

8-7-22

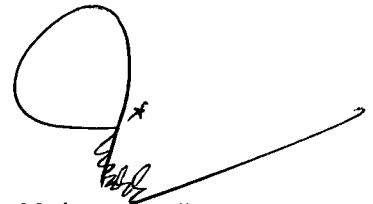
Due to Public Holiday the case is  
adjourned to come up for the same as  
before SB on 18-8-2022

*of*  
Reader

18.08.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Asif, Assistant for the respondents present.

Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Adjourned by way of last chance. To come up for reply/comments on 05.10.2022 before S.B.




(Mian Muhammad)  
Member (E)

24.11.2021

Counsel for the appellant present. Preliminary arguments have been heard.

The instant service appeal has been filed under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 16.02.2018 claimed to have been communicated to the appellant on 28.02.2018 whereby the major penalty of removal from service was awarded to the appellant. His departmental appeal submitted to the appellate authority, was not responded within the stipulated statutory period, hence, the instant service appeal filed on 10.07.2018. Moreover, learned counsel for the appellant contended that no regular enquiry has been conducted against the appellant in the prescribed statutory manner before imposing the major penalty of removal from service which is not maintainable under the legal and constitutional safeguard/guarantees available to the appellant.

The appeal is admitted to regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments on 27.01.2022 before S.B.

  
(Mian Muhammad)  
Member(E)

27.01.2022

Learned counsel for the appellant present and submitted application for extension of time to deposit security and process fee. Application is allowed and he is directed to deposit security and process fee within 03 working days. Thereafter notices be issued to respondents for submission of reply/comments. To come up for reply/comments before the S.B on 29.03.222.

RS-500/-  
Appellant Deposited  
Security & Process Fee  
-  
A. Affich  
13/14/22

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

27.01.2021

Nemo for the appellant at the moment i.e 03:05 P.M. Mr. Kabirullah Khattak, Additional Advocate General, for the respondents is present.

Since the appellant has not forth come, he be noticed alongwith his respective counsel for 05.05.2021. File to come up for further proceedings before S.B.

(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)


05.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 24.08.2021 for the same as before.

  
Reader

24.08.2021

Nemo for the appellant. Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel and to come up for preliminary hearing before the S.B on 24.11.2021.

  
(SALAH-UD-DIN)  
MEMBER (J)

09.09.2020

Counsel for the petitioner and Addl. AG present.

Instant application is with the prayer for restoration of Appeal No. 72/2019, dismissed for non-prosecution on 19.07.2019.

It is, interalia, provided in the application that the appellant remained unrepresented on the relevant date due to illness of his counsel.

The application has been brought within the time prescribed for the purpose and contained cogent reason for restoration of the appeal. It is, therefore, allowed and Appeal No. 72/2019 is restored to its original number but on payment of cost of Rs. 1000/-.

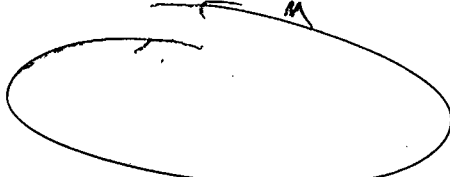
To come up for preliminary hearing before S.B on 11.11.2020.

  
Chairman

11.11.2020

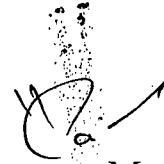
Nemo for the appellant.

Since the Members of the High Court as well as of the District Bar Associations, Peshawar, are observing strike today, therefore, learned counsel for appellant is not available today. Adjourned to 27.01.2021 on which date to come up for further proceedings before S.B.

  
(Muhammad Jamal Khan)  
Member (Judicial)

12.03.2020

Nemo for the petitioner. Mr. Kabir Ullah Khattak learned Additional Advocate General present and submitted reply. Adjourn. To come up for further proceedings on 23.04.2020 before S.B. Petitioner be put to notice for the date fixed:



Member

23.04.2020

Due to public holiday on account of COVID-19, the case to come up for the same on 30.07.2020 before S.B.



Reader

30.07.2020

Junior to counsel for the petitioner and Addl. AG alongwith Arshad Khan, ADO for the respondents.

Former seeks adjournment due to engagement of learned senior counsel before the Honourable High Court in many cases today. To come up for arguments on restoration application on 09.09.2020 before S.B.



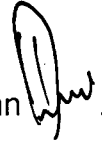
Chairman

29.10.2019

Junior to counsel for the petitioner present.

Requests for adjournment due to non-availability of learned senior counsel. Adjourned to 11.12.2019 before S.B.

Chairman



11.12.2019

Junior to counsel for the petitioner present.

Requests for adjournment due to general strike of the Bar today. Adjourned to 21.01.2020 before S.B.

Chairman



21.01.2020

Junior to counsel for the petitioner present.

Requests for adjournment due to general strike of the Bar. Adjourned to 05.03.2020 before S.B.

Chairman



05.03.2020

Counsel for the petitioner present. Notice be issued to learned Additional AG for reply and arguments on restoration application for 12.03.2020 before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER




Received  
6/3/20  


Form-A

FORM OF ORDER SHEET

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

Appeal's Restoration Application No. 295 /2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	31.07.2019	<p>The application for restoration of appeal No.72/2019 submitted by Mr. Yasir Saleem Advocate, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 31/7/19</p>
2	20/08/19	<p>This restoration application is entrusted to S. Bench to be put up there on <u>13/09/19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
13.09.2019		<p>Notice be issued to petitioner/counsel for 29.10.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>

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

*Restoration Appli- no. 295/2019*

Appeal No. 72/019



Daud Khan ..... Appellants

**Versus**

Govt. of Khyber Pakhtunkhwa through Secretary  
Elementary & Secondary Education Department &  
others

..... Respondents

**APPLICATION FOR RESTORATION OF**  
**THE ABOVE TITLED APPEAL AND**  
**DECIDED ON MERIT.**

***Respectfully Sheweth:-***

- 1. That the petitioner have filed the above tilled appeal which has been admitted for full hearing vide order dated 19/07/2019 (Copy is attached).*
- 2. That the above tilled case was fixed for hearing before this Honourable Court on 19/07/2019 but was dismissed in default for non prosecution.*
- 3. That the petitioners pray for restoration of the above tilled case and its decision on merit on the following grounds.*



**Grounds:-**

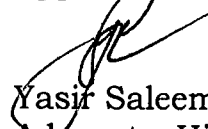
- A. *That the absence of the petitioners was not willful but was due to illness of the counsel of petitioner before the Peshawar High court on the date fixed.*
- B. *That law favors decision on merit of avoids technicalities moreover the application is quit with in time.*
- C. *That the above captioned case had been admitted for full hearing and valuable rights of petitioners are involved for its decision on merit.*

*It is, therefore, most humbly prayed that on acceptance of this application the above tilted case may kindly be restored for its decision on merit.*

Dated:- 29-Jul-19

Through:-

Appellants

  
Yasir Saleem  
Advocate, High court  
Peshawar.

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

Khyber Pakhtunkhwa  
Service Tribunal

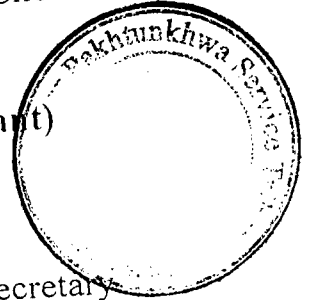
Diary No. 1137

Dated 10-7-2018

Appeal No. 72/2018

**Daud Khan, Ex-Naib Qasid/ Beheshti, office of the DEO  
Male Nowshera R/O Village Tohid Abad Saifan Chowk  
Village Kaga Wala Badbher Peshawar**

(Appellant)



VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education Department Peshawar.
2. The Director Elementary and Secondary Education Department Peshawar.
3. District Education Officer (M) Nowshera

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 16.02.2018, communicated to the appellant on 28.02.2018, whereby the appellant has been awarded the major Punishment of Removal from Service, against which his departmental appeal dated 19.03.2018 has not been responded within the statutory period of 90 days.

19.07.2019

Nemo for appellant.

It is already 12.00 P.M on Friday and the case has been called several times. Despite, no one is in attendance on behalf of the appellant.

Dismissed for non-prosecution. File be consigned to the record room.

Chairman

Announced:  
19.07.2019

**Certified to be true copy**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Appeal 22-7-19  
Number of Words 1400  
Copying Fee 1500  
Urgent Yes  
Total 1500  
Name of Copyist [Signature]  
Date of Completion of Copy 25-7-19  
Date of Delivery of Copy 25-7-19

26.03.2019

Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 25.04.2019 before S.B.



Member

25.04.2019

None present on behalf of the appellant. Notice be issued to appellant and his counsel for attendance and preliminary hearing for 14.06.2019 before S.B.



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

14.06.2019

Junior to counsel for the appellant present.

Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant matter is adjourned to 19.07.2019 for preliminary hearing before S.B.



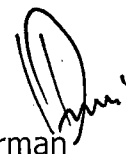
Chairman

19.07.2019

Nemo for appellant.

It is already 12.00 P.M on Friday and the case has been called several times. Despite, no one is in attendance on behalf of the appellant.

Dismissed for non-prosecution. File be consigned to the record room.




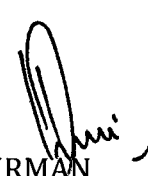

Chairman

Announced:  
19.07.2019

Form- A  
FORM OF ORDER SHEET

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

Case No. 72/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15.1.2019	<p>The present appeal was received on 10.07.2018 which was returned to the counsel for the appellant for completion and resubmission within 15 days. Today i.e. on 15.1.2019 he resubmitted the same late by 172 days. The same may be entered in the institution register and put up to the Worthy Chairman for appropriate order please.</p> <p style="text-align: right;"> REGISTRAR 15/1/19</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>13-2-19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2	13.02.2019	<p>Learned counsel for the appellant present. Perusal of the office order dated 15.02.2019 would show that the present case file was returned to the learned counsel for the appellant for completion and resubmission within 15 days however the same was resubmitted late by 172 days. Learned counsel for the appellant seeks adjournment. Adjourn. To come up preliminary hearing on 26.03.2019 before S.B.</p> <p style="text-align: right;"> Member</p>

The appeal of Mr. Daud Khan Ex-Naib Qasid office of the DEO male Nowshera received today i.e. on 10.07.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Affidavit may be got attested by the Oath Commissioner.
- 2- Annexure-A of the appeal is illegible which may be replaced by legible/better one.
- 3- Departmental appeal having no date be dated.

No. 1386 /S.T,

Dt. 11/07 /2018.

  
REGISTRAR 11/7/18  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Yasir Saleem Adv. Pesh.

*Resubmitted Serial no1 objection ceases.*

*Serial No2 Better copy attach*

*Serial no3 objection departmental  
appeal provided all ready place  
on file.*

*please put up the court.*

*Yasir*

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

Appeal No. 72 /2018

**Daud Khan**, Ex-Naib Qasid/ Beheshti, office of the DEO  
Male Nowshera R/O Village Tohid Abad Saifan Chowk  
Village Kaga Wala Badbher  
Peshawar..... (Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa, through Secretary  
Elementary and Secondary Education Department Peshawar.  
.....(Respondents)

**INDEX**

<b>S. No</b>	<b>Description of documents</b>	<b>Annexure</b>	<b>Page No</b>
1	Memo of appeal and Affidavit		1-5
2	Copies of appointment letter dated 03.09.1992 and Service Book are attached as Annexure A & B	A B	7-10
3	Copy of pay slip is attached as Annexure C	C	11
4	Copy of application for transfer is attached as Annexure D	D	12
5.	Copy of arrival report is attached as Annexure E	E	13
6.	Copy of departmental appeal is attached as Annexure F	F	14-16
7.	Copy of Order and Judgment dated 27.03.2017 is attached as Annexure G	G	17-19
8.	Copies of absent notice dated 25.11.2017 and reply 08.12.2017 are attached as Annexure H & I	H- I	20-22
9.	Copy of order dated 16.02.2018 is attached as Annexure J	J	23
10.	Copy of the departmental appeal	K	24-26
13.	Vakalatnama		27

*(Signature)*

Appellant

Through

**YASIR SALEEM**

**JAWAD-UR-REHMAN**

Advocates, Peshawar

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

Appeal No. \_\_\_\_\_/2018

**Daud Khan**, Ex-Naib Qasid/ Beheshti, office of the DEO  
Male Nowshera R/O Village Tohid Abad Saifan Chowk  
Village Kaga Wala Badbher Peshawar

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Secretary Elementary and Secondary Education Department Peshawar.
2. The Director Elementary and Secondary Education Department Peshawar.
3. District Education Officer (M) Nowshera

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 16.02.2018, communicated to the appellant on 28.02.2018, whereby the appellant has been awarded the major Punishment of Removal from Service, against which his departmental appeal dated 19.03.2018 has not been responded within the statutory period of 90 days.

Prayer in Appeal: -

On acceptance of this appeal the impugned order dated 16.02.2018, may kindly be set aside and the appellant may be re-instated into service with all back benefits and wages of service.

Respectfully sheweth ,

The appellant humbly submit as under.

1. That the appellant was initially appointed as Behashti /Naib Qasid in the year 1992. He was also medically examined and when found fit, was handed over charge of his post and started performing his duties. It is pertinent to mentioned that the service book of the appellant was also prepared for the purpose of pay and pension. *(Copies of appointment letter dated 03.09.1992 and Service Book are attached as Annexure A & B)*
2. That ever since of his appointment the appellant performed his duties as assigned with zeal and devotion and there was no complaint what so ever regarding his performance.
3. That the appellant continuously received salary of his post till September 2009. *(Copy of pay slip is attached as Annexure C)*
4. That while serving in the said capacity, the appellant due to his domestic problems in the year 2009, he duly applied for inter district transfer from Nowshera to Peshawar, his application for application was duly processed, in the meantime he got seriously ill and therefore could not join his duty. *(Copy of application for transfer is attached as Annexure D)*
5. That thereafter, the appellant when regained health in the year 2010, he duly went to join his duties, however he was not allowed to join. *(Copy of arrival report is attached as Annexure E)*
6. That the appellant continuously approached the department for allowing him to join his duties and for the release of his salaries, however neither his salaries were released nor was he adjusted to join his duties. *(Copy of departmental appeal is attached as Annexure F)*
7. That the appellant was constrained to filed Service Appeal No. 905/2015 before this honorable tribunal. The service appeal was disposed off and decided vide order and judgment dated 27/03/2017 with the direction to the Respondents to probe in to the matter according with the law and there after appropriate order be passed within a period of three months from the date communication of judgment. *(Copy of Order and Judgment*



*dated 27.03.2017 is attached as Annexure G).*

8. That the department issued absence notice dated 25/11/2017 communicated to the appellant on 05/12/2017. He duly replied to the absence notice and explained his position and refuted the allegation leveled against me. *(Copies of absent notice dated 25.11.2017 and reply 08.12.2017 are attached as Annexure H & I)*
9. That without considering reply, the appellant has been illegally imposed the major penalty of Removal from Service vide order dated 16/02/2018 communicated to him on 28/02/2018. *(Copy of order dated 16.02.2018 is attached as Annexure J)*
10. That aggrieved from the order dated 16.02.2018, the appellant submitted his departmental appeal on 15.03.2018, and however, the same has not been responded despite the lapse of statutory period. *(Copy of the departmental appeal is attached as Annexure K).*
11. That the order awarding penalty is illegal, un-lawful and liable to be strucked down inter-alia on the following grounds.

#### **GROUND OF SERVICE APPEAL**

- A. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
- B. That no procedure has been followed before his removal from service. The appellant has never been served any charge sheet and statement of allegations nor any regular inquiry has been conducted thus the impugned order is defective in the eyes of law.
- C. That the appellant has not been provided proper opportunity of personal hearing before awarding him the penalty hence the appellant has been condemned unheard.
- D. That no charge sheet/ statement of allegations and show cause as prescribed under the law and rules has ever been served upon him hence the appellant has not been provided fair opportunity to

defend has self against the charges leveled. The impugned order is thus passed in violation of the principles of natural justice.

E. That the impugned Order has been passed against the appellant without holding a regular inquiry which is violative to the principle / law and dictum declared by the august Supreme Court of Pakistan in its various judgments reported as:-

- i. 2002 - SCMR - 57*
- ii. 2001 - SCMR - 1566*
- iii. 2000 - SCMR - 1321*
- iv. 1994 - PLC (CS) - 1717 (FST)*

As such the impugned Order was passed in violation of the principle / law and dictum laid down by the august Supreme Court of Pakistan.

F. That in the year 2009, the appellant duly applied for inters district transfer from Nowshera to Peshawar which was duly processed. In the meantime the appellant got seriously ill and could not join his duties. However the appellant has informed the department about his illness and applied also for medical leave.

G. That after gaining health in April 2010, after gaining health the appellant duly reported for duty however the appellant was neither adjusted nor my salaries, where-after the appellant filed his service appeal. The appellant has been pursuing my remedy from the last 8 years for no fault on his part.

H. That vide order dated 27/03/2017 the department was directed by this honorable tribunal to conduct and conclude the proceeding against the undersigned within a period of three months. However the department took almost one year in concluding proceedings, therefore the impugned order is illegal and liable to be set-aside on this ground alone.

I. That the appellant has never committed any act or omission which could be termed as misconduct, on a bonafide mistake such harsh penalty of removal from service could not be imposed.

J. That the undersigned belong to a poor family, I am having a large family dependent upon me, and moreover I have no source of income these days due to the penalty.

1. That the appellant seeks the permission of this Honorable Tribunal to rely on additional ground at the hearing of this appeal.

*It is, therefore, humbly prayed that on the acceptance of this service Appeal the Order dated 16.02.2018, may kindly be set aside and the appellant may be reinstated into service with all back benefits.*

*ab*

Appellant

Through

**YASIR SALEEM**

*Yasir Saleem & Jawad-ur-Rehman*

**JAWAD-UR-REHMAN**

Advocates, Peshawar

**AFFIDAVIT**

I, *Daud Khan, Ex-Naib Qasid/ Beheshti, office of the DEO Male Nowshera R/O Village Tohid Abad Saifan Chowk Village Kaga Wala Badbher Peshawar*, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal as well as accompanied application for condonation of delay are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

*Deponent*

77

ANNEXURE 'A'

DAWOOD KHAN 310 P.O. Raza Razvi

Now Sh. Kalu is working in the office of the

Charge reports shall be sent to this office.

9. D.A. is allowed before first appointment.

10. Joining time is allowed what is absolutely necessary for

The appointment is purely temp; basis and subject to the ter-

mination at any time/notice. In case he wishes to leave the

employment he shall have to submit 30 months prior notice.

He should be produced his Health and age certificate from the

General Civil Surgeon/H.O. within 15 days after the issue of

This order as required under rule (2.10) 4.

In case the candidate fails to take over charge within 15 days

from the date of issue of this order, his appointment

shall be cancelled automatically.

The candidate shall also be bound to comply with the

rules of the service rules which shall be passed by the

Government from time to time.

11. He shall produce photo copies of his relevant documents,

such as Office Order, Medical Certificate, Identity Card, domicile

etc. at the time of taking over charge.

12. He will be dealt with under the G.O. rules if he violates Govt.

Rules and regulations.

(Mohammad Saman Khan)  
Sd/- Deputy, Succession Officer (H)

24/31 - 3/9/2022

D.A. - Nov

3/9/2022  
27/9/2022

(A)

ANNEXURE

CB

The entries in this page should be renewed or re-attested at least every five years and the signature on lines 9 and 10 should be dated.

Name: Mr. Daud Khan 7

Race: Afghan

Residence: Mohalla Aree Roy  
Andai Shehr Peshawar city

Father's name and residence: Mr. Fazl Raziq  
As above

Date of birth by Christian era as nearly as can be ascertained: 30-05-1971  
30th May 11th and Seventy One

Exact height by measurement: 5-6

Personal marks for identification: A Scar on the fore head

8. Left hand thumb and finger impression of (non-gazetted) officer

Little Finger Ring Finger

Middle Finger Fore Finger

Thumb

9. Signature of Government servant: [Signature]

10. Signature and designation of the Head of the Office or other Attesting Officer: Sub [Signature]  
(Date) 25 May 1971

8	7	6	5	4	3	2	1
Signature of person on official stamp	Date of appointment	Other employment during term of pay	Additional pay for extra duty	Tax in kind and other pay	If official, rate of subsistence allowance, or other allowances under Act, 1911	Whether permanent or temporary and whether appointed on full or part-time basis	Part of pay
	1/12/93		920/- p.m.				N/Brady NSR 1/12/93 E/S/Keble NSR
	1/12/93		946/- p.m.				NSR 1/12/93
(Award BPS No. 1245-35-1770)							
	1/5/96		1285/- p.m.				E/S/Brady NSR 1/5/96 E/S/Keble NSR
	1/12/94		1315/- p.m.				NSR 1/12/94
	1/12/95		1350/- p.m.				NSR 1/12/95
	1/12/96		1385/- p.m.				NSR 1/12/96
	1/12/97		1435/- p.m.				NSR 1/12/97
	1-12-98		1455/- p.m.				NSR 1-12-98
	1-12-99		1494/- p.m.				NSR 1-12-99

Person on official stamp

10

8

1.1.97 to 31.12.98  
 1.1.97 to 31.12.98  
 1.1.97 to 31.12.98  
 1.1.97 to 31.12.98

Sl. No.	Name of the person	Designation	Period	Reason for termination	Date of termination	Signature and name of the person
1	Mr. A. S. S. S.	Secy. (M)	1.1.97 to 31.12.98	Retired	31.12.98	Mr. A. S. S. S.
2	Mr. A. S. S. S.	Secy. (M)	1.1.97 to 31.12.98	Retired	31.12.98	Mr. A. S. S. S.
3	Mr. A. S. S. S.	Secy. (M)	1.1.97 to 31.12.98	Retired	31.12.98	Mr. A. S. S. S.
4	Mr. A. S. S. S.	Secy. (M)	1.1.97 to 31.12.98	Retired	31.12.98	Mr. A. S. S. S.
5	Mr. A. S. S. S.	Secy. (M)	1.1.97 to 31.12.98	Retired	31.12.98	Mr. A. S. S. S.
6	Mr. A. S. S. S.	Secy. (M)	1.1.97 to 31.12.98	Retired	31.12.98	Mr. A. S. S. S.
7	Mr. A. S. S. S.	Secy. (M)	1.1.97 to 31.12.98	Retired	31.12.98	Mr. A. S. S. S.
8	Mr. A. S. S. S.	Secy. (M)	1.1.97 to 31.12.98	Retired	31.12.98	Mr. A. S. S. S.
9	Mr. A. S. S. S.	Secy. (M)	1.1.97 to 31.12.98	Retired	31.12.98	Mr. A. S. S. S.
10	Mr. A. S. S. S.	Secy. (M)	1.1.97 to 31.12.98	Retired	31.12.98	Mr. A. S. S. S.
11	Mr. A. S. S. S.	Secy. (M)	1.1.97 to 31.12.98	Retired	31.12.98	Mr. A. S. S. S.
12	Mr. A. S. S. S.	Secy. (M)	1.1.97 to 31.12.98	Retired	31.12.98	Mr. A. S. S. S.
13	Mr. A. S. S. S.	Secy. (M)	1.1.97 to 31.12.98	Retired	31.12.98	Mr. A. S. S. S.
14	Mr. A. S. S. S.	Secy. (M)	1.1.97 to 31.12.98	Retired	31.12.98	Mr. A. S. S. S.
15	Mr. A. S. S. S.	Secy. (M)	1.1.97 to 31.12.98	Retired	31.12.98	Mr. A. S. S. S.

8  
 9







GOVERNMENT OF PAKISTAN  
ACCOUNTANT GENERAL GENERAL  
District Nowshera

(15)

ANNEXURE

SN: 4428 DISTRICT: Nowshera  
PAYROLL SYSTEM

P Sec: 001 Month: August 2009  
NR6079 -D.O. SECONDARY (M) NSR  
Min: Education Schools  
NTN:  
GPF #: EDUNR001000  
Old #: 99994029189

Pers #: 00139067 Buckle:  
Name: DAUD KHAN  
Dsg: BEHISHTI  
NIC No: 99994029189  
GPF Interest Applied:  
B: 02 Active Temporary  
PAYS AND ALLOWANCES  
1908-Adhoc Relief 2009 (01-16)

NR6079 -7

887.00

Gross Pay and Allowances

8,330.00

DEDUCTIONS:

GPF Balance: 25,762.00

Subrc:

Total Deductions

268.00

NET PAYABLE 8,062.00

QUALIFYING SERVICE: 16 Years 11 Months 017 Days  
D.O.B: 10.10.1972

LFF Quota:  
NBP, SADDAR BAZAR NOSADDAR BAZAR NWS  
7105-0

12  
(44)

ANNEXURE D E

APPLICATION FORM FOR INTER DISTRICT TRANSFER

- 1- Name of the Teacher/Applicant & District of Domicile: DAUD KHAN PESHAWAR
- 2- Designation/Post held with BPS: BESHTI BPS 2
- 3- Date of 1<sup>st</sup> Appointment: 1993
- 4- Date of Taking over Charge (District of present post): 1993
- 5- Name of Present School of Posting: GMS KANA KHEL NOWSHERA
- 6- Name of School where posting is required (List three options): Distt. Peshawar
- 7- Reason for Transfer: Very far from my house
- 8- G.P. Fund No.: EDUNRO/000 old (004029189)
- 9- Personal No.: 00139067
- 10- Numbers of C/Leave (Availed): —
- 11- Signature of Pri/HM/HT: —
- 12- Signature of A.D.O in case of Primary Teacher: —

I solemnly declare that all above information's from S.No.1 to 12 are correct and nothing has been concealed.

Signature  
Name of Applicant  
N.I.C.No.

DAUD KHAN  
DAUD KHAN  
17301-3679502-3

Certificate by the relieving EDO E&SE

Certified that I have no objection to the transfer of Mr/Mst: DAUD KHAN  
From \_\_\_\_\_ to \_\_\_\_\_

The following arrangement will be made by me for filling up the post of \_\_\_\_\_  
in case of transfer of Mr/Mst: NA

It is certified that:

- (i) The Study/Education of the students of the school will not suffer with proposed transfer.
- (ii) The applicant is regular employee and not contract (Mention) period NA

Signature \_\_\_\_\_  
Name of EDO E&SE \_\_\_\_\_  
**District officer (Male) Elem. & Secy: Edu.**

Endst.No. \_\_\_\_\_ / Dated \_\_\_\_\_

POST-AVAILABILITY CERTIFICATE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECONDARY EDUCATION WHERE POST IS PROPOSED.

I have no objection to the transfer of Mr/Mst: DAUD KHAN, Behshiti  
of against a vacant post of Behshiti (Name of School) R9015 Old District Peshawar  
I have also examined other relevant documents and found correct. It is also certified that no N.O.C. has  
been issued to any other person against this post.

Name of EDO E&SE Jamil ur Rahman Signature \_\_\_\_\_  
Endst.No. \_\_\_\_\_ / Dated \_\_\_\_\_ Stamp \_\_\_\_\_

Note: The following documents (duly attested) should be provided:

- 1- Service Book Photo State
- 2- 1<sup>st</sup> appointment order (Original OR attested photo stat copy by EDO E&SE)
- 3- Domicile, (4) Previous transfer order (if any) (5) SSC, Intermediate, MTC, CT, B.Ed. etc.

(15)

AFINE MURK

کتابخانه ملی افغانستان - افغانستان اسلامبولی انیسو سنلڈی ایگورٹ

Do (M)

صورتی نژادش با برهمنی تدریسی 2 سلاطین میں شاعر و اہل اللہ

عین پریشانی پر یادیں اس لئے میں سسلا میں آسک

ایہ صاف سکر میں حاضر ہو سلاطین جافر صدقات پور

سکر ایہ صاف ن صبر بائی لرت صبر صبر صبر

نصرت اور شکر قبول کرے شکر و قریب

فادو خان

الفارسی

ایہ صاف سکر جان داؤد خان پشی پور پشکر

سکر و قریب

A

346 / 28 / 15

11/1  
CB  
ANNEXURE F<sup>u</sup> G

To

The District Education Officer ( Male),  
Nowshera.

Subject: *Departmental Appeal for the release of salary of the applicant w.e.f September, 2009 and for proper adjustment of the appellant against post of Behshti / Naib Qasid.*

Prayer in appeal

*On acceptance of this appeal the salary of the appellant may please be released w.e.f September 2009, and he may be adjusted against the post of Behashti/ Naib Qasid.*

Respected Sir,

I very humbly submit the following few lines for your kind and sympathetic consideration:

1. That I was initially appointed as Behashti / Naib Qasid in the year 1992. I was also medically examined and when found fit I was handed over charge of my post and started performing my duties. It is pertinent to mentioned that my service book was also prepared for the purpose of pay and pension.
2. That ever since my appointment I had performed my duties as assigned with zeal and devotion and there was no complaint what so ever regarding my performance.
3. That the appellant continuously received salary of his post till September 2009.
4. That while serving in the said capacity, the undersigned due to his domestic problems in the year 2009, I duly applied for inter district transfer from Nowshera to Peshawar, my application for application was duly processed, in the meantime the applicant also got seriously ill and therefore could not join his duty.
5. That thereafter, the appellant when regained health in the year 2010, I duly went to join my duties, however I was not allowed to join.

2/5

(17)

6. That I continuously approached the department for allowing him to join my duties and for the release of my salaries, however neither my salaries have been released nor I have been adjusted to join my duties.
7. That I pray for the acceptance of my appeal inter alia on the following grounds:

GROUND OF DEPARTMENTAL APPEAL

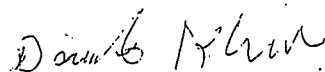
- A. That I have not been treated in accordance with law, hence my rights secured and guaranteed under the law are badly violated.
- B. That I have never been proceeded against, nor any charge sheet or show cause notice has ever been served against me, moreover my services have not been terminated thus I am entitled for the release of my salary and adjustment.
- C. That withholding of salary amounts to punishment albeit without any Charge Sheet or Show Cause Notice the salary of the applicant has been withheld since September 2009.
- D. That I have been denied of my livelihood, which amounts to violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1974.
- E. That my absence from duties was not willful but was due to my illness, however after gaining health I continuously visited the office for allowing me to join my duties, but I was not allowed to join my duties thus I have been illegally and without any justification kept away from my duties.
- F. That since my services have not been terminated, therefore I am on the strength of the department, thus being civil servant I am entitled to be adjusted against the post against which I had served for more than 20 years and also for the release of my salary illegally withheld.
- G. That I was appointed by the competent authority, I duly took over charge of my post and performed my duties for more than 20 years as such and have received salaries against my post thus valuable rights have been created in my favour the same cannot be undone or snatched away from me illegally.
- H. That I continuously approached the department for allowing me to join my duties and for my proper adjustment, however I have been kept away illegally from my duties for no fault on my behalf, thus I am entitled for the release of my salary for the intervening period.



I. That the undersigned belong to a poor family, I am having a large family dependent upon me, moreover I have no other source of income, due to the withholding of his salary my whole family is thus suffering.

*It is, therefore, humbly prayed that on acceptance of this appeal the salary of the appellant may please be released w.e.f September 2009, and he may be adjusted against the post of Behashti / Naib Qasid.*

Yours Obediently,



DAWOOD KHAN

S/o FAZLI RAZIQ

Beheshti

Office of DEO (Male)  
Nowshera.

R/o Muhallah Toheed Abad  
Saifan Choak Village Kaga  
Wala, P.O. Badaber, Tehsil  
and District Peshawar.

Dated: 17/04/2015

4



Sl. No

Date of order/ proceedings

Order or other proceedings with signature of Judge or Magistrate

1

2

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 905/2015

Daud Khan Versus Government of Khyber Pakhtunkhwa through Secretary, E&SE, Peshawar etc.

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:-

27.03.2017

Counsel for the appellant (Mr. Yasir Saleem, Advocate) and Mr. Muhammad Jan, Government Pleader alongwith Hameedur Rahman, AD and Inayatullah Rahman, ADO for respondents present. Fresh Wakalatnama submitted by learned counsel for the appellant.

2. Daud Khan hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 seeking directions for release of his salary w.e.f. September, 2009 and onwards beside his adjustment against a regular post.

3. Brief facts of the case of the appellant are that the appellant was appointed as Naib Qasid in the year 1992 in the office of DEO (Male), Nowshera. While serving so he submitted an application for his transfer from District Nowshera to District Peshawar which application was not allowed. As per allegations of the appellant he there-after fell ill and after gaining health

ATTESTED

Chairman  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

applied for resuming his duty vide application dated 23.04.2010 but he was not adjusted despite frequent visits and requests constraining him to finally preferred departmental appeal on 17.04.2015 which was not answered and hence the instant service appeal on 29.07.2015.

4. Learned counsel for the appellant has argued that the appellant is still a regular civil servant and that despite his availability to serve as required under the law the respondents are neither assigning him any duty nor paying him the salary. That no orders whatsoever regarding his termination from service etc. were ever passed and as such the appellant is entitled to claim the same and adjustment against his post.

5. Learned Government Pleader has argued that the appeal is not within time as the appellant has slept over his rights for about 5 years and as such the appeal is liable to dismissal on the ground of time limitation. Regarding any departmental action against the appellant learned Government Pleader argued that no action whatsoever in black and white is available on record.

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

7. It is not disputed before us that the appellant was appointed as Naib Qasid in the year 1992 in the office of DEO (Male) Nowshera and has served as civil servant. The respondents has not taken any action whatsoever regarding the alleged willful absence or any other act or conduct of the appellant requiring

ATTESTED  
  
[Illegible text and stamp]



departmental action. In such state of affairs we deem it

appropriate to observe and hold that the appellant is still a regular

civil servant and that he is entitled to be treated in accordance

with law. So far as allegations of willful absence or failure to

perform duty are concerned, the same cannot be used as a tool for

depriving the appellant from service or its benefits. Moreover the

appellant is still a regular civil servant and as such his grievances

are that of recurring nature and therefore not hit by time limitation

as observed in cases reported as 2005-PI.C(CS) 1439 and 2002-

PI.C(C.S) 1588.

8. For the above mentioned reasons we accept the present

appeal and direct that the respondents shall proceed against the

appellant for alleged willful absence or any act of the appellant

warranting departmental action in accordance with law and there-

after pass orders deemed appropriate. The claim of the appellant

for an ary and adjustment against the post of Naib Qasid shall be

subject to outcome of the departmental enquiry which shall be

conducted and concluded within a period of 3 months from the

date of communication of this judgment. Parties are left to bear

their own costs. File be consigned to the record.

*Sd/- M. Aziz Khan Abidi*

*Chairman*

*Sd/- M. Azim Khan*

*Member*

ANNOUNCED  
27.03.2017

Stamp: *Director, P.W.D. (Civil)*  
*Government of Punjab*  
*Islamabad*  
Signature: *[Handwritten Signature]*

18

*[Handwritten Mark]*



20  
17  
از دفتر ڈسٹرکٹ ایجوکیشن آفیسر مردانہ ضلع نوشہرہ

نمبر 87-88 تاریخ 25-11-2017

## نوٹس غیر حاضری

مسٹر داود خان نائب قاصد/بہشتی گورنمنٹ مڈل سکول کنہ خیل، سکنہ توحید آباد، سیفین چوک کگہ ولہ بڈہ بیر پشاور آپ مورخہ 05/10/2009 سے اپنی ڈیوٹی سے بغیر کسی پیشگی اطلاع کے مسلسل غیر حاضر ہو۔ آپ کو آپ کے گھر کے پتہ پر مورخہ 18/07/2017 کو ایک خط/نوٹس بیجا گیا لیکن آپ کی طرف سے کوئی جواب موصول نہیں ہوا۔ لہذا آپ کو اس نوٹس کے ذریعے آخری بار مطلع کیا جاتا ہے کہ آپ اپنی ڈیوٹی پر حاضر ہو کر اپنی غیر حاضری کی معقول وجہ بتائیں بصورت دیگر آپ کے خلاف قانونی کارروائی عمل میں لائی جائے گی۔ جو آخر کار آپ کی ملازمت سے برخاستگی پر منتج ہو گی۔

فیاض حسین  
ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ)  
ضلع نوشہرہ

11/11/2017

To,

The District Education Officer (M)  
nowshera,

Subject: REPLY TO THE ABSENT NOTICE DATED 25.11.2017  
COMMUNICATED TO THE APPELLANT ON 05.12.2017

Respected Sir,

In reply to the subject absent notice communicated to me on 05.12.2017, I very humbly submitted my reply as under:

1. That the undersigned was initially appointed as Beheshti/naib Qasid in the year 1992 and started performing my duties and received my salaries upto 2009.
2. It is submitted that in the year 2009, I applied for inter district transfer from Nowshera to Peshawar, which was duly processed. In the mean time I got seriously ill and could not join my duties. However, I duly informed about my illness and also applied for medical leave.
3. That after gaining health in April 2010, I went to join my duties. However, neither I was allowed to join my duties nor my salaries were released to me.
4. That ever since April 2010 till 2015, I continuously approached the department for allowing me to join my duties, however I was not allowed, although on each occasion I was verbally assured that I will be adjusted and my salaries will be released soon.
5. That being disappointed from the department's verbal assurance I filed my departmental appeal on 15.04.2015 followed by service appeal No. 905/2015 for my release of salaries from September 2009 till date and also for my adjustment in service. My appeal was allowed by the Honorable Services Tribunal vide order and judgment dated 27.09.2017 in the following terms;

*“ for the above reasons we accept the present appeal and direct that the respondents shall proceed against the appellant for the alleged willful absence or any act of the appellant warranting departmental action in accordance with law and there after pass order deemed appropriate. The claim of the appellant for salary*

*concluded within a period of three months from the date of  
communiation of this judgment.*

(copy is attached herewith)

6. That even after the order and judgment dated 27.03.2017 of the Honorable Tribunal, I approached so many times to the department to join duties, but on each occasion I was not allowed.
7. That I am still ready to serve the department if I am allowed.
8. That I have never committed any act or omission which could be termed as misconduct, the charges leveled against me are incorrect and baseless.
9. That I have at my credit a spotless service career at my credit, during my entire service I have always performed my duties to the best of my abilities and in accordance with law and rules.

Keeping in view the above submissions, it is very humbly prayed that the I may be adjuste <sup>in duties</sup> and my salaries may kindly be released.

Your's sincerely,

*(Signature)*

(Daud Khan)

Naib Qasid

R/O Village

Touheedabad Saifan Chowk

Village Kagawala Baddher

Peshawar

Dated: 08.12.2017

23

Approved J

06/06/18

**OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE)  
NOWSHERA**

(Office Phone#0923-9220228, Fax#0923-9220228)



**Notification**

1. Where As, Mr. Dawood Khan (N/Q) GMS Kana khel was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules-2011, on the charges of will full absenteeism w.c.f. 5/10/2009 from School Duty as reported by the enquiry officer's in their enquiry report.
2. And whereas, Letter was served upon Mr. Dawood Khan (N/Q) GMS Kana khel Nowshera on 18-07-2017 by the enquiry officer's to appear before the Enquiry committee.
3. And whereas, Mr. Dawood Khan (N/Q) GMS Kana khel Nowshera badly failed to appear before the enquiry committee on 24/7/2017 and remained absent.
4. And whereas, absence notice was issued to Mr. Dawood Khan (N/Q) vide DEO (M) office Letter No. 87-88 dated 25-11-2017, and a subsequent Show cause notice vide No.2003-07 Dated 15-01-2018 on his home address for appearance before the District Education Officer (M) Nowshera and for submission of reply of the showcase notice.
5. And whereas, Mr. Dawood Khan (N/Q) GMS Kana khel Nowshera badly failed to satisfy the competent authority against the allegation levelled against him in his show cause reply.
6. And whereas, the authority having considered the charges, evidence on the record and giving the opportunity of personal hearing to the accused official, is of the view that the charges leveled against him have been proved.
7. Now, Therefore, in exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, rule 4 (b (iii)), the Competent Authority is pleased to impose the Major Penalty of Removal From Service upon Mr. Dawood Khan (N/Q) GMS Kana khel Nowshera.

(Fayyaz Hussain)  
District Education Officer (M)  
Nowshera

Endst No: 3294-98 /DEO (A)/NSR/Disc Act/ Mr. Dawood Khan (N/Q) Dated 16/02/2018

Copy for information to the:-

1. Director (E&S) Education Govt. of Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Nowshera.
3. District Accounts Officer Nowshera.
4. Head Master GMS Kana Khel.
5. District Monitoring Officer (DMO) Nowshera.
6. Mr. Dawood Khan (N/Q) GMS Kana khel Nowshera R/O Village Touheed Abad Saifan Chowk Kaga Wala Bauber Peshawar.
7. Office Copy

(Competent Authority)  
District Education Officer  
Nowshera

16/02/2018

To,

24  
D.E.-O.C.M, Noshira  
Director, Elementary & Secondary Education,  
Khyber Pakhtunkhwa, Peshawar.

نوشیرہ

Approved K

Subject: *Departmental Appeal against the order dated 16.02.2018 communicated to the undersigned on 28.02.2018 while which the major penalty removal from service has been imposed against the appellant*

Prayer in appeal

*On acceptance of this Departmental appeal the order dated 16/02/2018 may kindly be set-aside and the undersigned may kindly be reinstated in service with all back benefits.*

Respected Sir,

I very humbly submit the following few lines for your kind and sympathetic consideration:

1. That I was initially appointed as Behashti / Naib Qasid in the year 1992. I was also medically examined and when found fit I was handed over charge of my post and started performing my duties. It is pertinent to mention that my service book was also prepared for the purpose of pay and pension.
2. That ever since my appointment I had performed my duties as assigned with zeal and devotion and there was no complaint whatsoever regarding my performance.
3. That the appellant continuously received salary of his post till September 2009.
4. That while serving in the said capacity, the undersigned due to his domestic problems in the year 2009, I duly applied for inter district transfer from Nowsheera to Peshawar, my application for application was duly processed, in the meantime the applicant also got seriously ill and therefore could not join his duty.
5. That thereafter, the appellant when regained health in the year 2010, I duly went to join my duties, however I was not allowed to join.
6. That I continuously approached the department for allowing him to join my duties and for the release of my salaries, however

neither my salaries have been released nor have I been adjusted to join my duties.

7. That I also filed service appeal no 905/2015 before this honorable tribunal the service appeal was disposed off and decided wide order and judgment dated 27/03/2017 with the direction to the respondents to probe in to the matter according with the law and there after appropriate order be passed within a period of three months from the date communication of judgment.
8. That the department issued absence notice dated 25/11/2017 communicated to me on 05/12/2017. I duly replied to the absence notice and explained my position and refuted the allegation leveled against me.
9. That without considering reply, I have been illegally imposed the major penalty of removal from service wide order dated 16/02/2018 communicated to me on 28/02/2018.
10. That I pray for the acceptance of my appeal inter alia on the following grounds:

*GROUND OF DEPARTMENTAL APPEAL*

- A. That I have not been treated in accordance with law hence my rights secured and guaranteed under the law are badly violated.
- B. That no procedure has been followed before my removal from service I have never been served any charge sheet and statement of allegations nor any regular inquiry has been conducted thus the impugned order is defective in the eyes of law.
- C. That I have not been provided proper opportunity of personal hearing before awarding me the penalty hence I have been condemned unheard.
- D. That no charge sheet/ statement of allegations and show cause as prescribed under the law and rules has ever been served upon me hence I have not been provided fair opportunity to defend my self against the charges leveled. The impugned order is thus passed in violation of the principles of natural justice.
- E. That the impugned Order has been passed against the appellant without holding a regular inquiry which is violative to the principle / law and dictum declared by the august Supreme Court of Pal istan in its various judgments reported as:-

- i. 2002 - SCMR - 57
- ii. 2001 - SCMR - 1566
- iii. 2000 - SCMR - 1321
- iv. 1994 - PLC (CS) - 1717 (FST)

As such the impugned Order was passed in violation of the principle / law and dictum laid down by the august Supreme Court of Pakistan.

- F. That it is submitted that in the year 2009, I duly applied for inter district transfer from Nowshera to Peshawar which was duly processed. In the mean time I got seriously ill and could not join my duties. However I informed the department about my illness and applied also for medical leave.
- G. That after gaining health in April 2010, after gaining health I duly reported for duty however I was neither adjusted nor my salaries, where-after I filed my service appeal. I have been pursuing my remedy from the last 8 years for no fault on my part.
- H. That vide order dated 27/03/2017 the department was directed by this honorable tribunal to conduct and conclude the proceeding against the undersigned within a period of three months. However the department took almost one year in concluding proceedings, therefore the impugned order is illegal and liable to be set-aside on this ground alone.
- I. That I have never committed any act or omission which could be termed as misconduct, on a bonafide mistake such harsh penalty of dismissal from service could not be imposed.
- J. That the undersigned belong to a poor family, I am having a large family dependent upon me, moreover I have no other source of income, due to the withholding of his salary my whole family is thus suffering.

*It is, therefore, humbly prayed that on acceptance of this Departmental appeal the order dated 16/02/2018 may kindly be set-aside and the undersigned may kindly be reinstated in service with all back benefits.*

Yours Obediently,

*DAWGOD KHAN*

S/o FAZLI RAZIQ

*Ex-Eheshti/ Naib Qasid Office of DEO (Male) Nowshera.  
R/c Muhallah Toheed Abad Saifan Chokh Vill.*



POWER OF ATTORNEY

In the Court of

Mr. Saad Tahir Khan  
David Chao

} For  
} Plaintiff  
} Appellant  
} Petitioner  
} Complainant

VERSUS

Gauri of Mr. Chao

} Defendant  
} Respondent  
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_  
Fixed for \_\_\_\_\_

I/We, the undersigned, do hereby nominate and appoint

**YASIR SALEEM ADVOCATE, HIGH COURT**

\_\_\_\_\_ my true and lawful attorney, for me in my name and on my behalf to appear at \_\_\_\_\_ to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions, An appeal, statements, accounts, exhibits, Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or sub-paena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorize hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us.

IN WITNESS whereof I/we have hereto signed at \_\_\_\_\_  
the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_  
Executant/Executants \_\_\_\_\_  
Accepted subject to the terms regarding fee \_\_\_\_\_

**YASIR SALEEM**

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW  
CONSULTANT

Fl-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt

*UB 55*

**"A"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

S.D

No.

APPEAL No. 72 of 20 19

Daud Khan

Appellant/Petitioner

Versus

Through Secy EGSE Pesh

RESPONDENT(S)

Notice to Appellant/Petitioner

(Counsel)

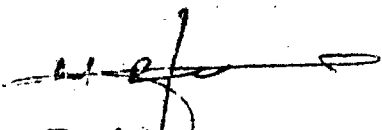
Yasir Saleem &

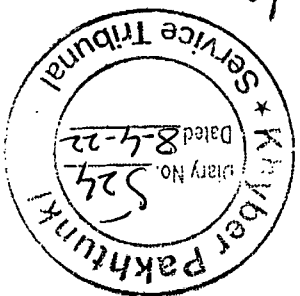
Jawad-ur Rehman  
Advocates  
Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 24/11/2021 at 9:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

  
71/10/21

  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.



Gr

Vs

Appd No. 72/2019  
Peshawar  
Bgr  
th  
K.P.S.  
Tribunal

D and Khan

Put up to the worthy chairman  
with relevant appals.  
8/04/2022  
applicants  
amount  
Peshawar

P/s: That the complainant can't be party

1- That the complainant can't be party  
because of the complainant's security  
constraints, security  
2- That the complainant can't be party  
because of the complainant's security  
constraints, security

It is allowed to deposit the  
applicants may be allowed to deposit the  
amount

D and Khan  
Khyber Pakhtunkhwa Service Tribunal  
13/4/22  
7/4/22  
Applicant's  
Peshawar  
Bgr

15/1/25

Handwritten notes and scribbles at the top of the page, including the word "Kenny" and a circled number "2".

Handwritten notes in the lower-left quadrant, including the date "8/10/11" and the phrase "with a lot of the work".

Small handwritten text in the bottom right corner, possibly "231".

"A"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No. *Restoration application no. 295/19*  
APPEAL No. *72* of 20 *19*

*Mr. Daniel Khan*

Appellant/Petitioner

Versus

*Suds of KP through Secretary F&S Adress etc.*

RESPONDENT(S)

*as counsel*

*Mr. Yousif Sarwar*

Notice to Appellant/Petitioner

*Advocate High Court, Peshawar*

*Attendance*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *29-10-2019* at *9.00 AM* *Mr. Yousif Sarwar*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

*Noted for 29/10*

*[Signature]*  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

**Before the learned Khyber Pakhtunkhwa, Service Tribunal, Peshawar.**

S. A No. 72/2019  
Daud Khan

Vs

Restoration Application No. 295/2019  
Government of KPK

**Subject:- REPLY FOR APPLICATION FOR RESTORATION.**

Respectfully Sheweth,

**Preliminary objections:-**

1. That the petitioner has no cause of action or locus standi.
2. That the petitioner has not come to this tribunal with clean hands
3. That the petitioner is badly time barred.
4. That the appellant has no cause of action to submit such application.

**Factual :-**

1. No comments.
2. Correct to the extent of dismissal of the appeal as neither appellant nor did his counsel was present on dated 19-07-2019.
3. Incorrect however reply on the grounds are as under.
  - a. Incorrect neither petitioner nor did counsel was present even no medical cause list has been annexed in support of claim of the petitioner.
  - b. Incorrect
  - c. Incorrect as for para "A"

**PRAYERS**

It is, therefore, requested that the petitioner may kindly be dismissed with cost.

**Date:** 12-03-2020



(KABIRULLAH KHATTAK)  
ADDITIONAL ADVOCATE GENERAL  
KHYBER PAKHTIUNKHWA, SERVICE TRIBUNAL  
PESHAWAR.