities of bail bonds.

As far as case of co-accused Zain Gul is concerned, he has already been proceeded in terms of Section 512 Cr.PC during the course of previous trial, as such, case property be kept intact till his arrest and trial.

File be consigned to record room after necessary completion.

Announced  
Dated: 10/03/2012

Asad Hameed Khan Bangash  
ASJ, Zai, Peshawar

10/3/2012

12  
STATEMENT OF FA  
MOHAMMAD DARRAZ ZAIN SHAH  
I am the father of  
144, dated 10/03/2012  
regard to the  
Now with the  
Accused face  
visas and  
to the  
the

Handwritten notes in a box:  
No. 3336  
R/o of Application  
Memo of App. 26-03-12  
Word of Deed  
Signature  
Date of Delivery 26/03/12

COPIED TO BE TRUE COPY  
26/3/12  
(Signature)  
Copying Agency Soosla Copy  
Peshawar

خدمت صبا ڈیوٹی سیکرٹری (ایڈمن) ایڈمنسٹریشن ڈیپارٹمنٹ

PA. DS (Administration Deptt)

Diary No. 1207 Dated 02/04/12

F (13)

درخواست برائے بحالی ملازمت

S.O. (Administration Deptt)

Diary: 1218

Date: 2/4/2012

موربانہ گناراش فی کے فزوی کو مورف 9 اپریل 2006 کو ایک واقعے میں جی افسر نے تباہ قتل کیس میں مشامل کیا جس کی وجہ سے فزوی قتل ہوئے کی ڈر سے معذور ہوا۔ اس دوران فائنا سیکرٹریٹ نے فزوی کو معطل کیا۔ لالہ عمر میں فزوی کا کیس سے مزید کارروائی تھانے حکم انتظامیہ کو مورف 5 جنوری 2009 کو بھیجا گیا اور کہا گیا کہ (میلوں مقامی جرنلہ کی کوششوں سے طرفین میں راضی نامہ ہوا۔ لالہ طرہ کیس عدالت سے خارج ہو کر فزوی باعزت تری ہوا) فیصلہ منسلک ہے

لینڈ آفیس سے درخواست کی گئی ہے کہ فزوی کو

عدالتی فیصلہ کی روشنی میں بحالی کر کے مشکور فرمائیں

عین نواریش ہوگی

الفارص

مورف 214/2012

باغی

آپ کا جواباً بعضی کے نائب ظاہر ہے کہ انتظامیہ میں

ضمیمہ انجمنوں خوا

ATTESTED

Sof(A).

Milu  
2/4/12

Sundt

\*

2-4-12

in [unclear]



9 (14)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

No. E&A/ADI PF/2011-12  
Dated Peshawar, the 24.04.2012.

To

*Di ✓*  
*30/4*

The Administrative Officer, P&D,  
FATA Secretariat,  
Warsak Road, Peshawar.

Subject: **ABSENCE FROM DUTY.**

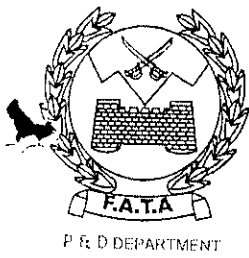
I am directed to refer to your letter No. Secy.(P&D)/FATA/AO/2009 dated 05.05.2009 on the subject noted above and to state that a copy of suspension order of Mr. Baghi Gul, Naib Qasid may be furnished to this Department for further necessary action as the same has not been found attached with your letter referred above.

*Maqbool Hussain*

(MAQBOOL HUSSAIN)  
SECTION OFFICER (ADMN)

ATTESTED

*[Signature]*



**FATA SECRETARIAT**  
PLANNING AND DEVELOPMENT DEPARTMENT  
WARSAK ROAD PESHAWAR

H  
15

No. FS/P&D/AO/2012

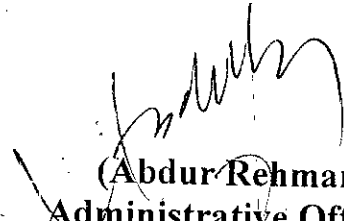
Dated: 07-05-2012

To

Maqbool Hussain  
Section Officer (Admin)  
Administration Department  
Government of Khyber Pakhtunkhwa

Subject: **ABSENCE FROM DUTY**

I am directed to refer to your letter No. E&A/AD/PF/2011-12 dated: 24-04-2012 on the subject noted above and to enclose herewith the suspension order of Mr. Baghi Gul (Naib Qasid), P&D Department, as desired, please.

  
(Abdur Rehman)  
Administrative Officer  
P&D

Copy to:

1. The PS to Secretary P&D

Administrative Officer  
P&D

**ATTESTED**



**MOST IMMEDIATE**



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

I  
= (16)

No.E&A(AD)PF/2012  
Dated Peshawar the 04-06-2012

To

The Administrative Officer,  
Planning & Development Department,  
FATA Secretariat, Warsak Road.

SUBJECT

ABSENCE FROM DUTY:

I am directed to refer to your letter No.Secy.(P&D)/FATA/AO/2009 dated 05-05-2009 on the subject noted above and the request of Mr.Baghi Gul , Naib Qasid (copy enclosed) and to state that in the case Regulation Wing (Establishment Department) has opined that *since there is involved neither any transfer out from FATA nor disciplinary proceedings initiated by the lending / borrowing authorities , therefore, the official is still on deputation in FATA Secretariat and the issue of his re-instatement lies before the borrowing authority (FATA Secretariat) to decide.*

(MAQBOOL HUSSAIN)  
SECTION OFFICER (ADMN)

B

**ATTESTED**

J (17)

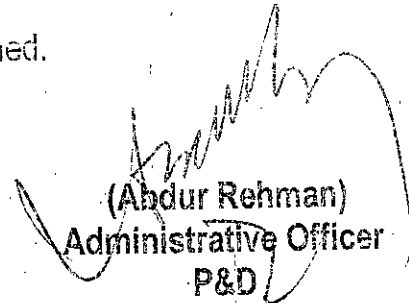
**FATA SECRETARIAT**  
**PLANNING AND DEVELOPMENT**  
**PESHAWAR**

No.Secy/P&D/FATA/ao/2012  
Dated: 12-06-2012

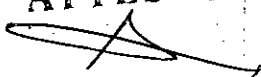
To: The Section officer (Admn)  
Administration department, Govt of Khyber Pakhtunkhwa

Subject: **ABSENCE FROM DUTY**

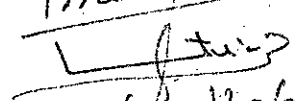
I directed to refer to your letter No.E&A(AD)/PF/2012 dated 4.6.2012 on the subject noted above and to say that under the provision of Government of Khyber Pakhtunkhwa (efficiency and disciplinary rules 2011), the competent authority to proceed in the matter is the respective appointing authority as defined the rules to (f) of the aforesaid rules. Since the appointing authority in the instant case is Administration department Govt of Khyber Pakhtunkhwa, therefore, FATA Secretariat can not proceed against the official concerned.

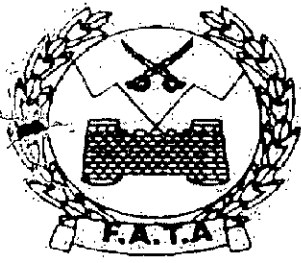
  
(Abdur Rehman)  
Administrative Officer  
P&D

Copy to:  
PS to Secretary P&D

**ATTESTED**  


Administrative Officer  
P&D

Issued  
  
12-6-2012



**FATA SECRETARIAT**  
PLANNING & DEVELOPMENT DEPARTMENT  
WARSAK ROAD PESHAWAR

K  
18

P. & D. DEPARTMENT

**ORDER:**

Mr. Baghi Gul Naib Qasid who remained under suspension from service is reinstated w.e.f 19-11-2007. The intervening period shall be treated as a leave without pay which would be a bridge between two periods of service.

On his reinstatement Mr. Baghi Gul, is transferred/ surrendered to Admin Department Government of Khyber Pakhtunkhwa as there is no vacant post to accommodate him.

-sd-

**Secretary**  
**P&D Department, FATA.**

No. FS/P&D/DS(A)/2012.  
Dated: 20-12-2012

**Copy to:-**

1. Deputy Secretary (Admn) A&C Deptt. FATA Secretariat.
2. Mr. Maqbool Hussain, Section Officer (Admn),  
Establishment Department, Government of Khyber Pakhtunkhwa.
3. The PS to Secretary P&D.
4. Official Concerned.

**ATTESTED**

**Deputy Secretary (Admin)**  
**P&D Department, FATA.**



عزمت جناب ایڈیشنل چیف سیکریٹری خانہ سیکریٹریٹ

گوان ایپل ٹیڈر فطوری سابقہ ٹیکواہ جات انٹر پرائس وغیرہ

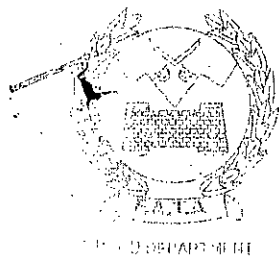
Received on 09-01-2013  
[Signature]

جناب عالی!

خود بالائے ترادش ہے کہ بندہ 1978ء سے بطور نائب فائبر  
 ڈوٹی سرانجام دے رہا ہے۔ لیکن برصغیر سے 19 اپریل 2006ء کو غلط طور پر  
 قتل میں پھنسا گیا۔ اس دوران، بندہ کو خانہ سیکریٹریٹ والوں نے مہل  
 کر دیا۔ اس وقت سے لیکر آج تک بندہ کو کبھی بھی سرس سے ہر قسٹ نہیں  
 کیا گیا۔ کس محلات میں چلا تارنا۔ 10-11-2006 کو مسائل ضمانت پر رہا ہو گیا۔ ضمانت  
 پر رہا ہونے کی مسائل نے مورخہ 10-12-10 کو ڈیوٹی پر جانے کی رپورٹ پیش کر دی  
 لیکن نہ تو چیف ایڈجسٹ کیا گیا اور نہ ہی پچھو جاننا۔ تنخواہ جات دی گئی اس کے بعد  
 12-3-10 کو محلات نے راقی نام کی بنیاد پر مسائل کو بائینت بری کر دیا۔ باعزت طور پر  
 بری ہونے کے بعد بندہ نے مورخہ 12-4-10 کو پھر ایڈجسٹ اور تنخواہ جات کر کے دوبارہ  
 دی۔ جس کو منظور کرنے کو حکم مورخہ 12-12-10 کو حکم نامہ جاری ہوا  
 جس کی روح سے مسائل کی معطلی کی عیاد کو ختم کرتے ہوئے از مورخہ 07-11-19  
 سے بحال کر دیا گیا۔ جبکہ درمیان عدت کو چھٹی ایفیر ٹیکواہ کے قرار دے دیا گیا۔  
 جناب عالی! مذکورہ بالا حکم مورخہ 12-12-10 پیر قانونی ہے۔ پیر نامہ معطلی کے دوران  
 مسائل یوں تنخواہ کا فرقہ دار ہے۔ ہزاروں کہ بمطابق FR-54-B کے تحت  
 باعزت بری ہوئے پر مسائل کی درمیان عدت کو ڈیوٹی پر جانے پر حاکم شمار کیا جائے گا اس کے علاوہ  
 شریف کورٹ، سپریم کورٹ اور سندس ٹریبونل کے بہت سے فیصلے ہیں جس  
 کی روح سے معطلی کی عیاد کی بنیاد پر یوں تنخواہ دی گئی ہے۔ لہذا استدعا ہے  
 کہ ایپل کو منظور کرتے ہوئے آرڈر مورخہ 12-12-10 میں ٹریبونل کے فیصلے کی جانے اور  
 سیری درمیان عدت کو طے تنخواہ اور مراعات کے شمار کیا جائے۔  
 مورخہ 09/01/2013  
 حضور کی عین نواز بخش  
 سوال باغی محل نائب فائبر ایڈجسٹ خانہ سیکریٹریٹ پشاور

ATTESTED

[Signature]



**FATA SECRETARIAT**  
PLANNING AND DEVELOPMENT DEPARTMENT  
WARSAK ROAD PESHAWAR

20

M

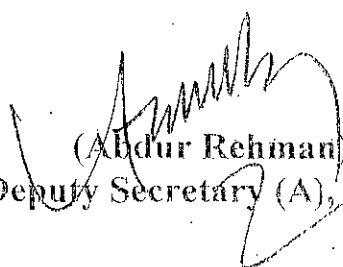
No. FS/P&D/DS(A)/2013/2130 W/15  
Dated: 15-01-2013

To

Section Officer (Admn),  
Administration Department,  
Government of Khyber Pakhtunkhwa.

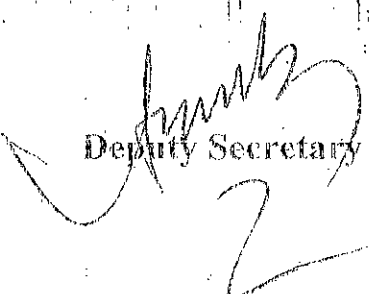
Subject: GRANT OF PREVIOUS SALARIES INCLUDING INCREMENTS.

I am directed to enclose herewith a self-explanatory original application of Mr. baghi Gul, Naib Qasid, for necessary action on your behalf, please.

  
(Abdur Rehman)  
Deputy Secretary (A), P&D

Copy to:

PS to Secretary P&D

  
Deputy Secretary (A), P&D

**ATTESTED**



21

# VAKALAT NAMA

NO. \_\_\_\_\_/20.

IN THE COURT OF Service Tribunal Peshawar

Baghi Gul (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Govt. of KPk etc. (Respondent)  
(Defendant)

I/We Baghi Gul (Appellant).

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar,** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

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

Dated \_\_\_\_\_/20

[Signature]  
( CLIENT )

ACCEPTED

[Signature]  
**M. ASIF YOUSAFZAI**  
Advocate

~~ACCEPTED~~

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

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

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

Appeal No. 755/2013

Mr. Baghi Gul.....Appellant

Versus

The Secretary Administration Deptt: Govt. of KPK etc. .... Respondents

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Reply		01-03
2.	Copy of Application For Leave Without Pay	R/1	04
3.	Copies of Letters of Suspension dated 20.07.2006 & 19.07.2007	R/2 & R/3	05-06
4.	Copy of Letter dated 05.05.2009	R/4	07
5.	Copy of Reminder/Letter dated 30.05.2009	R/5	08
6.	Copy of Application for Reinstatement	R/6	09
7.	Copy of Letter dated 04.06.2012	R/7	10
8.	Copy of Letter dated 24.06.2012	R/8	11
9.	Copy of Letter of Law Deptt: of KPK dated 16.10.2012	R/9	12
10.	Copy of Re-instatement Order dated 20.12.2012	R/10	13
11.	Copies of Payment Lists Report	R/11	14-20
12.	Vakalatnama		

  
Respondent No. 2

Additional Chief Secretary (FATA)

FATA Secretariat Peshawar

  
Respondent No. 3

Secretary Planning & Development Deptt:

FATA Secretariat Peshawar

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

Appeal No. 755/2013

Mr. Baghi Gul.....Appellant

Versus

The Secretary Administration Deptt: Govt. of KPK etc. .... Respondents

**Reply on the Behalf of Respondents No. 2 & 3**

**Preliminary Objections:**

1. That the appellant has been paid salary during suspension period till February 2009 as clear from **Annexure-R/11**, hence the appellant's claim of back benefit since 2007 is frivolous and baseless.
2. That the appellant has got no cause of action.
3. That the appellant has no locus standi.
4. That the appellant has been estopped by his own conduct.
5. That the appeal is barred by time.
6. That the appeal is suffering from mis-joinder and non-joinder of parties.

**On Facts:**

1. Pertain to record.
2. It is correct that appellant was charged in a criminal case but he did not attend the office as he was absconder/proclaimed offender. Due to his willful absence the replying respondents informed the appellant (through registry) to attend the office but he failed. It is pertinent to mention here that the appellant after commission of offence filed an application before the replying respondents for leave without pay. (Copy of application is attached as **Annexure: R/1**)
3. Correct. The appellant was suspended by P&D Deptt: FATA Secretariat vide office order dated 20.07.2006 and 19.07.2007 (**Annexure-R/2 & R/3**). Subsequently, respondent No.2 issued a reminder to the Administration department of NWFP (Respondent No.1) for taking necessary action

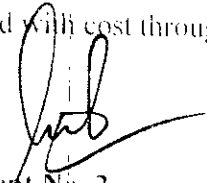
against the appellant vide letter dated 05.05.2009 (**Annexure-R/4**), followed by another reminder dated 30.05.2009 (**Annexure-R/5**) but the administration department (Respondent No.1) being the parent department/competent authority did not bother to originate disciplinary proceedings against the appellant.

4. The appellant after being acquitted on compromise basis filed an application in the Administration Department of NWFP for resuming duty (**Annexure-R/6**). FATA Secretariat has already informed the Administration Department of Govt of NWFP (Respondent No. 1) regarding the appellant's willful absence/ suspension with a request for initiating further necessary action. Respondent No. 1 instead of deciding the appellant's applications, requested the replying respondents for deciding the appellants appeal vide office letter dated: 04-06-2012 (**Annexure-R/7**). In response of respondent No. 1 letter, the replying respondent clarified that "under the provisions of Government of KPK (E&D) Rules 2011, the competent authority to proceed in the matter is the respective appointing authority which is Administration Department of Government of KPK (Respondent No. 1) in the instant case, hence FATA Secretariat cannot proceed against the official concerned". (copy of letter dated: 12-06-2012 is **Annexure-R/8**).
5. Correct to the extent that the issue was referred to Law Department of Government of KPK for opinion. The Law Department supported the FATA Secretariat stance on the issue by stating that FATA Secretariat had already informed the Administration Department of KPK (Respondent No. 1) being his parent departments for suspension and for further necessary action. The Administration Department of KPK (Respondent No. 1) even now may proceed under the E&D Rules, 2011 against the appellant for his willful absence (**Annexure-R/9**). But the Administration Department of KPK (Respondent No. 1) was constantly requesting for re-instatement of the appellant while ignoring the Law Department's opinion vide letter of Administration Department of KPK (Respondent No. 1) dated: 19-11-2012, hence the FATA Secretariat re-instated the appellant on 20-12-2012 and the intervening period was treated as leave without pay (**Annexure-R/10**).
6. In reply of Para 6, the application filed by the appellant was forwarded to his parent department on 15-01-2013 for decision.

**On Grounds:-**

- A.** Incorrect. The appellant by himself had filed application for leave without pay, hence, he has been treated in accordance with the law.
- B.** In reply of ground "B", the appellant was suspended on 20.07.2006 and remained suspended till his re-instatement but he was paid subsistence grant during suspension period till February, 2009 and it was stopped w.e.f 01.04.2009 as clear from Annexure- R/4. The appellant has received his salary till February, 2009. (Copies of Payment List Reports are attached as **Annexure-R/11**).
- C.** Incorrect.
- D.** Incorrect as explained in Para B.
- E.** Incorrect. The appellant remained absconder during suspension period as he has not performed his duties either at the original place or transferred place, thus he is not entitled to salary/back benefits. It is now settled law that "when there is no work, there is no pay". Hence, the appellant is not entitled for any kind of pay back benefits.
- F.** No Comments.

It is, therefore, respectfully prayed that on acceptance of this reply, the appeal may kindly be dismissed with cost throughout.

  
**Respondent No. 2**

Additional Chief Secretary (FATA)  
FATA Secretariat Peshawar

  
**Respondent No. 3**

Secretary Planning & Development Deptt:  
FATA Secretariat Peshawar

جنوبی پنجاب سکریٹری کی رپورٹ ڈاکس فائنل سکریٹری

Govt. of N.W.F.P.  
P & D Deptt  
DATA Dev. Section  
No. 1352  
12-5-07

مختصر: چھٹی لکچر تنخواہ

حیاء عالیہ

مکرمہ پندرہ ہزار روپے - تمہارا گھوڑا گشتہ تیز باہتوں  
کیوجہ سے بالکل بندھا ہوا تھا ہے - بندر باہکل نہ رہنے  
کے قابل ہے - گھوڑے چھوٹے چھوٹے ہی ہیں۔ یہاں  
سے کوئی سا ~~مساوہ~~ مساوہ نہیں - تاہم گھوڑے کو مرمت  
کرنے میں مساوہ کر سکتے۔

یہ روپے چھ ماہانہ سے گزارش کرتے ہیں۔ کہ سائیکل کو  
بغیر تنخواہ ایک سال کی چھٹی عداوت فرماویں۔  
عین نوآرزش ہوگی

المرفوعہ

دفاعت العبد، علیہ السلام  
رہنما، نائب قائد سول سکریٹری  
کی رپورٹ

AP  
12/5/07  
pu px  
12/5/07



"Ann: R/g"  
GOVERNMENT OF NWFP  
(P&D CELL)  
CIVIL SECRETARIAT (FATA)

Dated : 20/7/2006.

**OFFICE ORDER.**

NO.AS/P&D/CS/FATA/2006. On his willful absence from duty, Mr. Baghi Gul Naib Qasid, P&D Cell, Civil Secretariat (FATA) is hereby suspended from service with immediate effect till further orders.

Sd/-  
Additional Secretary (P&D)

CC:

- AGPR, Peshawar.
- P.A to Additional Secretary (P&D), Civil Secretariat (FATA).
- Deputy Secretary-II, P&D, Civil Secretariat (FATA).
- Official concerned.
- Personal file.

  
Administrative Officer (P&D)

Ann: R/3 - ①

**CIVIL SECRETARIAT FATA  
PLANNING & DEVELOPMENT DEPARTMENT  
WARSAK ROAD PESHAWAR**

**OFFICE ORDER**

No.Secy:/P&D/CS/FATA/2007 On his willful absence from duty, Mr. Baghi Gul N/Qasid of P&D Department Civil Secretariat FATA is hereby suspended from service with effect from 19-07-2007 till further order.

**Sd/-  
Secretary P&D FATA**

Endst. No.Secy:/P&D/CS/FATA/2007

dated 19-07-2007

1. Additional AGPR Sub Office Peshawar.
2. PA to Secretary P&D Civil Secretariat FATA
3. PA to Addl: Secretary P&D FATA Civil Secretariat FATA
4. Official concerned
5. Personal file.

  
**Admin: Officer P&D FATA**

" Ann: R/4 " (7)

**FATA SECRETARIAT  
PLANNING & DEVELOPMENT DEPARTMENT  
GOVT OF NWFP**

NoSecy.(P&D):/FATA/AO/2009  
Dated.5-5-09

To

The Section Officer (Admn: ),  
Administration Department,  
Govt: of NWFP.

**Subject: ABSENCE FROM DUTY.**

Dear sir,

I am directed to say that one Mr. Baghi Gul Naib Qasid is a provincial Government employee within the meanings of presidential order 13,1972. His service were placed at the disposal of FATA. He absented himself form duty w.e.f 12-5-2007. He was placed under suspension vide order No. Secy:/P&D/CS/FATA/2007 dated 19-7-2007 (copy enclosed) However, despite lapse of considerable period he has not resumed duty. The payment of subsistence grant to him has been stopped w.e.f 1-4-2009 .

2. I am directed to refer the matter to the Administration deptt: for further necessary action .

  
Admn Officer P&D FATA

Copy to :-

PA to Secretary P&D FATA.

Admn: Officer P&D FATA

To,

The Section Officer (Admn.)  
Administration Department,  
Govt: of NWFP.

"Ann: R/S"  
8

**SUBJECT:- ABSENCE FROM DUTY.**

I am directed to refer to this department letter of even number dated 5-5-2009 and to request that latest position of the action taken/being taken in the matter of prolonged absence of Mr. Baghi Gul Naib Qasid may kindly be intimated for interim information of the Secretary P&D department.

*[Signature]*  
Administrative Officer,  
P&D Department. 30/5/09

Copy to ✓

PA to Secretary P&D FATA .

*Whorisha*

*2/6*

*A.O*

Administrative Officer,  
P&D Department.



**MOST IMMEDIATE**



Ann: R/M  
10  
GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

No.E&A(AD)PF/2012  
Dated Peshawar the 04-06-2012

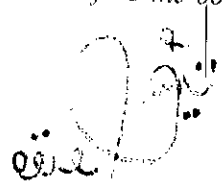
To

The Administrative Officer  
Planning & Development Department,  
FATA Secretariat, Warsak Road.

SUBJECT

ABSENCE FROM DUTY.

I am directed to refer to your letter No.Secy.(P&D)/FATA/AO/2009 dated 05-05-2009 on the subject noted above and the request of Mr.Baghi Gul , Naib Qasid (copy enclosed) and to state that in the case Regulation Wing (Establishment Department) has opined that *since there is involved neither any transfer out from FATA nor disciplinary proceedings initiated by the lending / borrowing authorities , therefore, the official is still on deputation in FATA Secretariat and the issue of his re-instatement lies before the borrowing authority (FATA Secretariat) to decide.*

2635  
11.16.12  
  
(MAQBOOL HUSSAIN)  
SECTION OFFICER (ADMN)

Ann: R/8   


**FATA SECRETARIAT**  
**PLANNING AND DEVELOPMENT**  
**PESHAWAR**

No.Secy/P&D/FATA/ao/2012  
Dated: 12-06-2012

To:

The Section officer (Admn)  
Administration department, Govt of Khyber Pakhtunkhwa

Subject: **ABSENCE FROM DUTY**

I directed to refer to your letter No.E&A(AD)/PF/2012 dated 4.6.2012 on the subject noted above and to say that under the provision of Government of Khyber Pakhtunkhwa (efficiency and disciplinary rules 2011), the competent authority to proceed in the matter is the respective appointing authority as defined the rules (f) of the aforesaid rules. Since the appointing authority in the instant case is Administration department Govt of Khyber Pakhtunkhwa, therefore, FATA Secretariat can not proceed against the official concerned.

(Abdur Rehman)  
Administrative Officer  
P&D

Copy to:

PS to Secretary P&D

Administrative Officer  
P&D



Ann: R/9

S.O. (Admn) Administration Deptt.  
Diary No. 3744  
Date 16-10-2012

19



GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS &  
HUMAN RIGHTS DEPARTMENT

No: E & A/LD/3-2(18)/2012. 17445.  
Dated: Peshawar the, 16-10-2012.

To

The Section Officer (Admn)  
Govt: of Khyber Pakhtunkhwa,  
Administration Department.

Subject: MINUTES OF THE MEETING DATED 12-09-2012  
REGARDING ABSENCE FROM DUTY OF MR. BAGHI  
GUL, NAIB QASID, FATA SECRETARIAT.

P. 41/c  
I am directed to refer to your letter No. E&A(AD) PF/2012 dated 03-10-2012 on the subject noted above.

2. It is stated that the official concerned was suspended due to wilful absence from duty vide order dated 19-7-2009 and subsistence allowance was also granted to him during the period of his suspension, which was later on stopped by the FATA Secretariat and the FATA Secretariat also informed the Administration Department Khyber Pakhtunkhwa being his parent department and referred the case for further action to the Administration Department. Now the official has been acquitted by the Competent Court. He is still under suspension because no further disciplinary action according to law has been initiated / taken against him for his wilful absence. The Administration Department may proceed him under RSO, 2000 for his wilful absence and the Competent Authority, thereafter may decide accordingly as deem fit. Departmental proceedings and criminal judicial proceedings have no effect upon each other. Both the proceedings can go side by side, even may result at variance.

Please link & process on file.

S. J. Khan  
16-10-12

(SAJAD-UR-RAHMAN)  
Section Officer (General)

S. J. Khan

G. D.

16/10/12





P & D DEPARTMENT

Ann: R/10 (13)

# FATA SECRETARIAT

PLANNING & DEVELOPMENT DEPARTMENT  
WARSAK ROAD PESHAWAR

**ORDER:**

Mr. Baghi Gul Naib Qasid who remained under suspension from service is reinstated w.e.f 19-11-2007. The intervening period shall be treated as a leave without pay which would be a bridge between two periods of service.

On his reinstatement Mr. Baghi Gul, is transferred/ surrendered to Admin Department Government of Khyber Pakhtunkhwa as there is no vacant post to accommodate him.

-sd-

**Secretary**  
**P&D Department, FATA.**

No. FS/P&D/DS(A)/2012.  
Dated: 20-12-2012

**Copy to:-**

1. Deputy Secretary (Admn) A&C Deptt. FATA Secretariat.
2. Mr. Maqbool Hussain, Section Officer (Admn),  
Establishment Department, Government of Khyber Pakhtunkhwa.
3. The PS to Secretary P&D.
4. Official Concerned.

**Deputy Secretary (Admin)**  
**P&D Department, FATA.**

Ann: K/11

HCCOURTES OFFICE WORK PLAN  
PAYMENT LIST REPORT  
For the month of December 2007

Page : 416  
Date : 13.12.2007

Ann: P/11

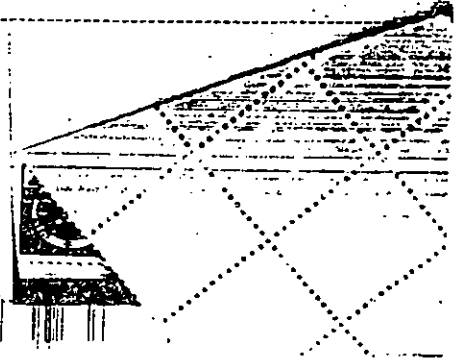
Payroll Section: 002  
CASH CENTER

Cash center:

Per. No.	Old Per. No.	Name	Booklet no	Designation	Net Salary	Employee's Signature
00089152	99990210302	AMIN AGSIO		AMIN AGSIO (00009990)	9,951.00	
00089153	99990210303	AMIN AGSIO		AMIN AGSIO (00009990)	8,951.00	
00089154	99990210304	AMIN AGSIO		AMIN AGSIO (00009990)	7,958.00	
00089155	99990210305	AMIN AGSIO		AMIN AGSIO (00009990)	8,951.00	
00089156	99990210306	AMIN AGSIO		AMIN AGSIO (00009990)	8,951.00	
00089530	99990401				6,772.00	
00090581						
00090582						
00090583						
00090584						
00090585						
00090586						
00090587						
00090588						
00090589						
00090590						
00090591						
00090592						
00090593						
00090594						
00090595						
00090596						
00090597						
00090598						
00090599						
00091408					8,793.00	

Cash Center:  
No. of employees in Cash Center: 14  
Total for Cash Center: 131,732.00

693557



Accounts Office ACPR (SD) PESH  
 PAYMENT LIST REPORT  
 For the month of February, 2008

Page 418  
 Date 23.02.2008

Payroll Section: 002      DDD : P0022      SECRETARY PAD CIVIL SECRETARIATE DATA

Cash center:

Per. No.	Old Per. No.	Name	Buckle no.	Designation		Net Salary
00089152	99990210582	ABDUL RAJID		HAIR QASID	(00000990)	6,388.00
00089153	99990210593	ABDUL SALAM		HAIR QASID	(00000990)	6,688.00
00089154	99990210606	BAGHI GUL		HAIR QASID	(00000990)	7,925.00
00089155	99990210652	MUHAMMAD AYUB KHAN		HAIR QASID	(00000990)	8,888.00
00089156	99990210977	MUHAMMAD INDRAL		SWEOPER	(00001416)	5,998.00
00090580	99990401536	MRS. TAJ NIDI		HAIR QASID	(00000990)	6,734.00
00090581	99990401558	RAHIM JAN		UNKNOWN	(88888088)	6,901.00
00090585	99990401550	CHARIE BILAN		JUNIOR CLERK	(00000801)	8,071.00
00090587	99990401729	MUHAMMAD ZUNAR		UNKNOWN	(88888888)	6,588.00
00090593	99990402028	UMAR LHM		UNKNOWN	(88888888)	7,479.00
00090596	99990402120	MUHAMMAD AYAZ		UNKNOWN	(88888888)	13,022.00
00090597	99990402106	RAHIM DAD		UNKNOWN	(88888888)	9,499.00
00090599	99990402277	FALAK NIAZ		JUNIOR CLERK	(00000801)	8,695.00
00090601	99990402346	ABDUL SHAFQUR		UNKNOWN	(88888888)	6,901.00
00094148		QDAIDUK RAHMAN		DRIVER	(00000545)	7,441.00
00323468		MASUD-UR-REHMAN KHAN		COMPUTER OPERATOR	(00000389)	8,793.00

Employee's Signature

*Baghi Gul*

*Dr. Taj Nidi*

*Cherie Bilan*

*M. Ayaz*

*Rahim Dad*

*Falak Niaz*

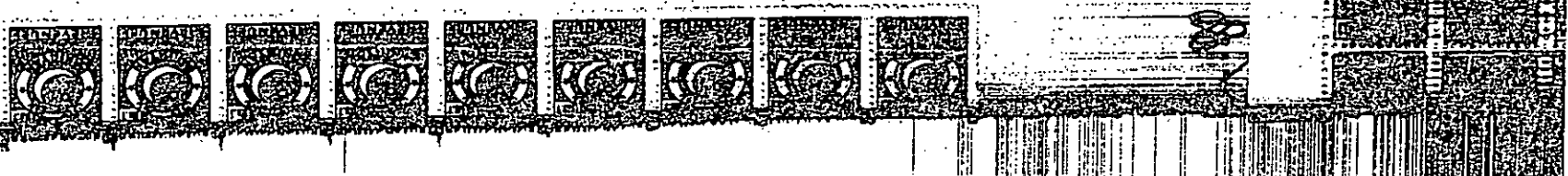
*Abdul Shafqur*

*Qdaiduk Rahman*

*Masud-Ur-Rehman Khan*

Cash Center:

No. of employees in Cash Center      16      Total for cash center      132,911.00



16

MAY 2008

Payroll Section: 000

Cash center:

Per. No.	Old Per. No.	Name	Booklet no.	Designation	Net Salary	Employee's Signature
00089152	99990210582	ABDUL RAJID		HAIR BARBER (00000739)	8,555.00	
00089153	99990210573	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00089154	99990210575	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00089155	99990210577	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00089116	99990210577	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00090586	99990401192	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00090587	99990401193	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00090588	99990401194	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00090589	99990401195	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00090590	99990401196	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00090591	99990401197	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00090592	99990401198	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00090593	99990401199	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00090594	99990401200	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00090595	99990401201	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00090596	99990401202	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00090597	99990401203	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00090598	99990401204	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00090601	99990407346	ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00094148		ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	
00323408		ABDUL RAHMAN		HAIR BARBER (00000739)	8,475.00	

Cash Center:

No. of employees in Cash Center

16

Total for cash center

133,454.00



Handwritten signatures and notes in Urdu script, including 'مستحق', 'مستحق', and 'مستحق'.

Accounts Office ACPR (SO) PESH  
 PAYMENT LIST REPORT  
 For the month of July, 2008

Page : 436  
 Date : 28.07.2008

Payroll Section: 002 DDD : FRC022 SECRETARY PLD CIVIL SECRETARIATE FATA

Cash center:

Per. No.	Old Per. No.	Name	Duckle no.	Designation	Net Salary	Employee's Signature
00009152	99990210582	ABDUL RAJID		HAIB QASID (00000990)	10,544.00	<i>[Signature]</i>
00009153	99990210593	ABDUL SALAK		HAIB QASID (00000990)	10,544.00	<i>[Signature]</i>
00009154	99990210606	BAGHI GUL		HAIB QASID (00000990)	9,463.00	<i>[Signature]</i>
00009155	99990210612	MUHAMMAD AYUB KHAN		HAIB QASID (00000990)	10,544.00	<i>[Signature]</i>
00009156	99990210877	MUHAMMAD IQBAL		SWEeper (00001416)	7,521.00	<i>[Signature]</i>
00090580	99990401536	MRS TAJ BISI		HAIB QASID (00000990)	8,047.00	<i>[Signature]</i>
00090581	99990401558	SANJIV JAIN		UNKNOWN (88888888)	8,244.00	<i>[Signature]</i>
00090585	99990401650	SHAKIR ULLAH		JUNIOR CLERK (00000801)	9,791.00	<i>[Signature]</i>
00090587	99990401729	MUHAMMAD ZUBAIR		UNKNOWN (88888888)	10,310.00	<i>[Signature]</i>
00090594	99990402020	UMAR DIN		UNKNOWN (88888888)	8,897.00	<i>[Signature]</i>
00090596	99990402120	MUHAMMAD AYAZ		UNKNOWN (88888888)	15,831.00	<i>[Signature]</i>
00090597	99990402186	RAHEM DAD		UNKNOWN (88888888)	11,631.00	<i>[Signature]</i>
00090599	99990402277	FALAK MIRZ		JUNIOR CLERK (00000801)	10,445.00	<i>[Signature]</i>
00090601	99990402346	ABDUL CHAFDOR		UNKNOWN (88888888)	8,244.00	<i>[Signature]</i>
00094148		QBAIDUR RAHMAN		DRIVER (00000545)	8,913.00	<i>[Signature]</i>
00323408		MASAUD-UR-REHMAN KHAN		COMPUTER OPERATOR (00000389)	10,677.00	<i>[Signature]</i>

1173794  
 31-7-08

Cash Center:

No. of employees in Cash Center 16 Total for cash center 159,646.00

Accounts Office ASST (SD) PESH  
 PAYMENT LIST REPORT  
 For the month of

26/01/2009

Payroll Section: 002

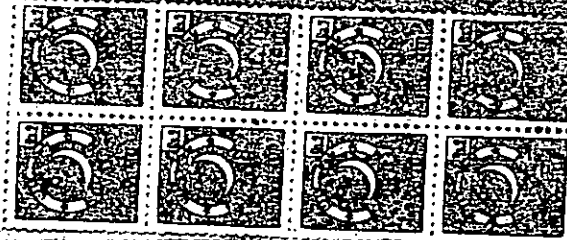
DDO : PR0022

SECRETARY PAD CIVIL SECRETARIATE FATA

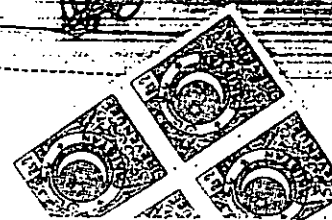
Cash center:

Per. No.	Sl. Ppr. No.	Name	Buckle no.	Designation	Net Salary
00089152	99990210582	ABDUL MAJID		HAIB RASID (00000990)	10,263.00
00089153	99990210593	ABDUL SALAM		HAIB RASID (00000990)	10,593.00
00089154	99990210606	BAGHI GUL		HAIB RASID (00000990)	10,057.00
00089155	99990210662	MUHAMMAD AYUB KHAN		HAIB RASID (00000990)	10,593.00
00089156	99990210677	MUHAMMAD IQBAL		SWEELPER (00001415)	7,560.00
00090580	99990401536	MRS TAJ DILLI		HAIB RASID (00000990)	6,066.00
00090581	99990401556	SARAH KHAN		UNKNOWN (88888888)	8,283.00
00090585	99990401568	SHAKIR ULLAH		JUNIOR CLERK (00000801)	10,306.00
00090587	99990401779	MUHAMMAD ZUBAIR		UNKNOWN (88888888)	10,309.00
00090594	99990402028	UMAR DIL		UNKNOWN (88888888)	8,536.00
00090596	99990402120	MUHAMMAD ARAZ		UNKNOWN (88888888)	15,936.00
00090597	99990402186	BAHIZ DAD		UNKNOWN (88888888)	11,730.00
00090599	99990402277	FALAK HIAZ		JUNIOR CLERK (00000801)	10,544.00
00090601	99990402346	ABDUL GHAFOOR		UNKNOWN (88888888)	8,283.00
00094148		OSAIDUR RAHMAN		DRIVER (00008545)	8,992.00
00323408		MASAUD-UR-REHMAN KHAN		COMPUTER OPERATOR (00000389)	10,949.00
00421314		VIJAY HARID		JUNIOR CLERK (00000801)	6,649.00

Cash Center:



Handwritten signatures and notes in Urdu script are present on the right side of the page, overlaid on the table and stamps. Some of the text is partially obscured by the stamps.



19

Page No: 002      DDO: PRO022      SECRETARY P&S CIVIL SECRETARIATE PATA

Sl. No.	Emp. No.	Name	Buckle no.	Designation	Net Salary	Employee's Signature
00089152	99990210582	ABDUL RAJID		HAIB GASID (00000990)	17,595.00	
00089153	99990210593	ABDUL SALAH		HAIB GASID (00000990)	17,925.00	
00089154	99990210604	BAGHI CUL		HAIB GASID (00000990)	16,907.00	
00089155	99990210662	MUHAMMAD AYUB KHAN		HAIB GASID (00000990)	17,995.00	
00089156	99990210877	MUHAMMAD IQBAL		SWEeper (00001414)	13,430.00	
00090500	99990401536	MRS TAJ BIBI		HAIB GASID (00000990)	9,354.00	
00090581	99990401558	SANIM JAH		UNKNOWN (88888888)	13,543.00	
00090585	99990401650	SHAKIR ULLAH		JUNIOR CLERK (00000801)	17,221.00	
00090587	99990401729	MUHAMMAD ZUBAIR		UNKNOWN (88888809)	12,159.00	
00090594	99990402020	UMAR BIN		UNKNOWN (88888808)	14,826.00	
00090596	99990402120	MUHAMMAD AYAZ		UNKNOWN (88888888)	27,737.00	
00090597	99990402186	RAHIM DAD		UNKNOWN (88888888)	20,013.00	
00090599	99990402277	FALAK KIAZ		JUNIOR CLERK (00000801)	17,487.00	
00090601	99990402346	ABDUL CHAFDUR		UNKNOWN (88888888)	11,194.00	
00094149		QADIDUR RAHMAN		DRIVER (00000545)	14,104.00	
00323408		MASAUD-UR-REHMAN KHAN		COMPUTER OPERATOR (00000389)	12,513.00	
00421314		VIJAY KANED		JUNIOR CLERK (00000801)	11,054.00	

Cash Counter

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Payroll Section: C22      DDO : PR0022      SECRETARY P&O CIVIL SECRETARIATE PATA

Emp. No.	Old Per. No.	Name	Booklet no.	Designation	Ret Salary	Employee's Signature
00089152	99990210582	ABDUL RAJID		HAIB QASID (00000990)	22,105.00	
00089153	99990210593	ABDUL SALAM		HAIB QASID (00000990)	22,435.00	
00089154	99990210606	RAGHI GUL		HAIB QASID (00000990)	11,777.00	
00089155	99990210662	MUHAMMAD AYUB KHAN		HAIB QASID (00000990)	12,435.00	
00089156	99990210877	MUHAMMAD IQBAL		SWEEPER (00001416)	2,040.00	
00090580	99990401536	MRS TAJ BIQI		HAIB QASID (00000990)	13,136.00	
00090581	99990401558	SAMIN JAH		UNKNOWN (88888888)	9,613.00	
00090585	99990401650	SHAKIR ULLAH		JUNIOR CLERK (00000801)	12,049.00	
00090587	99990401729	MUHAMMAD ZUNAIR		UNKNOWN (88888888)	17,421.00	
00090594	99990402028	UNAR DIN		UNKNOWN (88888888)	10,416.00	
00090596	99990402170	MUHAMMAD AYAZ		UNKNOWN (88888888)	18,890.00	
00090597	99990402186	RAHIM DAD		UNKNOWN (88888888)	13,815.00	
00090599	99990402277	FALAK HIAZ		JUNIOR CLERK (00000801)	12,344.00	
00090601	99990402346	ABDUL GHAFDOR		UNKNOWN (88888888)	11,613.00	
00094148		QBAIDUR RAHMAN		DRIVER (00000545)	10,282.00	
00323408		MASOUD-UR-REHMAN KHAN		COMPUTER OPERATOR (00000389)	17,123.00	
00421314		VIJAY HANID		JUNIOR CLERK (00000801)	7,765.00	

Cash

