

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 3529/2021

Date of Institution ... 08.03.2021
Date of Decision ... 28.06.2022

Kashif S/O Hassan Baig R/O Mohallah Poswal Gujar Garhi Tehsil
and Distrct Mardan.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Director General Mines
and Mineral Peshawar and three others.

... (Respondents)

Hafeez Ul Asad Shangla,
Advocate,

... For appellant.

Kabir Ullah Khattak,
Additional Advocate General

... For respondents.

Salah-Ud-Din

... Member (J)

Rozina Rehman

... Member (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the
jurisdiction of this Tribunal through above titled appeal with the prayer
as copied below:

**"On acceptance of this Service Appeal, the impugned order
No.11679/3-520/DGMM/Admn dated 27.07.2020 and order No.SO
(E) MDD/2-45/2020 dated 08.02.2021/1555-58 communicated to
appellant on 24.02.2021, passed in appeal, may kindly be set aside
and consequently the respondents may kindly be directed to
reinstate the appellant in service from the date of his removal from
service and also to extend all the back benefits and to pay all the
arrears to the appellant".**

2. Brief facts of the case are that appellant was initially appointed as Mines Guard in (BS-01) vide office order dated 08.02.2018 and was posted in the office of Mineral Department, Mardan. The respondent No.1 alongwith respondent No.2 offered surprise visit to different areas of District Swabi including Jagnat on 10.07.2020 where the appellant alongwith other Mineral Guards namely Hilal Ahmad, Hussain Ahmad and Shahid Husain were deputed the duty of checking of unauthorized mining. They were also directed to stop the unauthorized mining in the other areas consisting of Adeena, Ismaila, Shewa, Narangi, Adnan Talawo and other surrounding areas of district Swabi. On the relevant day, when surprise visit was offered, appellant alongwith other Mineral Guards were on duty in their deputed area and was on visit in Jaganat area where they found Asif and Shakeel busy in unauthorized mining, excavating, loading and transportation of sand through machines. Despite warning, they did not stop the illegal act, therefore, appellant drafted murasila against the culprit in presence of other Guards. The said murasila was signed by the appellant and others being witnesses of the occurrence who were very much present on the relevant day and time when surprise visit was offered. That appellant and other Guards also found involved Nizar and Waseem in unauthorized mining excavating, therefore, Hussain Ahmad Guard drafted the murasila in presence of appellant and other Guards and the same was signed by the appellant and others being witnesses. Thereafter, they all rushed to Police Station Yar Hussain for the purpose of lodging of FIR on the strength of murasila against those who were involved in unauthorized mining where FIR No.549 and 550 were registered and appellant



alongwith other Guards recorded statement in PS to that effect. The matter was also reported to the high officer. The whole proceedings took a considerable time in the Police Station and when they returned to the duty area back at 2:00pm, they came to know about the visit of respondents. Show cause notices were issued to the appellant and other guards which were replied, where-after, they were directed to appear for personal hearing and vide order dated 27.07.2020, major penalty of removal from service was imposed upon appellant. He filed departmental appeal which was rejected, hence, the present service appeal.

3. We have heard Hafeez UI Asad Shangla, Advocate learned counsel for the appellant and Kabir Ullah Khattak, learned Additional Advocate General for respondents and have gone through the record and the proceedings of the case in minute particulars.

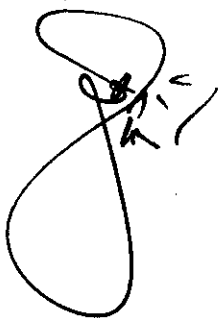
4. Learned counsel for the appellant inter-alia argued that the appellant alongwith other Guards were busy in proceedings against those who were involved in illegal mining, loading and transportation of mineral (Sand) but this fact was totally ignored by the respondents and the murasila, FIR and other documents were not taken into consideration. It was further argued that the appellant performed his duty with full zeal and with a sense of responsibility throughout his service but this aspect was ignored by respondents; that material available on record and relevant documents showing the presence of appellant on duty on the relevant day and time was fully ignored, therefore, the impugned order is liable to be set aside. He contended that the area of duty of the appellant is a vast area and Police Station Yar Hussain is also far away from the relevant place of occurrence and



it consumed hours to complete the proceedings in Police Station to return back to the place of duty. Besides, Juma prayer was also offered on the way back to duty but the respondents did not take into consideration the relevant facts. He submitted that impugned orders dated 27.07.2020 and 08.02.2021 are against law and facts and that the imposition of major penalty is harsh which is liable to be declared as null & void, therefore, appellant is entitled to be reinstated in service from the date of his removal with all back benefits.

5. Conversely, learned AAG submitted that the present appellant Kashif was directed vide office order dated 01.07.2020 to perform duty round the clock at Jaganat, Adnan Talawo, Sher Dara, Mir Ali, Adeena, Ismaila and Kalu Khan of District Swabi with already deputed Mineral Guards to curb unauthorized mining but he was found absent from his duty during surprise visit paid by the respondents No.1 & 2 on 10.07.2020. He further submitted that show cause notice was issued to the appellant on account of failure to control illegal mining, absence from site and non-performing of duty which was replied and that after hearing the appellant, major punishment was imposed upon him after fulfillment of all codal formalities.

6. From the record, it is evident that appellant Kashif was appointed as Mineral Guard (BS-03) vide order dated 08.02.2018 in the Directorate General of Mines & Minerals Department, Swabi. He was directed to check illegal mining and transportation in Adnan Talawo, Parmoli, Sher Dara, Mir Ali, Adeena, Ismaila, Kalu Khan and surrounding areas of District Swabi and to take action against the offenders. It was on 10.07.2020 when respondents No.1 & 2 paid surprise visit to



different areas of District Swabi and found the appellant absent from duty. It is astonishing that the drafting of murasila on 10.07.2020 and its registration in shape of FIR in Police Station Yar Hussain is not denied by the respondents in their comments. As per record, vide FIR No.549, appellant Kashif Mineral Guard reported the matter in respect of illegal mining by Shakeel and Asif on 10.07.2020 at about 1100 hours. The murasila was properly signed by appellant Kashif as complainant while Shahid Hussain, Hussain Ahmad and Hilal Ahmad Mineral Guards signed the same being witnesses of the occurrence. It is also not denied that the appellant alongwith his companions also informed Assistant Director in respect of drafting of murasila and illegal act of the culprits on spot. Similarly, on 10.07.2020, FIR No.550 was registered on the strength of Murasila drafted and signed by Hussain Ahmad Mineral Guard and signed by the present appellant and two others against Nizar and Waseem. From the entire proceedings it becomes crystal clear that the appellant alongwith his colleagues was very much present on the spot in connection with their duty. Besides, the departmental proceedings initiated against the appellant are also replete with anomalies as just a show cause notice was issued to the appellant which was not properly drafted according to law. Proper reply was submitted to the show cause notice but even then, the record was not taken into consideration. Neither charge sheet alongwith statement of allegations was issued nor inquiry was conducted according to law.

7. The respondents have very candidly violated the set norms and rules and conducted the proceedings in an authoritarian manner. We have observed that the appellant was kept deprived of affording



appropriate opportunity of defense. In the whole process, no inquiry was conducted. Appellant was not afforded an opportunity as is required under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. It is, however, a well-settled legal proposition duly supported by numerous judgments of Apex Court that for imposition of major penalty, regular inquiry is a must.

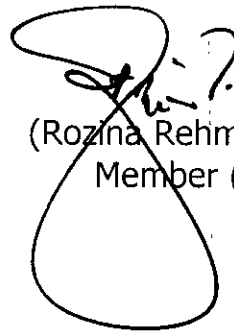
8. We are unison on acceptance of this appeal in the light of our observation in the preceding paras which immediately call for the reinstatement of the appellant into service from the date of his removal from service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.

28.06.2022



(Salah-ud-Din)
Member (J)

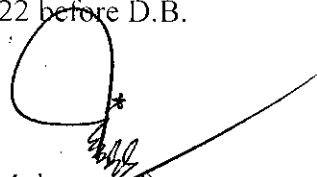


(Rozina Rehman)
Member (J)

31.05.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Written reply/comments on behalf of respondents submitted which is placed on file. Copy of the same is handed over to learned counsel for the appellant. To come up for rejoinder if any, and arguments on 28.06.2022 before D.B.


(Mian Muhammad)
Member (E)


ORDER
28.06.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General for respondents present. Arguments heard and record perused.

Vide our judgment of today of this Tribunal placed on file, instant service appeal is accepted. Consequently, the impugned order of removal from service is set aside and the appellant is reinstated in service from the date of his removal from service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
28.06.2022


(Salah Ud Din)
Member (J)


(Rozina Rehman)
Member (J)

Stipulated period passed reply not submitted.

15.09.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.


Chairman

13.12.2021

Learned counsel for the appellant present: Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Iqbal, AD (Admin) for respondents present.


Written reply/comment on behalf of respondent not submitted. Representative of the respondents seeks time for submission of written reply/comments. Granted. To come up for written reply/comments on 17.02.2022 before S.B.

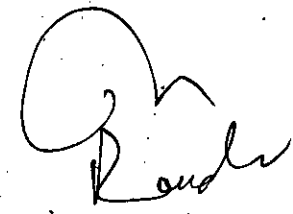

(MIAN MUHAMMAD)
MEMBER (E)

17.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 11.03.2022 for the same as before.

Due to retirement of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 31/05/2022 for the same as before.


Reader


Reader



15.07.2021

Counsel for the appellant present. Preliminary arguments heard.

Both the departmental appeal as well as service appeal ~~are~~ seem to be time-barred but in view of particular legal position to be discussed herein-after, the bar of limitation for the time-being is immaterial. In wake of COVID, 19, the Government of Khyber Pakhtunkhwa for the first time declared Public Health Emergency in March, 2020 for three months which was extended from time to time for further term and presently it has been extended by the Government vide Notification No. SOG/HD/1-102/Covid-19/2020/3062, dated 30.06.2021 for the period from 01.07.2021 to 30.09.2021. The case of the appellant falls within the period of emergency. In view of Section 30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law shall remain frozen. This appeal having been filed after promulgation of the said Act, is not affected by bar of limitation. Excluding the case of appellant from rigors of limitation, his appeal is fit for full hearing. Keeping the question of limitation relating to filing of instant appeal intact for determination during full hearing, this appeal, subject to all just and legal objections including objection of limitation is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 13.12.2021 before the D.B.

Appellant Deposited
Security & Process Fee

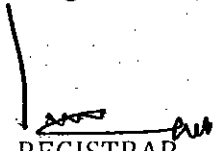
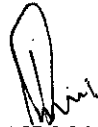


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 3529 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/03/2021	<p>The appeal of Mr. Kashif resubmitted today by Mr. Hafeez-ul-Asad Shangla Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24/05/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
24.05.2021		<p>Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 07.09.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p>

The appeal of Mr. Kashif son of Hassan Baig received today i.e. on 08/03/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of show cause notice in respect of appellant is not attached with the appeal which may be placed on it.

No. 501 /S.T,

Dt. 08/03 /2021

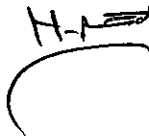

REGISTRAR

SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Hafeez-ul-Asad Shangla Adv. Pesh.

Sir, deficientes Remissio.

Resubmitted please



**BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR**

Service Appeal No _____/2021

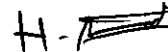
Kashif.....Versus.....Government of KP and others

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Appellant

Through:


(HAFEEZ-UL-ASAD SHANGLA)
Advocate,
High Court, Peshawar
Cell # 0314-5951897

Dated: -04-03-2021

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BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Service Appeal No 3529 / 2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3425

Dated 08/3/2021

Kashif S/O Hassan Baig R/O Mohallah Poswal Gujar Ghari Tehsil
and District Mardan.....(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Director
General Mines and Mineral at Peshawar
2. Government of Khyber Pakhtunkhwa through Secretary
Mines and Mineral at Civil Secretariat, Peshawar
3. Government of Khyber Pakhtunkhwa through Assistant
Director Mines and Mineral District Mardan
4. Government of Khyber Pakhtunkhwa through Assistant
Director Mines and Mineral District Swabi.....(Respondents)

Appeal under Section 4 of Khyber Pakhtunkhwa
Service Tribunal Act, 1974 against the impugned
order No 11679/3-520/DGMM/Admn dated 27th July,
2020; whereby a major penalty of "Removal from
Service" was imposed upon the Appellant, and
against the impugned order No SO (E) MDD/2-
45/2020 dated 08-02-2021/1555-58 communicated
to Appellant on 24-02-2021, whereby departmental
appeal filed by the Appellant against the impugned
"Removal from Service" order was rejected.

Filed to-day
Registrar
08/03/2021

Re-submitted to -day
and filed.
Registrar
15/3/2021

PRAYER IN APPEAL:-

On acceptance of this Service Appeal, the impugned order No 11679/3-520/DGMM/Admn dated 27-07-2020 and order No SO (E) MDD/2-45/2020 dated 08-02-2021/1555-58 communicated to Appellant on 24-02-2021, passed in appeal, may kindly be set aside and consequently the Respondents may kindly be directed to reinstate the Appellant in service from the date of his removal from service and also to extend all the back benefits and to pay all the arrears to the Appellant.

Respectfully Sheweth:-

Brief facts leading to this service appeal are as under:-

- 1) That the Appellant was initially appointed as a Mines Guard (BPS-1) through office order dated 08-02-2018. (Copies of the CNIC, service card and appointment order are attached as Annex 'A').
- 2) That throughout Appellant's service, Appellant worked efficiently with having no complaint whatsoever by any person so far.
- 3) That on 10-07-2020, the Respondent No 1 alongwith Respondent No 2 offered surprised visit to the different areas of District Swabi including Jaganat (non-leased area) of Yar Hussain, where the Appellant alongwith other Mineral Guards namely Hussain Ahmad, Hilal Ahmad and Shahid were deputed the duty of checking of unauthorized

mining. It is worth mentioning to explain that Appellant alongwith above mentioned Mineral Guards were not only deputed to stop the unauthorized mining and its excavation and transportation in Jaganat area but also other areas consisting of Adeena, Ismaila, Shewa, Narangi, Adnan Talawo and other surrounding areas in District Swabi consisting of kilometers. (Copy of the duty order is attached as Annex 'B').

- 4) That on the relevant day, when surprised visit was offered by the Respondents No 1 and 2, Appellant alongwith other above mentioned Mineral Guards were on duty in their deputed area and was on visit in Jaganat area where about 11:00 AM in Asif area they found the persons namely Asif and Shakeel were busy in un-authorizing mining and were busy in excavating, loading and transportation of minor mineral (sand) through machines in their respective area.
- 5) That thereafter, after warning them to stop the illegal mining, Appellant drafted murasila under the relevant law against those involved in illegal mining, their excavation and transportation in presence of other mineral guards namely Hilal Ahmad, Hussain Ahmad and Shahid Hussain. Moreover, the said murasila was signed by the Appellant being complainant and other mentioned mineral guards, being a witnesses of the occurrence, which shows presence of the Appellant on duty on the relevant day and time,

when surprised visit was offered by the Respondent No 1 and 2.

- 6) That on the same day in area of Jaganat (Nizar Drang), where Appellant alongwith above mentioned Mineral Guards was on duty, also found involved persons namely Nizar and Waseem busy in un-authorized mining and in excavation, loading and transportation of minor Mineral (Sand) through machine in their respective area.
- 7) That thereafter, after warning them to stop the illegal mining mineral guard namely Hussain Ahmad drafted murasila under the relevant law against those involved in illegal mining, their excavation and transportation in presence of Appellant and other mineral guards namely Hilal Ahmad and Shahid Hussain. Moreover, the said murasila was signed by the Appellant and other mentioned mineral guards, being a witnesses of the occurrence, which shows presence of the Appellant on duty on the relevant day and time, when surprised visit was offered by the Respondent No 1 and 2.
- 8) That thereafter, the Appellant and other mineral guards rushed to P.S Yar Hussain for the purpose of lodging FIR on the basis of murasilas against those involved in un-authorized mining where FIR No 549 and 550 were lodged and Appellant and other mineral guard recorded their statement in P.S to this effect and also the matter was

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report to high officials. (Copy of the Murasila, FIR and report is attached as Annex 'C').

- 9) That the whole proceeding took a considerable time (From about 11:00 AM to about 01:00 PM) in police station and on the way back to duty place as it was Friday, hence Appellant and other mineral guards also offered Jumma prayer in Yar Hussain and when they returns to the duty area back at 02:00 PM they came to know about the visit of Respondents No 1 and 2 from the locals.
- 10) That due to non-availability of Appellant and other mineral guards namely Hussain Ahmad, Hilal Ahmad, Shahid Hussain at the time of visit of Respondents No 1 and 2, show cause notice was issued which was properly replied. (Copies of the show cause and replies are attached as Annex 'D & E').
- 11) That thereafter, the Appellant and other mineral gurads were directed to appear for personal hearing on 27th July, 2020 which was followed accordingly and Appellant and other mineral guards appeared before Respondents for personal hearing. (Copy of the personal hearing is attached as Annex 'F').
- 12) That thereafter on 27-07-2020 through impugned order No 11679/3-520/DGMM/Admn a major penalty of "Removal from Service" was imposed upon Appellant. (Copy of the impugned order dated 27-07-2020 is attached as Annex 'G').

- 13) That thereafter the impugned removal order, was questioned/challenged through departmental appeal/representation, which was rejected after reply through impugned order SO (E)/MDD/2-45/2020 dated 08th February, 2021/1555-58 communicated to Appellant on 24th February, 2021. (Copy of the appeal reply and impugned order is attached as Annex 'H').
- 14) That the Appellant having no other efficacious remedy, approaches this Honourable Tribunal on the following grounds inter-alia:-

GROUND:-

- A) That at the time of visit of Respondents No 1 and 2, Appellant alongwith other Mineral Guards namely Shahid Hussain, Hussain Ahmad and Hilal Ahmad were busy in proceeding against those involved in illegal mining and evacuation, loading and transportation of minor mineral (Sand) but this facts were totally ignored by the Respondents though all the relevant documents i.e. Murasila, FIR and official report were provided to them, hence the impugned order is liable to be set aside.
- B) That throughout his service, the Appellant performed his duty with full zeal, regularly, efficiently and with a sense of responsibility and always obeyed the directions and orders of high officials, but this aspect was totally ignored by the Respondents

- C) That material available on record and relevant documents, showing the presence of Appellant on their duty on relevant day and time, was fully ignored; hence the impugned order needs to be set aside and the Appellant is entitled to be reinstated in service.
- D) That area of duty of Appellant is consist of kilometers and police station Yar Hussain is also far away from the relevant place of occurrence and it consumed hours to complete the proceeding in police station and to return back to place of duty. Moreover, on the way back to duty a Jumma prayer was also offered, hence this facts needs to be considered, but was not entertained by Respondents, therefore, the Appellant deserve to be reinstated in service.
- E) That the impugned order dated 27-7-2020 and 8-2-2021 is against the law, facts and principle of natural justice, hence needs to be set aside.
- F) That the imposition of major penalty of removal from service is harsh and all the allegations leveled against the Appellant is false and baseless and without footing; hence needs to be set aside.
- G) That murasila was duly signed by the Appellant and other mineral guards namely Shahid Hussain, Hussain Ahmad and Hilal Ahmad being a witnesses of the occurrence on spot, which show presence of Appellant on duty on relevant day

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and time, but this aspect was totally ignored by the Respondents and a harsh order of removal from service was passed, which is liable to be declared as null and void and hence Appellant is entitled to be reinstated in service from the date of his removal with all back benefits and arrears.

- H) That during on duty, the Appellant suffered threats throughout his service but Appellant not make it hurdle for duty and performed his duty with diligently. (Copy of the FIR is attached as Annex '1').
- I) That Respondents totally ignored the facts that duty places of the Appellant is located in different places of Swabi and spared over on kilometers and far away from concerned police stations but Respondents passed a harsh order of removal from service, which is liable to be set aside.
- J) That impugned order passed by Respondents is based on surmises and conjectures, hence liable to be set aside.
- K) That any other ground, not raised specifically may graciously be allowed to be raised at the time of arguments.

PRAYER:-

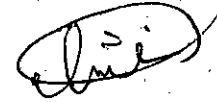
It is, therefore, most respectfully prayed that on acceptance of this Appeal, the impugned order No 11679/3-520/DGMM/Admn dated 27-07-2020 and order No SO (E) MDD/2-45/2020 dated 08-02-2021/1555-58 communicated to Appellant on 24-02-2021, passed in appeal, may kindly be set aside and

9

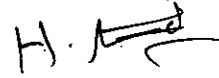
consequently the Respondents may kindly be directed to reinstate the Appellant in service from the date of his removal from service and also to extend all the back benefits and to pay all the arrears to the Appellant.

Any other relief, which this Honourable Tribunal deems proper in the circumstances of the appeal may also be granted in favour of Appellant.

Appellant



Through:



(HAFEEZ-UL-ASAD SHANGLA)
Advocate,
High Court Peshawar

Dated: -04-03-2021

NOTE:-

No such service appeal for the same Appellant has earlier been filed by me before this Honourable Tribunal prior to instant one.

Advocate



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BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

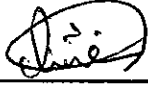
Kashif.....(Appellant)

VERSUS


Government of KP and others.....(Respondents)

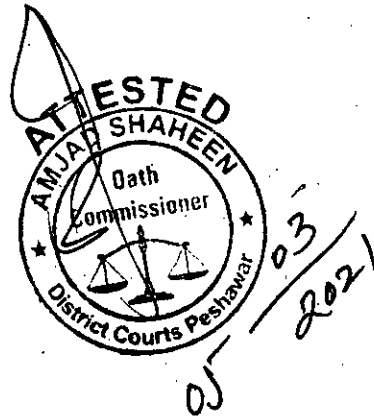
AFFIDAVIT

I, Kashif S/O Hassan Baig R/O Mohallah Poswal Gujar Ghari Tehsil and District Mardan, do hereby solemnly affirm and declare on oath that all the contents of accompanying application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honourable Court.

DEPONENT 
CNIC # 16101-8117409-3
Cell # 0313-9390848

Identified by:-


(HAFEEZ-UL-ASAD SHANGLA)
Advocate
High Court, Peshawar



(11)

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Kashif

V E R S U S

Government of KP and others

MEMO OF ADDRESSES

APPELLANT



Kashif S/O Hassan Baig R/O Mohallah Poswal Gujar Ghari Tehsil
and District Mardan

RESPONDENTS

1. Government of Khyber Pakhtunkhwa through Director
General Mines and Mineral at Peshawar
2. Government of Khyber Pakhtunkhwa through Secretary
Mines and Mineral at Civil Secretariat, Peshawar
3. Government of Khyber Pakhtunkhwa through Assistant
Director Mines and Mineral District Mardan
4. Government of Khyber Pakhtunkhwa through Assistant
Director Mines and Mineral District Swabi

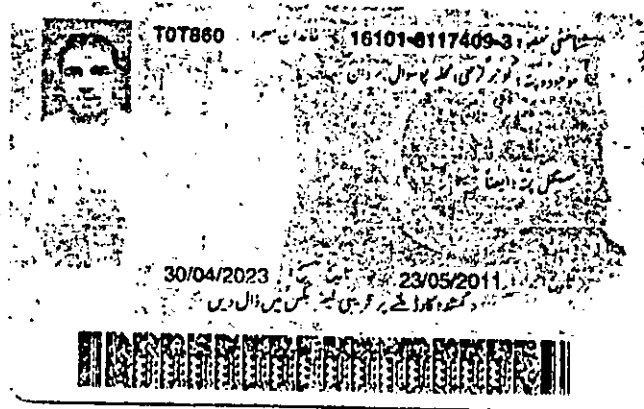
Appellant

Through:



(HAFEEZ-UL-ASAD SHANGLA)
Advocate,
High Court, Peshawar

Dated: -04-03-2021

Aux. A (12)




[Handwritten Signature]
ATTACHED

GOVERNMENT OF KHYBER PAKHTUNKHWA
 MINERAL DEVELOPMENT DEPARTMENT
 DIRECTORATE GENERAL MINES & MINERALS

Kashif
 Mineral Guard

Card No. --
 Office, Assistant Director Mineral Development
 Mardan



Signature: Kashif Mardan

Mineral Development Authority

MINERAL IDENTITY CARD

Father's Name: Hassan Baig	
CNIC No: 16101-6117409-3	Phone No: 0937-9230506
Issue Date: 14-03-2018	Valid Up To: Permanent
Contact No: 0314-8001301	Blood Group: O+
Address: Moh: Poewali Gujar Garhi Mardan	
Note: If found please return to the above address	

ATTESTED

Yail



(14)

DIRECTORATE GENERAL OF MINES AND MINERALS

KHYBER PAKHTUNKHWA

ATTACHED DEPARTMENT COMPLEX KHYBER ROAD PESHAWAR

No. 3636 DGMM/Admin/1/17/Vol-IV

Dated: 8 /02/2018.

To

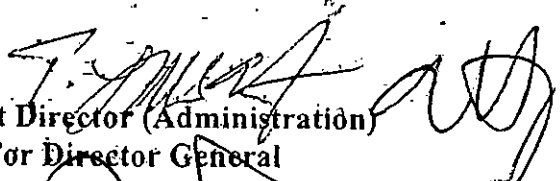
✓ Mr. Kashif s/o Hassan Baig,
Moh: Poswal Gujar Ghari District Mardan.

Subject: OFFER FOR THE POST OF MINERAL GUARD (BPS-03)


You are hereby offered a temporary post of Mineral Guard (BPS-03) in this Directorate General Mines and Minerals, Khyber Pakhtunkhwa, Peshawar on the following terms & conditions:-

- i). That your appointment in this Directorate is purely temporary and can be terminated at any time without assigning any reason or notice. In case you wish to resign at any time Fourteen (14) days pay may be forfeited.
- ii). You will be allowed minimum of BPS-03 (9610-390-21310) plus other usual allowances as admissible under the rules.
- iii). This offer is subject to the condition that you belong to the respective zone.
- iv). You will be governed by such rules and orders relating to leave, travelling allowance, medical attendance, pay etc issued by the Government from time to time and your services will be transferable throughout the Khyber Pakhtunkhwa.
- v). You will have to join duty at your own expenses.
- vi). You will produce Health and Age Certificate from the concerned Civil Surgeon/Medical Superintendent.

If the above terms & conditions are acceptable to you then join the duties in the Head Quarter Office, Peshawar within 15 days of the issue of this letter otherwise this offer will be treated as withdrawn.


Assistant Director (Administration)
For Director General


Assistant Director
Mineral Development Mardan
Division Mardan

ATTESTED




(10)

Amir B

Laser F

REGISTERED

OFFICE OF THE

ASSISTANT DIRECTOR MINERAL DEVELOPMENT MARDAN

Address: Center Colony, Near Jamia Masjid Muqam Chowk District Mardan. Tel: No.0937-9230506

No. /MDW/MR/Establishment File

Dated: / /2020

OFFICE ORDER

In supersession of previous order of this office regarding field duty in order to stop un-authorize mining and transportation of minerals from different areas of District Swabi, the following officials are hereby deputed/reshuffled as per detail given below with immediate effect till further order.

S No.	Name of Mineral Guard	Contact No.	Place of duty
1	Mr. Shahid Hussain (MG) Mr. Hilal Ahmad Mr. Kashif (MG)	0305-9595590 0345-5175000 0314-9001301	Check illegal mining and transportation of Major/Minor Minerals near Adina, Ismailia, Shewa, Parmoli, Naranje, Jaganat/Adnan Talao and surrounding areas District Swabi round 'o' clock and take action against the offenders as per Section-42 & 56 of Khyber Pakhtunkhwa Mines & Mineral Act 2017. No one will leave station without permission of incharge/undersigned and submit weekly report to this office.
2.	Mr. Mamnon Khan (RI) Mr. Imran Ali (MG) Mr. Salman (MG)	0302-5921017 0331-8850451 0345-9395955	Check illegal mining and transportation of Major/Minor Minerals and also check transportation of minerals (Minor/Major) without verified transit challan and un-authorize crush plants near Topi Road, Pontia/Hemlit, Ghundao Tarako, Maneri, Kala Dara, Punj Pir, Janghidher Block B, Zaida, Gadoon, Bamkhel and surrounding areas District Swabi round 'o' clock and take action against the offenders as per Section-42 & 56 of Khyber Pakhtunkhwa Mines & Mineral Act 2017 as well as Perform duty at Mineral check post near village Shagai Maneri District Swabi No one will leave station without permission of Station incharge/undersigned and submit weekly report to this office.
3.	Mr. Mamnon Khan (RI) Mr. Janab Ali (MG) Mr. Fayaz Khan (MG)	0302-5921017 0346-9830069	Check illegal mining and transportation of Minor Minerals near Chontra Jabbar/Masam Dheri, Jalbia Dobian, and also check transportation of minerals (Minor/Major) without verified transit challan Ambar/Rest House, Dab Korona/Jalsai, Tor Dher, Shiekh Dheri, illegal mining of Gold near Kund Park, River Indus in the Jurisdiction of District Swabi round 'o' clock and take action against the offenders as per Section-42 & 56 of Khyber Pakhtunkhwa Mines & Mineral Act 2017. No one will leave station without permission of incharge/undersigned and submit weekly report to this office.

1. The field staff will submit complaint/Marasalla to concerned Police Station. Action against the offender will be taken as per Khyber Pakhtunkhwa Mineral Sector Governance Act-2017 and submit their progress reports in written to the undersigned on weekly basis along with Marasallas and FIRs for onward submission to the H/Q office. They are also directed to pursue the FIR cases in court of Law.
2. The special team deputed at S No. 01 & 02 & 03 is strictly directed to keep vigilant watch over the susceptible areas to un-authorize mining/transportation in the un-auction areas of Jaganat/Adnan Talao, Kala Dara Punjpir, Pontia/hamlet, Jangidher Block B, Chuntra Jabbar/Masam Dheri, Jalbai Dobian respectively and report to the undersigned on daily basis. In case if any un-authorize mining/transportation observed action shall be taken against the official as per E&D Rules.

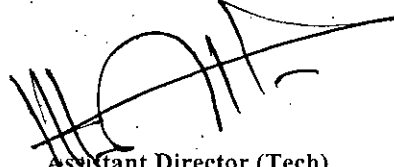
ATTACHED
[Signature]

Assistant Director (Tech)
Mineral Development Mardan
Division Mardan

Endst: No. 753-57/MDW/MR/Establishment
Copy to:-

(16)
Dated 1/17/2020

1. The Director General Mines and Mineral Khyber Pakhtunkhwa Peshawar for information, please.
2. The Deputy Commissioner Swabi for information with the request to direct the local administration to assist the field staff in controlling and stoppage of un-authorized mining and transportation of minerals, please.
3. The District Police Officer Swabi for information with the request to direct all SHO's of their concerned Police Station to assist the field staff in controlling and stoppage of un-authorized mining and transportation of minerals, please.
4. The Assistant Director Monitoring Swabi for information and with the request to ask your field staff to coordinate with the staff of this office specially ask them to keep vigilant watch over the un-auctioned areas shown as bold words above and other cancelled/suspended and expired areas.
5. Official concerned for compliance.


Assistant Director (Tech)
Mineral Development Mardan
Division Mardan

ATTESTED

Yaqub

GOVERNMENT OF KHYBER PAKHTUNKHWA
DEPARTMENT OF MINES & MINERALS DEVELOPMENT

وقت روز 10:07-020

وقت روز 10:07-020

عشر سید شہزادہ وقتہ جٹناک (آصف درنگ)

رقم (1) 66 مڈرن سٹیبلنگ گورنمنٹ اٹلانٹک 2017

مراسلہ بغرض قاضی مقدمہ

182
Aussain (Swabi)

یا رسولان

مکتوبہ میں کہا گیا ہے کہ ڈیپارٹمنٹ آف مائنز کے عہدیداروں نے عوامی تعلقہ میں عمل میں لایا گیا ہے۔
بغرض جیڈاگ غیر سید شہزادہ وقتہ جٹناک اور ان کے تعلقہ میں موجود ہے۔ یہ تشکیل وار حصہ ہے۔
عہدیدار یا رسولان کے نام پر 0346-9435501 اور آصف درنگ وارث خان سواتی کے نام پر
ایک ایکشن پلان تشکیل دینے کے ذریعے دوبارہ اپنے درنگ میں عہدیداروں کو مینڈاٹ ڈسٹریکٹ سٹیبلنگ گورنمنٹ
اور ڈسٹریکٹ سٹیبلنگ گورنمنٹ کو ادارتی طور پر وقت سے لوڈ کر کے رکھے جائے۔ ہم نے سند رقم بالا افراد
کے بارے میں جاننا کہ عدلیہ والا رقبہ میں ہر قسم کی عدالتی کارروائیوں میں ہر پابندی کے طور پر اور C-
مقام عوامی تعلقہ میں عدلیہ والا رقبہ میں دفعہ 144 بھی نافذ کیا ہے۔ لیکن اس کے باوجود عدلیہ
بالا افراد عہدیداروں کو مینڈاٹ ڈسٹریکٹ سٹیبلنگ گورنمنٹ اور ڈسٹریکٹ سٹیبلنگ گورنمنٹ کے ساتھ لفظ میں
اور مینڈاٹ ڈسٹریکٹ سٹیبلنگ گورنمنٹ کے ساتھ ہیں۔ عوامی تعلقہ میں عہدیداروں کے ساتھ مینڈاٹ ڈسٹریکٹ سٹیبلنگ گورنمنٹ
کے ساتھ ہیں۔ عہدیداروں کے ساتھ ہیں۔ عوامی تعلقہ میں عہدیداروں کے ساتھ مینڈاٹ ڈسٹریکٹ سٹیبلنگ گورنمنٹ
ولادارث خان و آصف درنگ کے ساتھ ہیں۔ عہدیداروں کے ساتھ ہیں۔ عوامی تعلقہ میں عہدیداروں کے ساتھ مینڈاٹ ڈسٹریکٹ سٹیبلنگ گورنمنٹ
فریکٹورز مینڈاٹ ڈسٹریکٹ سٹیبلنگ گورنمنٹ اور ڈسٹریکٹ سٹیبلنگ گورنمنٹ کے ساتھ ہیں۔ عہدیداروں کے ساتھ مینڈاٹ ڈسٹریکٹ سٹیبلنگ گورنمنٹ
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Kashmir

العارضین

سواتی

سواتی سید حسین منزل گارڈ

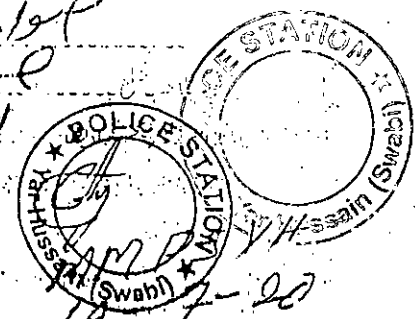
سواتی

سواتی سید حسین منزل گارڈ

سواتی

سواتی سید حسین منزل گارڈ

سواتی



7-20

ذات الحجاب ۱۰/۱۰
ڈائری ڈائریٹریٹ، کراچی

جناب صاحب

گزارش ہے آج آپ کے پاس کے مطابق

کم عمری کا ریکارڈ لکھنے کے لئے

میں گینا کے میں موجود ہے۔ آج کے دن

میں گینا کے میں موجود ہے۔ آج کے دن

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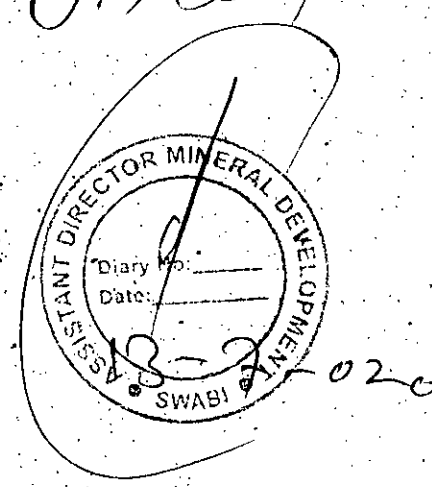
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میں گینا کے میں موجود ہے۔ آج کے دن

10-07-50

الکھارہ

سید محمد علی گل
سید محمد علی گل
سید محمد علی گل
سید محمد علی گل



ATTESTED
JML

کونسل راجا ایسٹریٹ ڈائریکٹوریٹ ڈیپارٹمنٹ

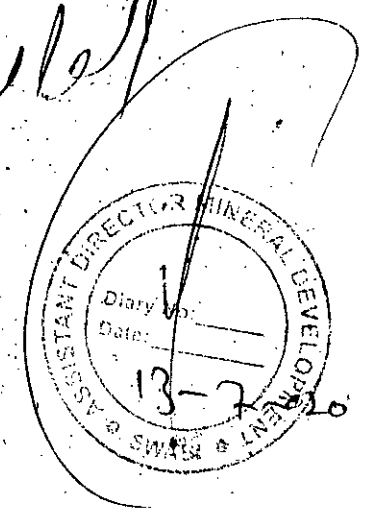
راجا ایسٹریٹ!

گزارش کی تاریخ 2-1-73، جس میں اس وقت
 مطابق جمع مندرجہ ذیل رقموں کی تفصیلات
 عنبر لیز ایسٹریٹ میں ایک آگ میں موجود ہے۔
 کہ نظام دروازوں میں مندرجہ ذیل رقموں کی تفصیلات
 ادائیگیوں کی تفصیلات مندرجہ ذیل ایسٹریٹ میں آگ اور
 دیگر ایکسپنڈیچرز کی تفصیلات مندرجہ ذیل ایسٹریٹ
 کو درج کر کے ایک پی پی پی کی مدد سے
 مندرجہ ذیل رقموں کی تفصیلات مندرجہ ذیل ایسٹریٹ میں
 ایکسپنڈیچرز کی تفصیلات مندرجہ ذیل ایسٹریٹ میں
 لکھنا کہ مندرجہ ذیل ایسٹریٹ میں ایکسپنڈیچرز کی تفصیلات
 مندرجہ ذیل ایسٹریٹ میں ایکسپنڈیچرز کی تفصیلات

10.07.73
 Hussain
 Hussain

محمد علی احمد مندرجہ ذیل
 مندرجہ ذیل ایسٹریٹ میں
 مندرجہ ذیل ایسٹریٹ میں
 مندرجہ ذیل ایسٹریٹ میں

الواضع



ATTESTED
 Hussain

GOVERNMENT OF KHYBER PAKHTUNKHWA
DEPARTMENT OF MINES & MINERALS DEVELOPMENT

وقت ذمہ 10-07-020 11:30 Am

وقت رپورٹ 10-07-020
جنرل منسٹر رہنمائی
(نظائر گارا) مینرل ڈیپارٹمنٹ
5645 مینرل ڈیپارٹمنٹ، اسلام آباد

برائے اطلاع قلمی مقدمہ

ATTESTED
H.O P/S
Ya Hussain (Swabi)

یار ضعیف

مخبر ارشد کی جانب سے مہتمم ڈائریکٹر فیکم مینرل ڈیپارٹمنٹ کو طابقت سے
تعمیراتی مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے
موجودہ وقت کے نظائر گارا مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے
اور دیگر مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے
ایک ایکٹو مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے
اور دیگر مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے
بارے میں مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے
مخبر صوابی نے مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے
مخبر بالا افراد ایک اور گروہ بالا افراد ایک اور گروہ بالا افراد ایک اور گروہ بالا افراد ایک اور گروہ
جو مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے مینرل ڈیپارٹمنٹ کے
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PS V/H
10-7-20

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ابتدائی اطلاع رپورٹ

۵۳۴۵-۲۹۹۸

ان اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

550	03
تاریخ وقوعہ ۱۵/۰۹/۲۰۱۷	وقت وقوعہ ۱۰:۳۰ بجے
محل وقوعہ ۵۶ (۱) منزل سید اختر کوٹھڑی، کلاٹ ۲۰۱۷	حسین احمد سنبل گارڈ
نام و سکونت ملزم (۱) نظار ولد رحمان اللہ (۲) وسیم ولد عبدالغفار ساکنان ریا حسین	دست انداز دہندہ ستمیشت
تعداد و نوعیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو۔	غیر لید شدہ رقبہ جگہ تھانہ (نظار درویش)
روایت جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے سے پہلے رپورٹ ہوئی ہو تو وہاں کی	نظار ولد عبدالغفار ساکنان ریا حسین
جس سے روایت کی تاریخ و وقت	سیر سنبل ڈاٹ

ATTESTED
S.H.O. P/S
in (syabi)

ابتدائی اطلاع نیچے درج کروا گیا ہے اور حوالہ دیا گیا ہے کہ وہاں سے ملزمین کو گرفتار کرنے کے لئے پولیس کو اطلاع دی گئی تھی۔

معدنیات سے ملزمین کے مطابق وہم جملہ منزل گارڈز بھی میں جیناں غیر لید شدہ رقبہ جگہ تھانہ (نظار درویش) میں موجود ہیں۔

نظار ولد عبدالغفار ساکنان ریا حسین سے روایت کی گئی ہے کہ وہاں سے ملزمین کو گرفتار کرنے کے لئے پولیس کو اطلاع دی گئی تھی اور وہاں سے ملزمین کو گرفتار کرنے کے لئے پولیس کو اطلاع دی گئی تھی۔

نظار ولد عبدالغفار ساکنان ریا حسین سے روایت کی گئی ہے کہ وہاں سے ملزمین کو گرفتار کرنے کے لئے پولیس کو اطلاع دی گئی تھی اور وہاں سے ملزمین کو گرفتار کرنے کے لئے پولیس کو اطلاع دی گئی تھی۔

نظار ولد عبدالغفار ساکنان ریا حسین سے روایت کی گئی ہے کہ وہاں سے ملزمین کو گرفتار کرنے کے لئے پولیس کو اطلاع دی گئی تھی اور وہاں سے ملزمین کو گرفتار کرنے کے لئے پولیس کو اطلاع دی گئی تھی۔

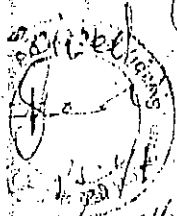
نظار ولد عبدالغفار ساکنان ریا حسین سے روایت کی گئی ہے کہ وہاں سے ملزمین کو گرفتار کرنے کے لئے پولیس کو اطلاع دی گئی تھی اور وہاں سے ملزمین کو گرفتار کرنے کے لئے پولیس کو اطلاع دی گئی تھی۔

GOVERNMENT OF KHYBER PAKHTUNKHWA
DEPARTMENT OF MINES & MINERALS DEVELOPMENT

09:15 AM 04-07-2020

04-07-2020

مذکورہ ذیل شدہ رقبہ کے متعلق
مقامی طور پر ایکٹو اور ایسٹریٹ
مراستہ ایف ڈی ایف کے تحت



U.S.H.O.

ATTESTED
S.H.O. Pishin
Yar Hussain (Swabi)

مذکورہ رقبہ کے متعلق ایکٹو اور ایسٹریٹ کے متعلق
مقامی طور پر ایکٹو اور ایسٹریٹ کے تحت
مراستہ ایف ڈی ایف کے تحت
034619435501 کی نگرانی میں
مقامی طور پر ایکٹو اور ایسٹریٹ کے تحت
مراستہ ایف ڈی ایف کے تحت
0305-5724739 اور
مقامی طور پر ایکٹو اور ایسٹریٹ کے تحت
مراستہ ایف ڈی ایف کے تحت

مقامی طور پر ایکٹو اور ایسٹریٹ کے تحت
مراستہ ایف ڈی ایف کے تحت
0305-5724739 اور
مقامی طور پر ایکٹو اور ایسٹریٹ کے تحت
مراستہ ایف ڈی ایف کے تحت

16101-9390765-3
0305-7575590

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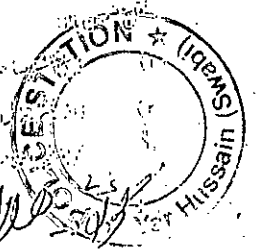
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Annexure D

(24)

Directorate general Mines and Minerals
Khyber Pakhtunkhwa
Attached Departments Complex, Khyber Road Peshawar

No. DGMM/Admin/3/520/

Dated. 10/07/2020

To

1. Mr. Shahid Hussain, Mineral Guard
2. Mr. Hussain Ahmad, Mineral Guard
3. Mr. Hilal Ahmad, Mineral Guard
4. Mr. Kashif, Mineral Guard

c/o Assistant Director Mineral, Swabi

Subject: **SHOW CAUSE NOTICE**

I am directed to refer to your subject noted above and to enclose here with "Show Cause Notices". You are, therefore, directed to submit your written defense/reply within seven days of the receipt of this letter.

Encl As Above:

Assistant Director (Admin)
H/Q Office, Peshawar.

Dated: 13/07/2020

Endst: No. 3/520-DGMM/Admin/ 10307-11

Copy forwarded to :

1. PS to Secretary Minerals Development Department, Khyber Pakhtunkhwa, Peshawar.
2. PA to Director General Mines and Minerals Khyber Pakhtunkhwa.
3. Section Officer (Estt:) Minerals Dev: Dept:, Khyber Pakhtunkhwa, Peshawar.
- ✓ 4. The Assistant Director Mineral, Swabi with the advice to handover the show cause notices to concerned officials.
5. P/F of concerned officials.
6. Master File.

ATTACHED
Yml

for
Assistant Director (Admin)
H/Q Office, Peshawar.

SHOW CAUSE NOTICE

I, Hameed Ullah Shah Director General Mines & Mineral, as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Kashif, Mineral Guard, as follows:

- (i) Secretary Minerals and Director General Mines & Mineral paid surprise visit to the said area on 10.07.2020, and found that two excavators were unauthorizedly working in the said area and illegal transportation was found and witnessed on the site.
- (ii) You were found absent from the site despite the fact that considerable time was spent on the site.
- (iii) Your this act is an evidence non-performing of your official duties which is misconduct & inefficiency on your part.


I am satisfied that you have committed the following acts/omissions specified in rule 3(b), 5(b)(ii) and 7 of E&D rules 2011.

- (a) _____
- (b) _____
- (c) _____

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of _____ under rule 4 E&D Rules 2011.

3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

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


 Hameed Ullah Shah
 Director General Mines & Mineral
 Khyber Pakhtunkhwa

Mr: Kashif, Mineral Guard
c/o Assistant Director Mineral Swabi

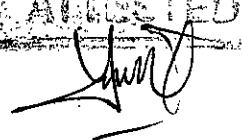
ATTESTED

BEFORE THE OFFICE OF DIRECTORATE GENERAL MINES AND MINERALS
KP ATTACHED DEPARTMENT COMPLEX KHYBER ROAD PESHAWAR

Subject : WRITTEN REPLY TO SHOW CAUSE NOTICE LETTER NO. DGMM
ADMIN 3/520/10307-11 DATED 13.07.2020 ON BEHALF OF 1. SHAHID
HUSSAIN 2. HUSSAIN AHMAD 3. HILAL AHMAD AND KASHIF MINERAL
GUARDS.

In pursuance of show cause notice letter No DGMM ADMIN 3/520/10307-11 DATED 13.07.2020 the above name mineral guards submit as under to explain our position for the charges level against them in para wise as mentioned in the show cause notice .

Sir on the event full day dated 10.07.2020 we all Menial Guards were performing our duties and visit to Asif Area at about 10:50 where we found an illegal mining there with the help of excavation machinery .All at once we drafted mursaila on the spot at about 11:00 AM against the area owner Asif and Shakeel . After fulfilling the necessary proceedings of murasila , we have been informed that another Durang owner namely Nizar is also busy in illegal mining's, we rush to the adjacent area , where we found that another excavation machinery is busy in an illegal mining . At about 11:30 we drafted a murasila against the illegal miners Nizar and waseem under the law and rules .Then we all proceeded to police station and reached at about 12 :15 to police station for converting Murasila to FIR. We all present there and spent about 30 minutes inside the police station while conducting legal action against the accused named above. We also made a written and oral request to the SHO concerned to impound both the

ATTESTED


excavators standing within the areas which are indulged in the illegal mining in the said areas. After completion of legal proceeding we rush back to the area while on the way we prayed juma at market masjid in village Yar Hussain at 01:15 PM dated 10.07.2020. After Performing Juma prayers we once again proceeded to words the said areas we reached at about 02:00 PM to the areas , so then we were tolled that your's kind good self alongwith honourable Secretary mines have paid visit to the areas under discussion. (Copies of both the murasila are hereby attached with reply).

Moreover we all the above named Mineral Guards also feels necessary to bring to your kind notice and attention that on each and every day during our duties we are threaring by the illegal miners of the areas for dear consequences.

Sir,

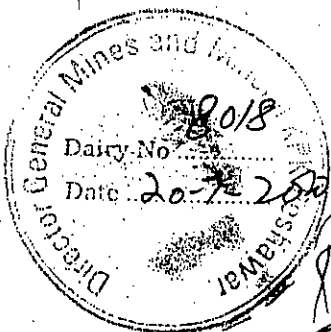
With the humble submission all the attached murasila are self explanatory in have evidentiary proof of our duties on the area. Though we performs our duties regularly and honestly still we a sure your's kind good self to be very much care full in future.

Dated 20.07.2020

Your's Obediently

Mineral Guards

1. SHAHID HUSSAIN
2. HUSSAIN AHMAD
3. HILAL AHMAD
4. KASHIF



[Handwritten signatures of Shahid Hussain, Hussain Ahmad, and Hilal Ahmad]

[Handwritten signature of Kashif]

ATTESTED
[Handwritten signature]

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Annexure F



**DIRECTORATE GENERAL OF MINES AND MINERALS
KHYBER PAKHTUNKHWA**

Attached Departments Complex Khyber Road Peshawar
Phone: & Fax # 091-9210236

No. _____ /DGMM/Admin/(Hazara Division)

Dated: _____ /07/2020.

To

1. Mr. Shahid Hussain, Mineral Guard (BPS-03)
2. Mr. Hussain Ahmad, Mineral Guard (BPS-03)
3. Mr. Hilal Ahmad, Mineral Guard (BPS-03)
4. Mr. Kashif, Mineral Guard (BPS-03)

c/o Assistant Director Mineral, Swabi

Subject: SHOW CAUSE NOTICE

I am directed to refer to your reply of show cause notice, dated: 20-07-2020 and to state that the Competent Authority has considered your reply and decided to call you for personal hearing on 27-07-2020 Monday at 11.00 AM.

You are advise to attend the H/Q Office, in case of failure ex-parte decision shall be taken against you under E&D Rules 2011.

Assistant Director(Admin)
HQ Office Peshawar

Endst: No. 11436-41 /DGMM/Admin/ (Hazara Division)

Dated 23 /07/2020.

Copy forwarded to: -

1. PS to Secretary Minerals Development Department Khyber Pakhtunkhwa.
2. PA to Director General Mines and Minerals, Khyber Pakhtunkhwa, Peshawar.
3. Section Officer (Estt:) Minerals Development Department Khyber Pakhtunkhwa Peshawar.
4. The Assistant Director Mineral Swabi for information.
5. P/File of Officials concerned.
6. Master File/DGMM/Admin/2020.

Assistant Director(Admin)
HQ Office Peshawar

ATTESTED
[Signature]

Amritur

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TO BE SUBSTITUTED EVEN NUMBER AND DATE
DIRECTORATE GENERAL OF MINES AND MINERALS
KHYBER PAKHTUNKHWA

Attached Departments Complex Khyber Road Peshawar

Phone: & Fax # 091-9210236

No. 11675 /3-520/DGMM/Admn

Dated: 27 / 07 /2020.

OFFICE ORDER.

1. WHEREAS Mr. Kashif, Mineral Guard (BPS-03), Office of Assistant Director Mineral, Mardan was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 on the charges mentioned in the show cause notice.
2. AND WHEREAS the Competent Authority is satisfied that you have committed the acts/omissions specified in Rule 3(b), 5(b)(ii) and Rule-7 of E&D Rules 2011.
3. AND WHEREAS, the Competent Authority/Director General Mines & Minerals, Khyber Pakhtunkhwa also afforded the opportunity of personal hearing to the accused official.
4. NOW THEREFORE, the Competent Authority in exercise of powers conferred under Rule 4(1)(b)(iii) of Khyber Pakhtunkhwa Government Servant Efficiency & Discipline Rules-2011 imposed major penalty of "Removal From Service" upon the accused official with immediate effect.

Sd/-

Director General Mines & Mineral
Khyber Pakhtunkhwa, Peshawar.

Dated: 27 / 07 /2020

Endst: No. 11680-87 /3-520/DGMM/Admn

Copy is forwarded to:

1. PS to Secretary Minerals Dev: Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. PA to Director General, Mines & Minerals, Khyber Pakhtunkhwa, Peshawar.
3. The Director Licensing (North), H/Q Office, Peshawar.
4. The District Accounts Officer, Mardan.
5. Assistant Director (Accts), H/Q Office, Peshawar.
6. Assistant Director Mineral, Mardan/Swabi.
7. Mr. Kashif, Mineral Guard, Office of Assistant Director Mineral, Mardan.
8. P/File of the official concerned.
9. Master File.

REGISTERED

Assistant Director (Admin)
H/Q Office, Peshawar.

To

The Secretary,
Mineral Development Deptt,
K.P.K, Peshawar.

2791

13.08.2020

Through proper channel.

ACJ Secy. D. No. 1325
Dated 17-8-2020
Mineral Dev. Department

No: 246
Date: 18/8/2020

Subject:-Representation against the order of
The D.G, Mines and Mineral, Development
Department, Peshawar, Dated 27-07-2020, Containing
removed from service.

Sir,

With reference to the above captioned order,
whereby I my awarded the penalty of "Removal from
Service", on alleged disciplinary grounds.

It is submitted that the impugned order is void,
and illegal, against the relevant rules, based on
incorrect & false grounds, as well as against the
principles of natural justice. Hence, the same is
liable to be set-aside and I may be re-instated in
service with back service benefits:-

1. That the allegations leveled against
me are incorrect and false. I had
never committed the alleged offences.

2. That I had always performed my
duties regularly, deligently,
efficiently and with great zeal of
mind.

3. That I am not afforded the
opportunity of proper defence. Thus,
I am condemned unheard.

R.S. (A)
7-18
13/8
ATTESTED
[Signature]

DBA N
PL examine &
put up
18/8/2020

(2)

(813)

117

4. That my defence point is not taken into consideration.

5. That the material point is kept out of consideration that at the time of visit of the Secretary, I had gone to Police Station Yar Hussain Swabi for lodging report against the illegal excavation & transport against Shakeel S/o Hussanul Maab of village Yar Hussain Swabi and another person Asif S/o Waris Khan of village Niknam Swabi, who were found busy in illegal mining and transportation of sand through Excavators and tractor trollies. Hence, I proceeded towards the police station Yar Hussain Swabi, which is at a distance of 10/12 km, travelling by foot and then by passenger vehicle. I arrived to the police station at about 10:00 AM / 11:00 AM on 10-07-2020. The process of murasila took about two hours i.e, till 01:00 PM. Being Friday, I offered juma prayer in village Yar Hussain Swabi and then proceeded to the spot back. Where, on my arrival there, I learnt that departmental authorities had visited the spot, when I was away to Police Station.

I also recorded my statement before The Police in-connection with the complaint/murasila lodged by other mineral Guard, ^{Hussain Ahmad} present in the Police Station Yar Hussain.

Thereafter, I along-with my other colleagues offered "Juma Prayer" in Yar Hussain Swabi & then I proceeded to my place of duty.

(Copies of relevant Murasilas are Attached).

On arriving back to the spot, I learnt that the Higher Authorities had visited the spot, when I was away to Pulice Station.

Sir, it is added that we the mineral Guards are not provided the Motorcycles alike the other provinces. Hence, it takes us long time to walk on foot and through public transport for travelling towards the performance of our duties to supervise the distantly situated excavation spots (^{دیں}) and to Police Station, when needed.

ATTESTED
[Signature]

(3) (32)

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6. That the perusal of the Show Cause Notice would show that it is not drawn according to the relevant rules.

7. That the penalty is too harsh.

It is requested that on acceptance of this representation, the impugned order may be set-aside and I may kindly be re-instated into service with back service benefits.

Dated:- 10-08-2020.

Your's Obediently,

(Kashif)
Ex Mineral Guard
Under The Assistant
Director, Mineral
Development, Mardan.

RECEIVED
Yaqub

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**Government of
Khyber Pakhtunkhwa
Minerals Development Department**

No. SO (E)/MDD/2-45/2020/8077
Dated Peshawar, August 24, 2020

To

The Director General,
Mines & Minerals,
Khyber Pakhtunkhwa.

Subject:

**REPRESENTATION AGAINST THE ORDER OF THE DIRECTOR GENERAL
OF MINES AND MINERALS, DEVELOPMENT DEPARTMENT, PESHAWAR
DATED 27.07.2020, CONTAINING REMOVED FROM SERVICE.**

I am directed to enclose herewith an Appeal addressed to Secretary to Govt. of Khyber Pakhtunkhwa, Minerals Development Department / appellate authority, lodged by one Mr. Kashif, Ex-Mineral Guard (BS-03) of the Directorate General, Mines & Minerals, Khyber Pakhtunkhwa alongwith its enclosures on the subject noted above for para-wise comments on the said appeal as per Rule-4 (2) of the Khyber Pakhtunkhwa Government Servants Appeal Rules, 1986.

27-8-2020
SUNTA JI/DA-II
27/8/2020

(Signature)
(Hafiz Abdul Jalil)
SECTION OFFICER (ESTT:)

Encls: As above.

Endst: No & Date even:

Copy for information is forwarded P.S to Secretary to Govt. of Khyber Pakhtunkhwa, Minerals Development Department.

106 ADG 25/8/20

ADG
24/8/20

SECTION OFFICER (ESTT:)
ATTESTED

(Signature)



DD (Admin)
25.8.20

25/8/20

AD(A)

34

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**DIRECTORATE GENERAL OF MINES AND MINERALS
KHYBER PAKHTUNKHWA**

Attached Departments Complex Khyber Road Peshawar

Phone: & Fax # 091-9210236

No. 81496 /3-520/DGMM/Admn

Dated: 04 /11/2020

To

Section Officer (Establishment),
Minerals Development Department,
Khyber Pakhtunkhwa, Peshawar.

Subject:

**REPRESENTATION AGAINST THE ORDER OF THE DIRECTOR GENERAL OF
MINES AND MINERALS, DEVELOPMENT DEPARTMENT, PESHAWAR DATED:
27.07.2020, CONTAINING REMOVED FROM SERVICE.**

I am directed refer to refer to your letter No. SO(E)/MDD/2-45/2020/8077 dated: 24-08-2020 on the subject noted above and to enclose herewith para-wise comments in respect of Mr. Kashif, Ex-Mineral Guard (BS-03) of this Directorate in the instant case for further necessary action, please.

Encl: As above

[Signature]
o/c Assistant Director (Admin)
H/Q Office, Peshawar.

ATTACHED
[Signature]

PARA WISE COMMENTS ON THE DEPARTMENTAL APPEAL LODGED BY MR. KASHIF MINERAL GUARD (BPS-03) OFFICE OF ASSISTANT DIRECTOR MINERALS, MARDAN AGAINST THE ORDER DATED: 27-07-2020, CONTAINING REMOVED FROM SERVICE.

REPLIES:

Para No. 1. Reply to para-1 is incorrect. It is stated that the allegations leveled against the accused official are correct and true.

Para No. 2. Reply to para-2 is incorrect. It is stated that the accused official was found absent from the site during visit of Secretary Mines & Minerals Development Department & Director General Mines & Minerals on 10-07-2020 despite the fact that considerable time was spent by high authorities on the site, which shows negligence, willful absence and misconduct on the part of accused official.

Para No. 3. Reply to para-3 is incorrect. The accused official was given a proper opportunity of personal hearing on 27-07-2020 by Director General Mines & Minerals.


Para No. 4. Reply to para-4 is incorrect. The accused official did not prove himself innocent nor satisfied the Competent Authority with his reply.

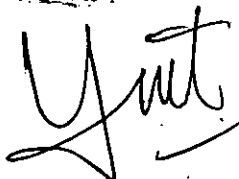
Para No. 5. Reply to para-5 is incorrect. Details in para-2, above while rest of para is irrelevant.

Para No. 6. Reply to para-5 is incorrect. The Show Cause Notice served to the accused official under E&D Rules-2011.

Para No. 7. Reply to para-7 is incorrect. Due to negligence, willful absence from site, there was huge loss to the provincial exchequer, therefore penalty imposed upon accused official with in accordance to E&D Rules, 2011 and justified.

In view of the above narrated position, it is humbly prayed that the appeal of the appellant is having no legal footing therefore may be dismissed, please.


Assistant Director (Admin)
H/Q Office, Peshawar.





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Directorate general Mines and Minerals
KHYBER PAKHTUNKHWA
Attached Departments Complex, Khyber Road Peshawar

No. DGMM/Admin/3/520/_____

Dated. ____/02/2021

To

The Assistant Director
Minerals Development Department
Swabi.

Subject:

**REPATRIATION AGAINST THE ORDER OF THE DGMM, PESHAWAR
DATED: 27.07.2020 CONTAINING REMOVAL FROM SERVICE.**

I am directed to refer to the subject noted above and to enclose here with letters (in original) received from Section Officer (Estt:) Minerals Development Department, Khyber Pakhtunkhwa in respect of the following accused officials with the advice to hand over the same and to furnish the receipt of acknowledgement:

1. Mr. Shahid Hussain, Ex-Mineral Guard.
2. Mr. Hussain Ahmad, Ex-Mineral Guard.
3. Mr. Hilal Ahmad, Ex-Mineral Guard.
4. Mr. Kashif, Ex-Mineral Guard.

Encl: As Above

Assistant Director (Admin)
H/Q Office, Peshawar.

Dated: 16 /02/2021

Endst: No. 3/520-DGMM/Admin/ 3906-12

Copy forwarded to:

1. PA to Director General Mines and Minerals Khyber Pakhtunkhwa.
2. Section Officer (Estt:) Minerals Development Department, Khyber Pakhtunkhwa, for information please.
- ✓ 3. P/F of concerned officials. *Mr. Kashif Mineral Guard*
4. Master File DGMM/Admin/2021.

Jagjit
Assistant Director (Admin)
H/Q Office, Peshawar

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Government of
Khyber Pakhtunkhwa
Minerals Development Department

No. SO (E)/MDD/2-45/2020
Dated Peshawar, 8th February, 2021

1555-58

To


Mr. Kashif, Ex-Mineral Guard,
Office of Assistant Director, Mardan,

C/O, Director General,
Mines & Minerals,
Khyber Pakhtunkhwa.

Subject:

REPRESENTATION AGAINST THE ORDER OF THE DGMM PESHAWAR
DATED 27.07.2020 CONTAINING REMOVAL FROM SERVICE

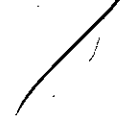
I am directed to refer to your departmental appeal dated 10-08-2020, on the subject noted above and to state that the Appellate Authority i.e. the Secretary, Minerals Development Department, Khyber Pakhtunkhwa has considered your appeal and rejected.

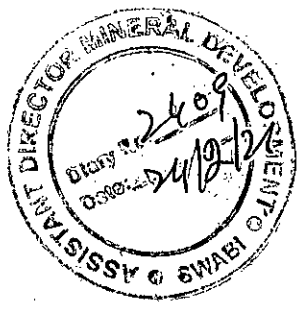

(Hafiz Abdul Jalil)
SECTION OFFICER (ESTT:)
Ph#091-9223559

Endst: No & Date even:

Copy is forwarded for information to:

1. Assistant Director (Admn), Directorate General of Mines & Minerals, Khyber Pakhtunkhwa, w.r.t his letter No.21496/3-520/DGMM/Admn, dated 04-11-2020.
2. PS to Secretary to Govt. of Khyber Pakhtunkhwa, Minerals Development Department.
3. PA to Additional Secretary-I, Minerals Development Department.


SECTION OFFICER (ESTT:)



DIARY

Diary Serial No.	No. and Date of document received	From whom received	File	Special Instructions
2404	23-02-2021	Affidavit and citizens Diary Swabi	DG	3726
		Minerals Assesment file		
2405	-/-	Notice for Non Payment of outstanding Grant Dues	DG	3727
2406	24-2-2021	Representations against the DG min Swabi	Shahid Hussain	<i>[Signature]</i>
2407	-/-	Representations against the minerals of the DG min	Hussain Ahmed	<i>[Signature]</i>
2408	-/-	-/-	Hilal Ahmed	<i>[Signature]</i>
2409	-/-	-/-	KASIF	Kasif

[Signature]
Assistant Director
Mineral Development
Swabi

0347-9087673
15602-0285125-1

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۳ مجموعہ ضابطہ فوجداری

محلہ یار حسین ضلع ہورلی

35

تاریخ وقت وقوعہ 23 2/20 وقت 11:50

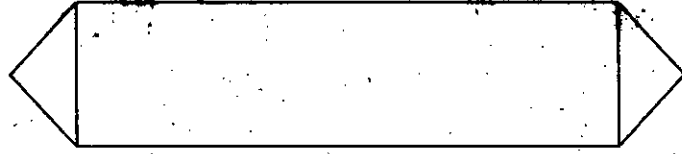
1-	تاریخ وقت رپورٹ	23 2/20 وقت 11:50
2-	نام و سکونت اطلاع دہندہ مستغیث	کا شہد منزل گارڈ
3-	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو (ا) (ب)	منزل بسلسلہ گورنمنٹ ایڈ 2017
3-	جائے وقوعہ فاصلہ تھانہ سے اور سمت	M.C.B نزد یار حسین
5-	نام و سکونت ملزم	امیر نواب ولد شاہ روم ساکن ضلع اٹک او شوڈا اٹک عینل سوات
2-	کارروائی جو تفتیش کے متعلق کی گئی اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	بہ سبب و سربراہی ملزم نے سربراہی کر کے
4-	تھانہ سے روانگی کی تاریخ و وقت	بہ سبب ڈاک

ابتدائی اطلاع نیچے درج کروں سربراہی مولہ صاحبہ مسقیمت منزل بسلسلہ گورنمنٹ 2 منزل ہورلی ہورلی میں
 دی گئی ہے۔ صاحب SHO صاحب تھانہ یار حسین نے رپورٹ کی ہے کہ ہندو السنڈھیا
 عدینیات ضرورت ڈریشن کے حکم پر ملے وقوعہ پر چند من میٹنگ عدینیات موجود تھا کہ
 کے دوران ایک گاڑی نمبری 5055-C ڈرائیور سے امیر نواب ولد شاہ روم سال
 او شوڈا اٹک عینل سوات کو لے کر جان چیک کر کے ڈیپٹی سے حتمہ لیا گیا
 10 دن دیکھ موجود تھا۔ جب ڈرائیور سے گاڑی میں موجود عدینیات کی کان
 تہ سبیل لیلے سرکاری اجازت نامے کے متعلق دریافت کیا، تو وہ کچھ بھی پیش نہ
 سں سے حافظہ ہے کہ مذکورہ بالا ڈرائیور یہ عدینیات عید کا تویے طور پر
 دیا تھا۔ جو کہ قابل دست اندازی ہے۔ لہذا السنڈھیا نے امیر نواب صاحبان سے
 گاڑی نمبر 5055-C ڈرائیور سے امیر نواب ولد شاہ روم ساکن منٹمان ار
 ڈرائیور کو لے کر عینل سوات کے علاقے نیر و ہالا کے تحت ایٹک اور رور ہنر
 سے نوازیں الفارہیں دستاویز لکھی گاڑی اور طالعہ سرکاری مقبہ میں لیں بہتر
 بہ دفتر، امیر سیکرہ ہندی کا شہد منزل گارڈ مورخہ 23 2/20 میں امیر
 لکھا دست فوالہ امیر خان ASI بہا ملے، یہ ہرگز از شہد

ns V/H

ATTESTED

بعد ازاں سرس مرہیوں لپٹا رہے



2021

مورخہ

مقدمہ

دعویٰ

جرم

2021ء مخدومہ ایسٹ
کی شہادت بنام حکمہ و سیر

باعث تحریر آنکہ

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

کیلئے

آن مقام

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

2021

2021

8

المرقوم

سید
H. M.

عدالت سٹیٹسٹری مارٹ
چک مشگری پٹا ورٹی فون: 2220193
Mob: 0345-9223239

کے لئے منظور ہے۔

مقام لپٹا رہے

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Put up to the Honble chair-man
with relevant appeal.



C M No _____ of 2021

In Re:

Appeal No 3529/2021

7/6/2021

Reader
Kashif S/O Hassan Baig R/O Mohallah Poswal Gujar Ghari Tehsil

and District Mardan (Applicant/Appellant)

Second week
of July, 2021

VERSUS

08/04/2021

1. Government of Khyber Pakhtunkhwa through Director General Mines and Mineral at Peshawar
2. Government of Khyber Pakhtunkhwa through Secretary Mines and Mineral at Civil Secretariat, Peshawar
3. Government of Khyber Pakhtunkhwa through Assistant Director Mines and Mineral District Mardan
4. Government of Khyber Pakhtunkhwa through Assistant Director Mines and Mineral District Swabi..... (Respondents)

Application for fixation of early date

in the above titled service appeal

Respectfully Sheweth: -

- 1) That the above noted appeal is pending adjudication before this Honourable Court and date of hearing is fixed 07th September, 2021.
- 2) That in the above noted case, the Respondents have dismissed the Applicant/Appellant without any cause and

Applicant/Appellant is now facing severe financial crises, therefore, the urgency is required.

- 3) That it is the right of every citizen to be dealt with according to law and equal protection of law; and for quick disposal of the case as justice delayed justice denied, that's why judicial policy has been framed.
- 4) That there is no legal bar to allowing the application for early hearing in above noted case, as this Honourable Court has got ample inherent powers.

It is, therefore, respectfully prayed that on acceptance of this Application, an early date may graciously be fixed in above noted case for the best interest of justice.

Through:

Applicant/Appellant



(HAFEEZ UL ASAD SHANGLA)

Advocate

High Court, Peshawar

Dated:-03-06-2021

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR


Kashif.....(Appellant)

VERSUS


Government of KP and others.....(Respondents)

AFFIDAVIT

I, Kashif S/O Hassan Baig R/O Mohallah Poswal Gujar Ghari Tehsil and District Mardan, do hereby solemnly affirm and declare on oath that all the contents of accompanying Misc Application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honourable Court.

DEPONENT 
CNIC # 16101-8117409-3
Cell # 0313-9390848


Identified by:-



(HAFEEZ-UL-ASAD SHANGLA)
Advocate
High Court, Peshawar

ATTESTED

Mukhtar Ahmed Ghaznavi
Oath Commissioner
District Court, Peshawar

 2.6.21

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing 451 -p/2022

In case No. 3529 -p/2021

Kashif vs DG Mines & Mineral

Presented by Hafeez ul Asad Shongla Adv on behalf of Appellant. Entered in the relevant register.

Put up alongwith main case ✓

REGISTRAR

Last date fixed	<u>17/02/2022</u>
Reason(S) for last adjournment, if any by the Branch Incharge.	<u>Defunct.</u>
Date(s) fixed in the similar matter by the Branch Incharge	<u>NFA</u>
Available dates Readers/Assistant Registrar branch	<u>NFA</u>

mi
18/4
Assistant Registrar

REGISTRAR

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

C M No _____ of 2022

In Re:

Appeal No 3529/2021



*Put up to the worthy chairman
with relevant appeal.*

Kashif S/O Hassan Baig R/O Mohallah Poswal Gujar Ghari Tehsil
and District Mardan(Applicant/Appellant)

30/3/2022

VERSUS

1. Government of Khyber Pakhtunkhwa through Director General Mines and Mineral at Peshawar
2. Government of Khyber Pakhtunkhwa through Secretary Mines and Mineral at Civil Secretariat, Peshawar
3. Government of Khyber Pakhtunkhwa through Assistant Director Mines and Mineral District Mardan
4. Government of Khyber Pakhtunkhwa through Assistant Director Mines and Mineral District Swabi.....(Respondents)

Application for fixation of early date
in the above titled service appeal

Respectfully Sheweth: -


- 1) That the above noted appeal is pending adjudication before this Honourable Court and date of hearing is fixed 31st May, 2022.
- 2) That in the above noted case, the Respondents have dismissed the Applicant/Appellant without any cause and

Applicant/Appellant is now facing severe financial crises, therefore, the urgency is required.

- 3) That in mentioned service appeal, Respondents have already submitted their comments.
- 4) That it is the right of every citizen to be dealt with according to law and equal protection of law; and for quick disposal of the case as justice delayed justice denied, that's why judicial policy has been framed.
- 5) That there is no legal bar to allowing the application for early hearing in above noted case, as this Honourable Tribunal has got ample inherent powers.

It is, therefore, respectfully prayed that on acceptance of this Application, an early date may graciously be fixed in above noted case for the best interest of justice.

Through: Applicant/Appellant


(HAFEEZ UL ASAD SHANGLA)
Advocate
High Court, Peshawar

Dated:-25-03-2022

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR


Kashif.....(Appellant)

VERSUS

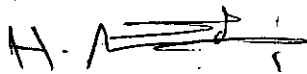
Government of KP and others.....(Respondents)

AFFIDAVIT

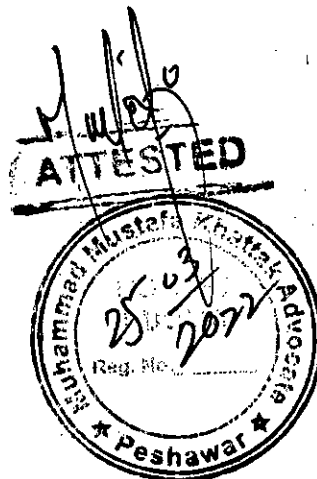
I, Kashif S/O Hassan Baig R/O Mohallah Poswal Gujar Ghari Tehsil and District Mardan, do hereby solemnly affirm and declare on oath that all the contents of accompanying Misc Application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honourable Court.

DEPONENT 
CNIC # 16101-8117409-3
Cell # 0313-9390848

Identified by:-



(HAFEEZ-UL-ASAD SHANGLA)
Advocate
High Court, Peshawar



17/02

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR.

SERVICE APPEAL **NO. 3529/ 2021**

Kashif , Mineral Guard **Appellant**

Versus

Government of Khyber Pakhtunkhwa etc..... **Respondents**

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S.No	Description	Annexure	Pages
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2.	Comments	_____	02 - 04
3.	Office Order	A	5
4	Marasallas / F.I.R	B & C	06 - 12



Assistant Director (Admin)

On behalf of

Respondent NO. 01 & 02

BEFORE THE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL **NO. 3529/2021**

Kashif, Mineral Guard **Appellant**

Versus

Government of Khyber Pakhtunkhwa etc..... **Respondents**

AFFIDAVIT

I Muhammad Iqbal Superintendent (Admin), Directorate General Mines & Mineral do hereby solemnly affirm and declare that the contents of the accompanying para-wise comments are true and correct to the best of my knowledge and belief and that nothing has been concealed from Honorable Court.

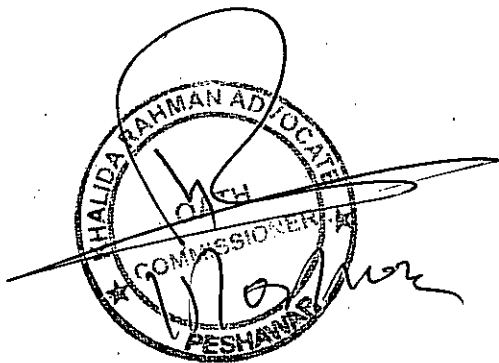
DEPONENT



Identified by

1	7	3	0	1	-	1	5	7	1	3	9	0	-	3
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ATTESTED



2

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Comments

In

Service Appeal **NO. 3529/2021**

Kashif, Mineral Guard.....**Appellant**

VERSUS

1. The Director General Mines & Minerals, Khyber Pakhtunkhwa Peshawar
2. The Secretary Mines and Minerals Dev: Department, Khyber Pakhtunkhwa, Peshawar.
3. The Assistant Director Mines and Mineral, District Mardan.
4. The Assistant Director, Mines and Mineral, District Swabi.....**Respondents**

Comments on behalf of Respondents

Respectfully Sheweth:-

Comments on behalf of Respondents are submitted as under: -

Preliminary Objections: -

1. That the appellant has not come to this Honorable Tribunal with clean hands nor the appeal is based upon legal footing. Hence, the appeal is liable to be dismissed.
2. That appellants have got no cause of action or locus standi to file the instant appeal.
3. That the appellants are not entitled to any relief and this appeal is filed just to waste the precious time of this Honorable Tribunal.
4. This Honorable Tribunal has got no jurisdiction to entertain this appeal.
5. That the Appellant cancel the facts from this honorable Tribunal

Facts: -

1. That appellant was recruited as Mineral Guard (BPS-01) on 28/10/2014 in this Department.
2. No Comments. As pertain to record.
3. Mr. Kashif Mineral Guard was directed vide this office order No. 752/MDW/MR/Establishment file dated: 01/07/2020 to perform duty round the clock at Jaganath, Adnan Talao, Sher Dara, Mir Ali, Ismaila, Adina, Kalo Khan District Swabi, with already deputed mineral guards to curb un-authorized mining (**copy of office order enclosed as annex-A**). It is correct that Respondent No. 1 & 2 paid surprise visit to Jaganath District Swabi on 10/07/2020 and the appellant was found absent from his duty.
4. Correct to the extent that at the time of visiting of the respondent No. 1 & 2, illegal mining was continued in Jaganath, District Swabi. The rest of para is subject to proof.
5. Correct to the extent that on 10/07/2020, the day on which the respondent No. 01 & 02 visited Jaganath, Adnan Talao, District Swabi, the appellant lodged Marasallas in Police Station Yar Hussain, District Swabi (**Copies of Murasallas are enclosed as Annex-B & C**).


Cont'd on p/2

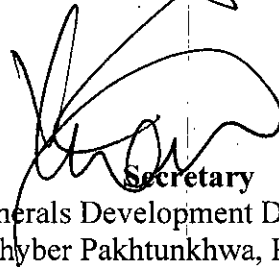
- 3
6. Incorrect. As stated in para-3 that on surprise visit of High ups, the appellant along with other Mineral Guards were absent from the site.
 7. As stated in para 05 above.
 8. Murasalla against Shakil and Asif (offenders) were registered by Kashif Mineral Guard while Mr. Hussain Ahmad, Mr. Shahid Hussain and Hilal Ahmad are witness. The other Murasllas was registered by Hussain Ahmad and Shahid Hussain, Hilal Ahmad other Kashif were witnessed.
 9. Correct to the extent that the day of occurrence was Friday 10/07/2020.
 10. Correct to the extent that Show Cause Notices were issued to Mineral Guards namely Mr. Shahid Hussain, Hussain Ahmad, Hilal Ahmad and Kashif on 13/07/2020 on account of failure to control illegal mining/transportation, absent from the site despite the fact that considerable time was spent on the site by high ups i.e the then Secretary Mineral Development and Director General Mines & Mineral and non performing of duties which is misconduct an inefficiency on the part of all these four Mineral Guards, they submitted their reply on 20/07/2020.
 11. The appellant was given an opportunity for personal hearing on 27/07/2020 however, he could not have satisfied the Competent Authority.
 12. Correct to the extent that the Competent Authority in exercise of power under 4(1) (b) (iii) of Khyber Pakhtunkhwa Civil Servant Efficiency & Discipline Rules-2011 imposed major penalty of "Removal from Service" Mineral Guards on 27/07/2020.
 13. Correct to the extent that all Mineral Guards preferred appeals before the Appellate Authority i.e Secretary Minerals Development Department which were rejected on 08/02/2021.
 14. No comments.


Grounds: -

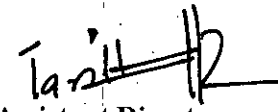
- A. Incorrect, the Appellant was found absent from the area Jaganath District Swabi. However, Marasalla have been registered by the appellants in Police Station Yar Hussain.
- B. Subject to proof and pertained to record at the day and time of visit by respondent No. 1 & 2. The appellant/appellants were found absent from the site.
- C. Incorrect, hence denied.
- D. The distance between Jaganath and Police Station Yar Hussain is about 5 Kilometers but motor bike was used and therefore there is no excuse in respect of distance, however it is correct that the occurrence day was Friday.
- E. Incorrect, the order dated: 27/07/2020 and 08/02/2020 is in accordance with law and facts.
- F. The Appellants/Applicants were found absent at site visited by Respondent No. 01 and 02. Therefore, the order removal from service was issued in accordance with law.
- G. Correct to the extent that two Marasallas were registered in Police Station Yar Hussain by appellants. However, the removal order was issued due to absence from the site.
- H. Subject to proof.
- I. The respondents passed the removal from service order in accordance with law and rules.
- J. Incorrect, hence denied the removal from service is based on facts.
- K. No comments.

In view of the above it is requested that appeal/appeals of appellants may be dismissed with cost, please.


Director General Mines & Mineral
Khyber Pakhtunkhwa, Peshawar,
(Respondent No. 1)


Secretary
Minerals Development Department,
Khyber Pakhtunkhwa, Peshawar,
(Respondent No. 2)


Assistant Director
Mineral Development, Mardan
(Respondent No. 3)


Assistant Director
Mineral Development, Swabi
(Respondent No. 4)

16

Aux - ()

REGISTERED



OFFICE OF THE
ASSISTANT DIRECTOR MINERAL DEVELOPMENT MARDAN
Address: Center Colony, Near Janila Masjid Muqam Chowk District Mardan. Tel: No.0937-9230506

No. /MDW/MR/Establishment File

Dated: 7/7 /2020

OFFICE ORDER

In partial modification of this office order dated 01/07/2020 Mr. Hussain Ahmad Mineral Guard of this office is hereby directed to perform duty round 'o' clock at Jagana/Adnan Talao & Sher Dara/Mir Ali, Ismila, Adina, Kalo Khan District Swabi with the already deputed Mineral Guards to curb un-authorized mining and take legal action as per Act.

Assistant Director (Tech)
Mineral Development Mardan

Dated: 7/7 /2020

845-48
Endst: No. /MDW/MR/Establishment

Copy to:

1. The Director General Mines and Mineral Khyber Pakhtunkhwa Peshawar for information, please.
2. Mr. Mamnoon Khan Royalty Inspector for information.
3. Muhammad Atif Khan RSI for information.
4. Mr. Hussain Ahmad Mineral Guard of this office for compliance.

Assistant Director (Tech)
Mineral Development Mardan

17

Annex -

GOVERNMENT OF KHYBER PAKHTUNKHWA
DEPARTMENT OF MINES & MINERALS DEVELOPMENT

11:00 am 10:07-020

10:07-020

وقت درج ذیل (وقت ملاقات)

صفحہ نمبر 19 (19) مورخہ 17/07/2017
موضوع: درخواست کارکنان کے لئے
مراسلہ بغرض قاضی مقدمہ

یا جسٹس

محترم جج صاحبان،
میں نے درخواست کی ہے کہ حکومت پاکستان کے تحت قائم کردہ وزارت مائنز و معدنیات کے تحت قائم کردہ
معدنیات کے شعبہ میں ملازمین کے حقوق کا تحفظ اور ان کے مسائل کو حل کرنے کے لئے ایک قانون سازی کی جائے۔
میں نے اس بارے میں عدالت سے درخواست کی ہے کہ وہ اس قانون سازی کے لئے ضروری اقدامات لے لیں۔
میں نے اس بارے میں عدالت سے درخواست کی ہے کہ وہ اس قانون سازی کے لئے ضروری اقدامات لے لیں۔
میں نے اس بارے میں عدالت سے درخواست کی ہے کہ وہ اس قانون سازی کے لئے ضروری اقدامات لے لیں۔

16/07/2017

Kashif

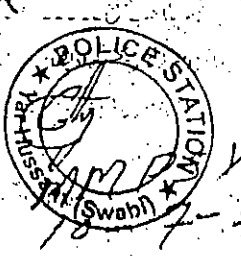
الحاج علی محمد صاحب

صواب

11/11/2017

صواب

صواب



VH

7-20

(18)

حضرت آیت الله العظمیٰ در تبرکات و فی مودعات حضرت

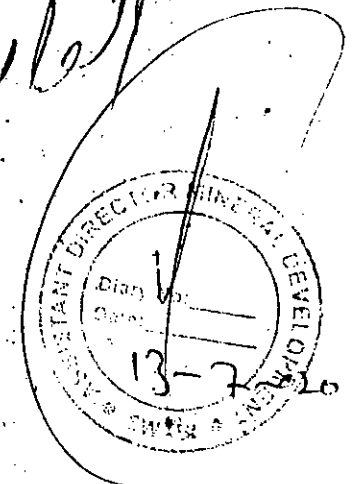
آیت الله العظمیٰ!

گزارش آن جناب در خصوص مساجد
و طلبه و جمع منزهان در کفرستان و بلاد
عراق و بلاد مشرق زمین و بلاد آفریقا و بلاد
که نظام دین در آن زمین و بلاد مشرق و بلاد
ادین و مودعات نیز در علم اسلامی و بلاد آن را
در آن بلاد و بلاد و بلاد و بلاد و بلاد
کرد و کرد و کرد و کرد و کرد و کرد و کرد
مشاور و مشاور و مشاور و مشاور و مشاور و مشاور
ایضا که وقت و وقت و وقت و وقت و وقت و وقت
کند و کند و کند و کند و کند و کند و کند
Recieved و بلاد و بلاد و بلاد و بلاد و بلاد
سوره و سوره و سوره و سوره و سوره و سوره

10107020
Hussain
Daud
Saeed

مسن الم و سن الم
سنگر مسکن و سن الم
ملاک الم و سن الم
کامف سن الم

الم و سن



جناب اسسٹنٹ ڈائریکٹر مائننگ وکھ مہرنات (لواہ)

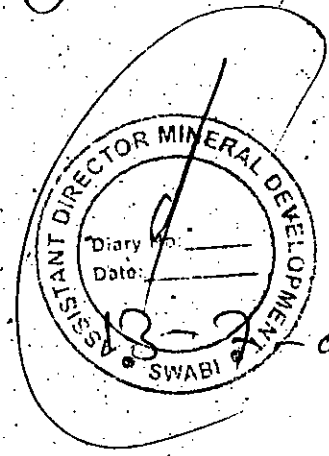
جناب عالی!

گزارش ہے کہ آریہ زمین کے کانسٹریکشن
 کے لیے مینل گارڈز کی طرف سے ایک غیر آریہ زمین
 رقبہ گنگا کے میں موجود ہے۔ اس آریہ زمین کے
 مینل گارڈز کے ساتھ ساتھ ایک غیر آریہ زمین
 پوربہا ہے۔ اس کے لیے زمین کے کانسٹریکشن
 کے لیے کوئی کر رہے ہیں۔ اس کے لیے زمین کے
 کانسٹریکشن کے خلاف کر رہے ہیں۔ اس کے لیے
 زمین کے کانسٹریکشن کے لیے زمین کے
 زمین کے کانسٹریکشن کے لیے زمین کے

صفحہ: 10-67-20

الکھارہن

اسسٹنٹ مینل گارڈ
 سٹیٹ مینل گارڈ
 سٹیٹ مینل گارڈ
 سٹیٹ مینل گارڈ



10-67-20

(27)

GOVERNMENT OF KHYBER PAKHTUNKHWA
DEPARTMENT OF MINES & MINERALS DEVELOPMENT

04-07-2020 15 AM

04-07-2020

مقام ایجنسی زمین و معدنیات (آئی ایم ڈی) (آئی ایم ڈی)
پتو: 561/1-1
مقام ایجنسی زمین و معدنیات



بازرسی

U.S.H.O.

گنہگاروں کے خلاف ایجنسی زمین و معدنیات کے مطابق
پولیس نے ایجنسی زمین و معدنیات کے مطابق
ایجنسی زمین و معدنیات کے مطابق
ایجنسی زمین و معدنیات کے مطابق
ایجنسی زمین و معدنیات کے مطابق
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ایجنسی زمین و معدنیات کے مطابق
ایجنسی زمین و معدنیات کے مطابق

16101-9340765-3
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شاہد حسین منیر مارو

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شاہد حسین احمد منیر مارو

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BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Comments

In

Service Appeal **NO. 3526/2021**

Hussain Ahmad, Mineral Guard..... **Appellant**

VERSUS

1. The Director General Mines & Minerals, Khyber Pakhtunkhwa Peshawar
2. The Secretary Mines and Minerals Dev: Department, Khyber Pakhtunkhwa, Peshawar.
3. The Assistant Director Mines and Mineral, District Mardan.
4. The Assistant Director, Mines and Mineral, District Swabi..... **Respondents**

Comments on behalf of Respondents No. 1 & 2

Respectfully Sheweth:-

Comments on behalf of Respondents No. 1 & 2. Are submitted as under: -

Preliminary Objections: -

1. That the appellant has not come to this Honorable Tribunal with clean hands nor the appeal is based upon legal footing. Hence, the appeal is liable to be dismissed.
2. That appellants have got no cause of action or locus standi to file the instant appeal.
3. That the appellants are not entitled to any relief and this appeal is filed just to waste the precious time of this Honorable Tribunal.
4. This Honorable Tribunal has got no jurisdiction to entertain this appeal.
5. ~~That the Appellate Authority i.e Secretary Minerals Development Department has already rejected these appeals:-~~

S. That the appellant concealed the facts from this Honorable Tribunal

Facts: -

1. That appellant was recruited as Mineral Guard (BPS-01) on 28/10/2014 in this Department.
2. No Comments *As per town to record.*
3. Mr. Hussain Ahmad Mineral Guard was directed ^{via} this office order No. 844/MDW/MR/Establishment file dated: 07/07/2020 to perform his duty round the clock at Jaganath, Adnan Talao, Sher Dara, Mir Ali, Ismaila, Adina, Kalo Khan District Swabi, with already deputed mineral guards to curb illegal mining (**copy of office order enclosed as annex-A**). It is correct that Respondent No. 1 (Director General Mines & Mineral) & Respondent No. 2 (Secretary Minerals Development Department) surprise visited to Jaganath District Swabi on 10/07/2020 and ~~the~~ *appellant* ~~they~~ ^{was} ~~were~~ found absent from his duty.
4. Correct to the extent that ^{at the time of} visiting of the respondent, No. 1 & 2, illegal mining was continued in Jaganath, District Swabi. The rest of para is subject to proof.
5. Correct to the extent that on 10/07/2020, the day on which the respondent No. 01 & 02 visited Jaganath, Adnan Talao, District Swabi, the appellant/~~appellants~~ lodged ~~the~~

Cont'd on.....p/2

Marasallas in Police Station Yar Hussain, District Swabi (**Copies of Murasallas are enclosed as Annex-B & C**).

6. ^{incorrect} Needs No comments: ~~Explain~~
7. As stated in para 05 above.
8. Murasalla against Shakil and Asif (offenders) were registered by Kashif Mineral Guard while Mr. Hussain Ahmad, Mr. Shahid Hussain and Hilal Ahmad are witness. The other Murasallas was registered by Hussain Ahmad and Shahid Hussain, Hilal Ahmad other Kashif were witnessed.
9. Correct to the extent that the day of occurrence was Friday 10/07/2020.
10. Correct to the extent that Show Cause Notices were issued to Mineral Guards namely Mr. Shahid Hussain, Hussain Ahmad, Hilal Ahmad and Kashif on 13/07/2020 on account of failure to control illegal mining/transportation, absent from the site despite the fact that considerable time was spent on the site by high ups i.e the then Secretary Mineral Development and Director General Mines & Mineral and non performing of duties which is misconduct an inefficiency on the part of all these four Mineral Guards, they submitted their reply on 20/07/2020.
11. ~~All the four~~ ^{the} appellants ^{was} ~~were~~ ^{are} given opportunity for personal hearing on 27/07/2020 however, ^{he} ~~they~~ could not have satisfied the Competent Authority.
12. Correct to the extent that the Competent Authority in exercise of power under 4(1) (b) (iii) of Khyber Pakhtunkhwa Civil Servant Efficiency & Discipline Rules-2011 imposed major penalty of "Removal from Service" Mineral Guards on 27/07/2020.
13. Correct to the extent that all Mineral Guards preferred appeals before the Appellate Authority i.e Secretary Minerals Development Department which were rejected on 08/02/2021.
14. No comments.

Grounds:-

- A. Incorrect, the Appellant/Applicants ^{was} ~~were~~ found absent from the area Jaganath District Swabi. However, ~~two~~ Murasallas have been registered by the appellants in Police Station Yar Hussain. ^{and pertained to record}
- B. Subject to proof, ^{at the day and time of visit of} however the Appellant/Applicants were ~~found guilty~~ by respondent No. 1 & 2. The appellant/appellants ^{was} ~~were~~ found absent from the site however, they lodged Murasallas against the offenders in concerned Police Station.
- C. Incorrect, hence denied.
- D. The distance between Jaganath and Police Station Yar Hussain is about 5 Kilometers but motor bike was used and therefore there is no excuse in respect of distance, however it is correct that the occurrence day was Friday.
- E. Incorrect, the order dated: 27/07/2020 and 08/02/2020 is in accordance with law and facts.
- F. The Appellants/Applicants were found absent at site visited by Respondent No. 01 and 02. Therefore, the order removal from service was issued in accordance with law.
- G. Correct to the extent that two Murasallas were registered in Police Station Yar Hussain by appellants. However, the removal order was issued due to absence from the site.
- H. No comments. ~~is~~ ^{subject to proof}

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- I. The respondents passed the removal from service order in accordance with law and rules.
 - J. Incorrect, hence denied the removal from service is based on facts.
 - K. No comments.

In view of the above it is therefore humbly prayed that on acceptance of the instant parawise comments, the appeal of appellants may kindly be dismissed with cost, throughout, please.

Director General Mines & Mineral
Khyber Pakhtunkhwa, Peshawar,
(Respondent No. 1)

Secretary
Minerals Development Department,
Khyber Pakhtunkhwa, Peshawar,
(Respondent No. 2)

Assistant Director
Mineral Development, Mardan
(Respondent No. 3)

Assistant Director
Mineral Development, Swabi
(Respondent No. 4)

Submitted for vetting please. along with connected S.A. Nos. 3527/021 - 3528/021 - 3529/021 having the same nature.
30.11.21

Veted along with others three appeals's replies (Appeals No: 3527-3528-3529) having the same matters involved and have the same nature, and having the same legal and factual matters. The replies are veted subject to necessary correction and annexed all relevant documents/Record.

Assistant Secretary General
Khyber Pakhtunkhwa
Services Tribunal Peshawar
01/12/021