

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR CAMP COURT ABBOTTABAD.**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**  
**FAREEHA PAUL ... MEMBER (Executive)**

*Service Appeal No.4277/2021*

**Riasat Khan S/o Abdul Qayyum Khan Lecturer in Computer Science  
Govt: Post Graduate College No.1, Abbottabad.**

.....(*Appellant*)

Versus

1. **Govt: of Khyber Pakhtunkhwa** through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. **Secretary** Higher Education Khyber Pakhtunkhwa Peshawar.
3. **Director** Higher Education Peshawar.
4. **Principal** Govt: Post Graduate College No.1, Abbottabad.

.....(*Respondents*)

Present:

Mr. Muhammad Arshad Khan Tanoli,  
Advocate.....For appellant.

Muhammad Jan,  
District Attorney.....For respondents.

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Date of Institution.....30.03.2021

Dates of Hearing.....22.09.2022

Date of Decision.....22.09.2022

**APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL ACT, 1974 FOR DECLARATION TO  
THE EFFECT THAT THE APPELLANT HAS BEEN REMOVED  
FROM SERVICE VIDE REMOVAL FROM SERVICE ORDER  
NO.SO(COLLEGES)/09-2010/XI-8/2006 DATED 26.07.2010  
WHICH IS PERVERSE, DISCRIMINATORY AND THE SAME  
IS LIABLE TO BE SET-ASIDE.**

**JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN.:** Brief facts of the case are that  
the appellant was appointed as Lecturer in Computer Science in Govt. Post  
Graduate College No.1 Abbottabad vide appointment order dated

01.08.2022; that the appellant applied for Ex-Pakistan leave for two years. His application for ex-Pakistan leave was duly processed by the respondents but the said leave was not duly sanctioned in this regard; that the appellant, without getting Ex-Pakistan leave sanctioned, went abroad and during his absence period he was removed from service vide impugned order dated 26.07.2010; that the appellant, on reaching, back to Pakistan applied to respondents No.2 and 3 for joining his service through representation dated 18.11.2020; that the respondent department provided copy of impugned order dated 26.07.2010 on 25.11.2020, against which the appellant filed departmental appeal on 18.12.2020 which was not responded within ninety days, then he filed this service appeal in this Tribunal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned, who, on putting appearance, contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.

3. We have heard learned counsel for the appellant and learned District Attorney for the respondents.

4. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order.

5. In this case the appellant while in service intended to go abroad and for the purpose he applied for two years Ex-Pakistan leave but the leave was not sanctioned. It is in the memo and grounds of appeal stated by the

appellant himself that without getting Ex-Pakistan leave sanctioned, he went abroad and during the period of his absence he was removed from service on 26.07.2010. It is also stated by him that on his return to Pakistan he filed applications to join service on 18.10.2020. In the application for reinstatement he could not justify his proceeding abroad without sanctioned leave and/or permission from the competent authority. Being a civil servant there are certain liabilities, duties and maintenance of service discipline upon the appellant but without caring for that and without the pleasure of the competent authority or for that matter the permission or leave, the appellant has admittedly gone abroad and after ten (10) long years submitted application for reinstatement which is not at all justified nor any justification has been given by the appellant or even any explanation much-less convincing to grant him the desired relief.

6. Therefore, we see no merit in this appeal. This appeal is thus dismissed. Costs shall follow the event. Consign.

7. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 22<sup>nd</sup> day of September, 2022.*



**KALIM ARSHAD KHAN**  
Chairman  
Camp court Abbottabad



**FAREEHA PAUL**  
Member (Executive)  
Camp court Abbottabad

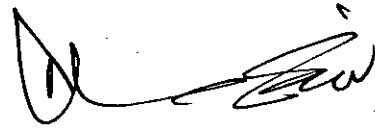
**ORDER**

22 Sept, 2022

1. Learned counsel for the appellant present. Mr. Muhammad Jan, Deputy District Attorney for respondents present.

2. Vide our detailed judgement of today placed on file (containing 03 pages), we see no merit in this appeal. This appeal is thus dismissed. Costs shall follow the event. Consign.

3. *Pronounced in open court in Abbottabad and given under our hands and seal of the Tribunal on this 22<sup>nd</sup> day of Sept, 2022.*



**(Kalim Arshad Khan)**  
**Chairman**  
**Camp Court Abbottabad**



**(Fareeha Paul)**  
**Member(Executive)**  
**Camp Court Abbottabad**

D.F.A

*Service Appeal No 4277/2021 titled "Riasat Khan-vs-Govt: of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Peshawar and others", decided on 22.09.2022 by Division Bench comprising Kalim Arshad Khan, Chairman, and Fareeha Paul, Member, Executive, Khyber Pakhtunkhwa Service Tribunal, Camp Court Abbottabad.*

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR CAMP COURT ABBOTTABAD.**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**  
**FAREEHA PAUL ... MEMBER (Executive)**

*Service Appeal No.4277/2021*

**Riasat Khan S/o Abdul Qayyum Khan Lecturer in Computer Science**  
Govt: Post Graduate College No.1, Abbottabad.

.....(*Appellant*)

Versus

1. **Govt: of Khyber Pakhtunkhwa** through Chief Secretary Khyber Pakhtunkhwa Peshawar.
2. **Secretary** Higher Education Khyber Pakhtunkhwa Peshawar.
3. **Director** Higher Education Peshawar.
4. **Principal** Govt: Post Graduate College No.1, Abbottabad.

.....(*Respondents*)

Present:

Mr. Muhammad Arshad Khan Tanoli,  
Advocate.....For appellant.

Muhammad Jan,  
District Attorney.....For respondents.

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Date of Institution.....30.03.2021  
Dates of Hearing.....22.09.2022  
Date of Decision.....22.09.2022

**APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR DECLARATION TO THE EFFECT THAT THE APPELLANT HAS BEEN REMOVED FROM SERVICE VIDE REMOVAL FROM SERVICE ORDER NO.SO(COLLEGES)/09-2010/XI-8/2006 DATED 26.07.2010 WHICH IS PERVERSE, DISCRIMINATORY AND THE SAME IS LIABLE TO BE SET-ASIDE.**

**JUDGMENT**

**KALIM ARSHAD KHAN CHAIRMAN.**: The brief facts of the case are that the appellant was appointed as Lecturer in Computer Science in Govt. Post Graduate College No.1 Abbottabad vide appointment order dated

LIST OF SB CASES FIXED BEFORE MR. KALIM ARSHAD KHAN CHAIRMAN KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD.

22/09/2022. (THURSDAY)

PRELIMINARY HEARING .

S.NO	APPEAL	APPELLANT NAME	DEPTT	NEXT DATE
1.	1069/22	M RASHEED	ESTB	
2.	618/22	SHER BAHADAR (1)	EDU	
3.	897/22	M WASEEM	IRRI	
4.	888/22	ZAHOOR KHAN	EDU	
5.	3185/20	M SHABBIR	SMBR	
6.	8815/20	SONIA BIBI	EDU	
7.	5680/20	SAIMA NOREEN	EDU	
8.	7823/21	KAUSAR JEHAN	EDU	
9.	1336/22	ZAHID ULLAH	PHE	
10.	1340/22	M WAQAS	EDU	1

EXECUTION PETITION.

S.NO	E/P/NO	APPELLANT NAME	DEPTT	NEXT DATE
1	518/22	ABDULLAH JAVED	EDU	
2	96/20	WAJID KHAN	EDU	
3	348/21	M SALEEM	POLICE	
4	388/22	M REHMAN	SMBR	
5				

REPLY.

S.NO	APPEAL	APPELLANT NAME	DEPTT	NEXT DATE
1.	1416/21	FAISAL HAFEEZ	POLICE	
2.	16441/20	KHATIB UN NISA	EDU	
3.	4516/21	SHUMAILA RAFIQ	EDU	
4.	114/22	ATTA ULLAH	EDU	
5.	1348/19	Haidar Ali Shah	EDU	
6.	622/22	GHULAM MUSTAFA	FOREST	
7				

READER

LIST OF SB CASES FIXED BEFORE MR. KALIM ARSHAD KHAN CHAIRMAN KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR AT CAMP COURT ABBOTTABAD

19/09/2022. (MONDAY)

PRELIMINARY HEARING .

S.NO	APPEAL	APPELLANT NAME	DEPTT	NEXT DATE
1.	12445/21	AKMAL HUSSAIN	EDU	
2.	5902/21	M FAROOQ (7)	INDU	
3.	927/22	SHAHFIQUE	PHE	
4.	929/22	ISHTIAQ AHAMAD	POLICE	
5.	1194/22	M JAVED &01	POLICE	
6.	1338/22	MUZFFAR IQBAL (1)	FISHERY	
7.	1117/22	SANAM NAZ	POILCE	
8.	1118/22	SAIRA BANO	EDU	
9.	1136/22	FAISAL SHAHAZAD	COMM	
10.	1182/22	WAQSEEMA JABEEN	EDU	
11.				

EXECUTION PETITION.

S.NO	E/P/NO	APPELLANT NAME	DEPTT	NEXT DATE
1.	106/20	M SAJID	POPU	
2.	116/20	FARHAD SAJID	FOREST	
3.	344/22	BILAL RAZA	JUDICIARY	
4.	547/22	ABDUL JAMIL	EDU	
5.	546/22	SHAKEEL AKHTAR	EDU	
6.	522/22	M NOOR	EDU	
7.				

REPLY.


S.NO	APPEAL	APPELLANT NAME	DEPTT	NEXT DATE
1.	941/22	SAQIB ALI	POLICE	
2.	992/22	GUL AFAZAL	POLICE	
3.	2559/21	RAJA RABNAWAZ	EDU	
4.	7864/21	MSHRAF JAMAL	FOOD	
5.	7906/21	HABIB UR REHMAN	JUDICIARY	
6.	7907/21	IMTIAZ HUSSAIN	JUDICIARY	
7.	11148/21	SADAQAT KHAN	EDU	
8.	9269/20	FARHAT JABEEN	EDU	
9.	11882/20	MOHAMMAD ZAFFAR	EDU	
10.				


READER

21<sup>th</sup> July 2022

Counsel for the appellant present. Kabiruallah Khtak, Addl: AG and Mr. Noor Zaman Khattak, District Attorney alongwith Prof: Muhammad Shakeel, Litigation Officer for respondents present.

Written reply/comments alongwith cost of Rs. 5000/- has been submitted by the respondents. A copy of written reply/comments is handed over to the learned counsel for the appellant. Adjourned. To come up for arguments on 22.09.2022 before D.B at camp court Abbottabad.

  
(Salah Ud Din)  
Member (Judicial)

  
(Kalim Arshad Khan)  
Chairman  
Camp Court Abbottabad



16.05.2022

None present for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney along with Prof. Muhammad Shakeel, Litigation Officer for the respondents present.

Written reply/comments on behalf of respondents not submitted. Representative of the respondents sought time to submit the same on the next date. Last opportunity is granted. To come for written reply/comments before S.B at camp court Abbottabad on 18.07.2022.



Fareeha Paul  
Member (E)  
Camp Court, Abbottabad

18.07.2022

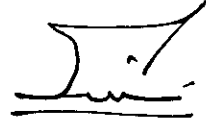
Appellant alongwith his counsel present. Professor Muhammad Shakeel, Litigation Officer alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present and again sought time for submission of reply/comments. Last opportunity granted subject to payment of cost of Rs. 5000/-, failing which their right for submission of reply/comments shall be deemed as struck off. Adjourned. To come up for submission of reply/comments as well as arguments on 21.07.2022 before the D.B at Camp Court Abbottabad.



(Salah-Ud-Din)  
Member (J)  
Camp Court Abbottabad

11.10.2021

Clerk of learned counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is unable to appear before the Tribunal today due to strike of lawyers. Adjourned. To come up for preliminary hearing before the S.B on 28.12.2021 at Camp Court Abbottabad.



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT ABBOTTABAD

28.12.2021

Appellant present in person. Preliminary arguments have been heard.

The appellant has invoked the jurisdiction of this Tribunal against his removal from service vide order dated 26.07.2010, which has been annexed with the memorandum of appeal. Copy of the said order on its face does not disclose as to nature of the disciplinary proceedings required to be taken before issuing of the impugned order of removal from service. Let the respondents come up and submitted their written reply. Subject to all just and legal objections including limitation, this appeal 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 on 14.03.2022 before S.B at camp court, Abbottabad.

Appellant Deposited  
Security & Process Fee

04/01/22



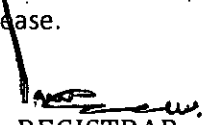


Chairman  
Camp Court, A/Abad

Form- A

## FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 4277/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/03/2021	<p>The appeal of Mr. Riasat Khan presented today by Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	<p>3-6-21</p>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>16-7-21</u>. Notices be issued to appellant/counsel for the date fixed.</p> <p> CHAIRMAN</p>
	16.07.2021	<p>This case belongs to the Hazara Division and such cases were previously heard at camp Court, Abbottabad. May be notices issued to appellant/counsel have not been received by them, therefore, they are not in attendance.</p> <p>Fresh notices be issued to appellant/counsel for preliminary hearing on 11.10.2021 at camp court, Abbottabad.</p> <p> Chairman</p>

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL KPK.**  
**PESHAWAR.**

Riasat Khan

...APPELLANT

**V E R S U S**

Govt. of KPK through Chief Secretary KP Peshawar and others

...RESPONDENTS

**SERVICE APPEAL**

**INDEX**

S.No.	Description of Document	Annexure	Page No.
1.	Service Appeal alongwith Verification, affidavit	--	1-8
2.	Copy of the appointment order of the appellant	"A"	9-11
3.	copy of letter No.2453 dated 15.08.2007, 15961 dated 31.08.2007, endorsement No.17882 dated 27.09.2007, endorsement No.2921 dated 21.02.2008, No.3071 dated 05.03.2008 No.6111 dated 02.04.2008	"B"	12-17
4.	Copy of application dated 18.10.2020	"C"	18-20
5.	Copy of departmental appeal	"D"	21
6.	Wakalat Nama	--	

  
...APPELLANT

**Through:**

Dated: 26/3 /2021

  
(MUHAMMAD ARSHAD KHAN TANOLI)  
Advocate High Court, Abbottabad

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL KP**

4277/21 **PESHAWAR.**

Riasat Khan S/o Abdul Qayyum Khan Lecturer in Computer Science  
Govt. Post Graduate College No.1, Abbottabad.

...APPELLANT

**VERSUS**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 4288

Dated 30/3/2021

1. Govt. of KPK through Chief Secretary KP Peshawar.
2. Secretary High Education KP Peshawar.
3. Director Higher Education Peshawar.
4. Principal Govt. Post Graduate College No.1, Abbottabad.

...RESPONDENTS

**SERVICE APPEAL**

Filed to-day

Registrar

30/03/2021

SERVICE APPEAL U/S 4 OF KP SERVICE  
TRIBUNAL ACT 1974 FOR DECLARATION TO  
THE EFFECT THAT THE APPELLANT HAS BEEN  
REMOVED FROM SERVICE VIDE REMOVAL  
FROM SERVICE ORDER NO.SO(COLLEGES)/09-  
2010/XI-8/2006 DATED 26.07.2010 WHICH IS  
PERVERSE, DISCRIMINATORY AND THE SAME  
IS LIABLE TO BE SET-ASIDE.

**PRAYER:-**

ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, IMPUGNED REMOVAL FROM SERVICE ORDER NO.SO(COLLEGES)/09-2010/XI-8/2006 DATED 26.07.2010 MAY GRACIOUSLY BE ORDERED TO BE SET-ASIDE AND RESPONDENT DEPARTMENT MAY BE DIRECTED TO REINSTATE THE APPELLANT IN SERVICE W.E.F THE DATE OF HIS REMOVAL I.E 26-07-2010 WITH ALL SERVICE BACK BENEFITS. ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEM APPROPRIATE IN THE CIRCUMSTANCE OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

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***Respectfully Sheweth,***

***The facts forming the background of the instant service appeal are arrayed as under:***

1. That, the appellant got appointment as Lecturer in Computer Science in Govt. Post Graduate College No.1 Abbottabad vide appointment order No.SO(COLLEGES)2-5/2020 dated

01.08.2002. (Copy of the appointment order of the appellant is attached as Annexure "A")

2. That, thereafter, the appellant serve the department with zeal and zest and left no stone unturned in the smooth functioning to the entire satisfaction of his superior authorities. Besides, the appellant earned outstanding ACRs during the period of his service as lecturer.
  
3. That, the appellant applied for Ex-Pakistan leave for two years and his application for ex-Pakistani leave was dully processed by the respondents but the said leave was not dully sanctioned in this regard, copy of letter No.2453 dated 15.08.2007, 15961 dated 31.08.2007, endorsement No.17882 dated 27.09.2007, endorsement No.2921 dated 21.02.2008, No.3071 dated 05.03.2008 No.6111 dated 02.04.2008 are attached as Annexure "B")
  
4. That, the appellant without getting Ex-Pakistan leave sanctioned, went abroad and during his absence period he has been removed from

service vide order No.SO(Colleges)/09-2010/XI-8/2006 dated 26.07.2010.

5. That, the appellant after reaching Pakistan, applied to the respondents No.2 & 3 for joining his service through representation dated 18<sup>th</sup> November 2020. **(Copy of application dated 18.10.2020 is attached as Annexure "C")**
  
6. That, following this, respondent department provided copy of impugned removal from service order No.SO(Colleges)/09-2010/XI-8/2006 dated 26.07.2010 on 25.11.2020. As a result, the appellant filed departmental appeal on 18.12.2020 against the impugned removal from service order dated 26.07.2010. **(Copy of departmental appeal is annexed as Annexure "D")**
  
7. That, respondent department did not bother to decide departmental appeal so far. Hence, the instant service appeal is filed inter-alia on the following grounds:



**GROUND:-**

- a) That, impugned removal from service order dated 26.07.2010 is illegal, perverse, discriminatory, arbitrary and one sided. The same is liable to be set-aside.
  
- b) That respondent department did not follow the prescribed procedure which is sine qua non for removal from service. The respondent department was supposed to conduct proper inquiry prior to the issuance of impugned removal from service order.
  
- c) That the appellant has not been provided statement of allegations, show cause notice and opportunity of personal hearing. Resultantly ex-parte proceedings in the absence of the appellant were carried out and lastly the appellant has been removed from service vide removal from service order dated 26.07.2010.

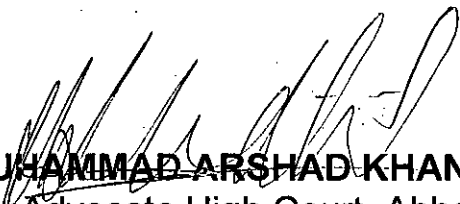
- d) That it has now been settled by the superior Courts and so many judgments that no employee can be removed from service until or unless opportunity of personal hearing as well as defending his case is provided. The removal from service order dated 26.07.2010 is a result of audi altrum partum and not maintainable at law.
- e) That when law prescribe a thing which is to be done in a particular manner that must be done in that manner and not otherwise. Valuable rights of service of the appellant are involved therefore respondent department was supposed to follow the codal formalities for proceeding against the appellant. Therefore on this score, impugned removal from service dated 26.07.2010 is liable to be cancelled.
- f) That the matter relates to the terms and conditions of service, therefore, this Hon'ble tribunal has jurisdiction to entertain of the appellant under Article 212 of the Constitution of Islamic Republic of Pakistan 1973.

**PRAYER:**

It is prayed that on acceptance of the instant service appeal, impugned removal from service order No.SO(COLLEGES)/09-2010/XI-8/2006 dated 26.07.2010 may graciously be ordered to be set-aside and respondent department may be directed to reinstate the appellant in service w.e.f the date of his removal i.e 26-07-2010 with all service back benefits. Any other relief which this Honourable tribunal deem appropriate in the circumstance of the case may also be granted to the appellant.

  
...APPELLANT

**Through:**

  
(MUHAMMAD ARSHAD KHAN TANOLI)  
Advocate High Court, Abbottabad

Dated:- 26/3 /2021

**VERIFICATION:-**

*Verified that the contents of the instant **Service Appeal** are true and correct to the best of our knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.*

Dated:- 26/3 /2021

  
...APPELLANT

**BEFORE THE CHAIRMAN SERVICE TRIBUNAL KP**  
**PESHAWAR.**

Riasat Khan

...APPELLANT

**V E R S U S**

Govt. of KPK through Chief Secretary KP Peshawar and others

...RESPONDENTS

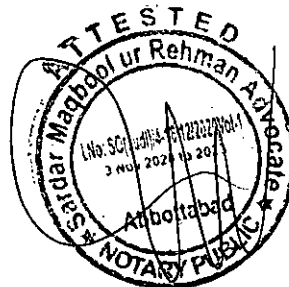
**SERVICE APPEAL**

**AFFIDAVIT**

I, Riasat Khan S/o Abdul Qayyum Khan Lecturer in Computer Science Govt. Post Graduate College No.1, Abbottabad, Appellant, do hereby solemnly affirm and declare on Oath that the contents of instant **Service Appeal** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.

Dated: - 26/9 /2021

  
APPELLANT



29/12

Ph no 0936-865241 Annex-A.

GOVERNMENT OF NWFP  
HIGHER EDUCATION DEPARTMENT

Dated Peshawar 1/8/2002.

P-9

NOTIFICATION.

NO.SO(COLLEGES)2-5/2002. Consequent upon the recommendation of NWFP Public Service Commission, the Competent Authority is pleased to appoint the following candidates as lecturers, (Male) (B-17) on contract and post-specific basis in various subjects in relaxation of ban, in Government Colleges, mentioned against each, read with the adjustment at S.No.31, from the date of taking over charge:-

S.No.	Name	Place of Posting.
1	Hafiz Sayed Zarwali Shah, S/O Sayed Waheed Gul, Vill: & P.O. Torilher, Moh: Miangan, Tehsil Lahor District Swabi.	Lecturer in Zoology GC, Kotba Swabi.
2	Qadeem Khan S/O Bakht Zamin Gul, Vill: & P.O. Box. Ghani Dheri, Tehsil Dargai Malakand Agency.	Lecturer in Zoology GC, Thana Mkd. Agency.
3	Humayun Khan, S/O Falak Naz Khan, Vill: Gundaly P.O. Bazar Ahmad Khan Tehsil & District Bannu.	Lecturer in Zoology GC, Ahmad Abad Karak.
4	Ubaid Ullah S/O Muhammad Umar, Vill: Ahmad Shah, Shaikhan P.O. Shahjehan Shahi Tehsil & District Bannu.	Lecturer in Zoology GC, Sabir Abad Karak.
5	Ali Bahadar S/O Nawab Gul, District & Tehsil Mardan, P.O. Gaudar, Village Jamra.	Lecturer in Zoology GSSC, Peshawar.
6	Hizbur Rehman, S/O Wali Ullah, Vill: Piai Daggar District Bunir.	Lecturer in Zoology GC, Puran Swat.
7	Wiqar Ahmad S/O Muhammad Iqbal, Feroz Abad, Dalazak Road Peshawar City.	Lecturer in Zoology GC, Agra Swat.
8	Sultan-ud-Din S/O Fath-ur-Rahim, Vill: & P.O. Warsak Chadara, District Dir(Lower).	Lecturer in Zoology. GC, Chitral
9	Rahmatullah Khan, S/O Rehanat Khan, R/O Ghari Sher Ahmad Kotka Rahmat Khan P.O. GPO Tehsil & District Bannu.	Lecturer in Zoology. GC, Battagram
10	Jabbar Khan, S/O Sher Wali Khan, Vill: Mauladad, P.O. Manash Khel District & Tehsil Bannu.	Lecturer in Zoology, GPGC Kohat.
11	Akbar Ali, S/O Izat Khan, ZAM, Public School Tank Political Agent Compound Tank.	Lecturer in Zoology, GC, Laddha. S.W. Agency.
12	Tahir Sarfaraz S/O Sarfaraz Khan, Tahir Sarfara P.O. Box.No.83 GPO Abbottabad.	Lecturer in Zoology, GC-Havelian Abbottabad.
13	Mohammad Yasar Arafat S/O Abdul Wahid, C/O Samawal Hattisg Tehsil & P.O. Charbagh District Swat.	Lecturer in Computer Science, GC, Mahta Swat.
14	Shehat Ullah, S/O Muhammad, Vill: Chamartali, P.O. & Tehsil Samar Bagh Dir (Lower).	Lecturer in Computer Science, GC, Babuzai Mardan.
15	Said Ahmad S/O Abdul Hakim District Mardan Tehsil Takht Bhai, P.O. Lundkhar Vill: Gurthy Shah.	Lecturer in Computer Science, GC, Keshi Sher Mardan Khyber Agency.

Attested  
Muhammad Arshad  
Advocate High C.  
Office No 33 Adj.  
Dist. Dir Abbottabad

(21) July  
24+24+24=72  
5=3

01/11/21  
BCD 55 & 71  
Printed by  
↓  
AS = 2

*Affected*  
Muhammad Arshad Khan  
Advocate High Court  
Office No 33 Adjacent to  
Distt. for Abbottabad

16	Irfanul Haq S/O Muhammad Masoom, C/O Takrim-ul-Haq Book Seller Bazar Mina Ehel, P.O. & District Lakki Marwat.	Lecturer in Computer Science, GC, Fajori Lakki Marwat.
17	Raza Bakhsh, S/O Haji Abdul Rashid Awan (Late) Street No.7 Near Baitul Sultan Hussain Abad Colony Peshawar.	Lecturer in Computer Science, GC, Mathra Peshawar.
✓ 18	Niamat Ullah S/O Muhammad Dawran, Vill: Sapal Bandi P.O. Saidur Sharif Swat.	Lecturer in Computer Science, GPGC, Abbottabad.
19	Jehangir Khan S/O Al Nas Khan, Vill: & P.O. Taru Jabba District & Tehsil Nowshera.	Lecturer in Computer Science, GC, K.D.A., Kohat.
20	Mohammad Ayaz S/O Said Majeed, Vill: Amankot P.O. Box, Pabbi, Tehsil & District Nowshera.	Lecturer in Computer Science, GC, Pabbi.
✓ 21	Riasat Khan S/O Abdul Qayyum Khan, C/O Mohammad Jan (Shopkeeper) Vill: Choonakan, P.O. Nawan Shehr District & Tehsil Abbottabad.	Lecturer in Computer Science, GPGC, Abbottabad.
22	Jawad Ashraf, S/O Mohammad Ashraf, Paracha Town Rawalpindi Road Kohat.	Lecturer in Computer Science, GPGC, Kohat.
23	Shamsul Qayyum, S/O Abdul Qadir, Vill & P.O. Wanda Lohani, (Kuthi Ehel) Tehsil Paharpur District D.I.Khan.	Lecturer in Computer Science, GC, Paniala D.I.Khan.
24	Mohammad Daud S/O Mohammad Miskeen, H.N. 381-A/5 TIP Housing Colony Haripur Hazara.	Lecturer in Computer Science, GPGC, Manshara.
25	Rehman Wali S/O Norr-ur-Rehman, Vill: Biland Qilla P.O. Sabir Abad Tehsil Karak.	Lecturer in Electronics, GPGC, Haripur.
26	Abdul Waliab S/O Abdul Sattar, Vill: Jamra P.O. SNC Takht Bhai Mardan.	Lecturer in Geography, GC, Peshawar.
27	Mohammad Bashir S/O Khandan Khan, Vill: Khatki Sharif (Michni) via Warsak Colony Tehsil & District Peshawar.	Lecturer in Geography, GC, Khanpur.
28	Mohammad Sayyar S/O Razdar Ali, Vill: Tanu Dheri P.O. Box, Bazar Tehsil Lahor District Swabi.	Lecturer in Geography, GC, Balakot.
29	Mohammad Saleh S/O Mohammad Zakir Khan, C/O Abdul Wadud Manager Allied Bank Chitral.	Lecturer in Geography, GC, Chitral.
30	Ayaz Ahmad S/O Mumtaz Mohammad, R/O Bajaur Colony near Malakand Bypass Road Mardan, C/O Hazra Ali Shopkeeper.	Lecturer in English, GC, Mardan.

ADJUSTMENT

31	Mr. Attaullah Shah, lecturer in Zoology, Govt. College Sabir Abad, Karak.	Govt. College Sarai Nadrang	Against vacant post
----	---	-----------------------------	---------------------

The appointment of the above lecturers will be subject to the following terms and conditions:-

P-11

TERMS & CONDITIONS.

- i- They will sign the agreement form before joining service.
- ii- They will neither contribute any amount towards G.P. Fund nor they shall be entitled to any benefit from the GP Fund Scheme.
- iii- They will not claim annual increment. They will get fixed pay i.e. initial pay of BPS-17 including usual allowances as admissible under the rules.
- iv- They will not be considered for regularization at any stage.
- v- Their services will be liable to termination on one month's notice from either side. In case of resignation without notice their one month's pay/allowances, if any shall be forfeited to Government.
- vi- No TA/DA will be allowed to the candidates.
- vii- The candidates should join their posts within 30-days of the issue of this notification. The Director Higher Education NWFP Peshawar should furnish a certificate to the effect that the candidates have joined the post or otherwise, after one month of the issue of this notification.
- viii- They will be governed by such rules and regulations as may be issued from time to time by Government.
- ix- Their services can be terminated at any time in case their performance is found unsatisfactory, and they will be proceeded against under the Removal from Service (Special Power) Ordinance 2000 and the E & D rules 1973.
- x- They will not be transferred under any circumstances.
- xi- Charge reports should be submitted to all concerned.

Attested  
Wali

SECRETARY TO GOVT. OF NWFP  
HIGHER EDUCATION DEPARTMENT

Muhammad Arshad Khan, Jnr.  
Advocate High Court  
Office No. 33 Adjacent  
Distt. Sarabhadra

ENDST. NO. SO(COLLEGES)2-5/2002.

Dated Peshawar the 1/8/2002.

A copy of the above is forwarded to :-

- 1- Secretary to Governor NWFP, Peshawar.
- 2- Accountant General NWFP Peshawar.
- 3- P.S. to Chief Secretary NWFP Peshawar.
- 4- P.S. to Secretary Establishment & Administration Department Peshawar.
- 5- P.S. to Minister for Education NWFP Peshawar.
- 6- P.S. to Secretary Finance Department NWFP Peshawar.
- 7- Director Higher Education NWFP Peshawar, along with application forms and other relevant documents i.e. Medical fitness Certificates of the candidates.
- 8- Director of Education (FATA) NWFP Peshawar.
- 9- Director Recruitment NWFP Public Service Commission Peshawar.
- 10- All District Account/Agency Account Officers concerned, in NWFP.
- 11- All Principals Government Colleges (Male) concerned in NWFP.
- 12- P.S. to Secretary Higher Education NWFP Peshawar.
- 13- P.A. to Additional Secretary Higher Education NWFP Peshawar.
- 14- P.A. to Deputy Secretary, Higher Education NWFP, Peshawar.
- 15- Section Officer (FATA) Higher Education Department Peshawar.
- 16- Section Officer (General) Higher Education Department Peshawar.
- 17- Manager, Government Printing Press, NWFP, Peshawar.
- 18- Officers Concerned.

(Prof. MUHAMMAD ISMAIL WALI)  
SECTION OFFICER (COLLEGES)

Annex B

Annex B

GOVT: POSTGRADUATE COLLEGE NO. 1 ABBOTTABAD

P-12

No. 2553, Dated 15 / 8 / 2007

To

The Director of Higher Education,  
N.W.F.P, Peshawar

Sub:- EX-PAKISTAN LEAVE

Dear Sir,

Enclosed please find herewith an application for Ex-Pakistan leave without pay for two year w.e.f 01-09-2007 to 31-08-2009 (730 days) in respect of Mr. Riasat Khan Lecturer in Computer Science of this College for further necessary action please.

*Received*  
*Mulla*

*Mulla*  
Principal,  
Govt: Postgraduate College No. 1,  
Abbottabad

Office of the Director of Higher Education,  
N.W.F.P., Peshawar  
Adjacent to  
High Court



(30)

DIRECTORATE HIGHER EDUCATION  
NWFP PESHAWAR  
NO. 15861 /CA-II/Estt. Branch.  
Dated Peshawar, the 31/8/2007.

To

The Principal  
GPCC No.1 A/Abad.

Subject:- EX-PAKISTAN LEAVE.  
Memo.

I am directed to refer to your letter No.2446 dt;13-08-2007 on the subject cited above and to state that the case has been examined and regretted.

The lecturer concerned may be informed accordingly please.

*Shahin 31/8/07*  
FOR DIRECTOR HIGHER EDUCATION  
NWFP PESHAWAR

*Supdt. - your ref. pl.*

*[Signature]*

*[Signature]*

*file*

*attested*

*[Signature]*

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Distt Bar Abbotabad

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kely to

P-14

DIRECTORATE OF HIGHER EDUCATION  
N.W.F.P, PESHAWAR.

31

Phone # 091-9211025, 091-9210242, Fax # 091-9210242

No. \_\_\_\_\_ /CA-II/Estt: Branch  
To \_\_\_\_\_

Dated Peshawar the 27/01/2007

The Section Officer (Colleges)  
Govt; of NWFP, Higher Education  
Department, Peshawar.

SUBJECT EX-PAKISTAN LEAVE.  
Memo:

I am directed to enclose herewith leave application on prescribed form in respect of Mr. Riasat Khan lecturer in Computer Science Govt; Post Graduate College, No. 1 Abbottabad regarding Ex- Pakistan Leave without pay for two years WEF 01.09.2007 to 31.08.2009 (730 days) for further necessary action in the light of leave admissibility report recorded by the District Accounts Officer concerned on the body of the application.

The lecturer concerned has been working in this Department since 01.08.2002.

The case may be processed as per rules, please.

Attested  
Muhammad Iqbal  
Advocate High Court  
Office No. 33 Adjacent to  
Dist Bar Abbottabad

DY: DIRECTOR HIGHER EDUCATION  
NWFP, PESHAWAR.

Endst: No. 17882

Copy forwarded to the Principal Govt; Post Graduate College, No. 1 Abbottabad with reference to his letter No. 2953 dated 15.08.2007.

Seen and file  
[Signature]

[Signature]  
DY: DIRECTOR HIGHER EDUCATION  
NWFP, PESHAWAR. +

[Signature]

(34)

DIRECTORATE OF HIGHER EDUCATION  
N.W.F.P, PESHAWAR.

Phone # 091-9211025, 091-9210242, Fax # 091-9210242

No. \_\_\_\_\_ /CA-II/Estt: Branch Dated Peshawar the 21/2/2008

To  
The Section Officer (Colleges)  
Govt: of NWFP, Higher Education  
Department.

SUBJECT EX- PAKISTAN LEAVE.  
Memo:

I am directed to refer to your letter No. SO (C)IX-3/2007 dated 27.10.2007 on the subject cited above and to enclose herewith a self-explanatory application in respect of Mr. Riasat Khan lecturer in Computer Science Govt; Post Graduate College, No. 1 Abbottabad for perusal and necessary action with the remarks that the lecturer concerned got a job in King Khalid University and he wants Ex- Pakistan leave as is evident from his application. Moreover, the Establishment Department Govt; of NWFP is scrutinizing/checking these cases and after their approval persons concerned are allowed to proceed abroad for employment. In this case neither the lecturer concerned applied through proper channel nor his case has been sent to the scrutiny Committee. Instead he applied for Ex- Pakistan leave concealing the facts from the Department.

It is requested that the case may be considered as per rules, please.

DY: DIRECTOR HIGHER EDUCATION  
N.W.F.P, PESHAWAR.

Endst: No. 2921 /

Copy to the Principal Govt; Post Graduate College, No. 1 Abbottabad with reference to his Endst: No. 3012 dated 13.02:2008 with the remarks that the lecturer may not be relieved of his duties till finalization of the case.

[Signature] 21/2/08  
DY: DIRECTOR HIGHER EDUCATION  
N.W.F.P, PESHAWAR. 3/4

PIF - R.S.  
Riasat Khan

[Signature]

[Signature]  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Dist. Court Abbottabad

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OFFICE OF THE PRINCIPAL GOVT:  
POSTGRADUATE COLLEGE A.ABAD.

No 3071 / P.F Dated A, Abad  
the 5 / 3 / 2008.


To

Mr. Riasat Khan,  
Lecturer in Computer Science,  
(Local College)  
R/O G/O Muhammad Jan Shopkeeper,  
Chowmakari, P/O Nawanshehr(A.Abad).

Subject:- EX-PAKISTAN LEAVE.

Memo:-

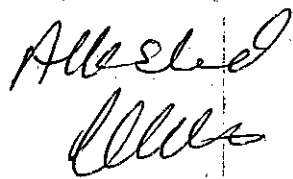
Enclosed please find herewith a copy of letter  
No.2920 dated 21/2/2008 for information and further necessary  
action please.

  
Principal,  
Govt: Postgraduate College,  
No. 1, Abbottabad.


Encl: No. 3072 /

Copy to:-

The Director of Higher Education, HETP, Peshawar  
with reference to above with the remarks that the Official  
concerned applied for Ex-Pakistan leave with effect from  
1.9.2007 to 31.8.2008 without pay. He is absent from his duty  
from the date of commencement of his leave. However his pay has  
been stoped w.e.f 1.9.2007. The report is submitted for  
information and further necessary action please.



Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Distt Bar Abbottabad

  
Principal,  
Govt: Postgraduate College,  
No. 1, Abbottabad.

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DIRECTORATE OF HIGHER EDUCATION  
GOVERNMENT OF NWFP, KHYBER ROAD PESHAWAR  
Phone No.9211021-9210217 Fax No.9210242

No. /CA-II/Estt: Branch  
To

Dated Peshawar the 2/4/2008

The Section Officer (Colleges)  
Govt. of NWFP, Higher Education  
Department Peshawar.

SUBJECT EX-PAKISTAN LEAVE  
Memo;

In continuation of this office letter No. 2920 dated 21.02.2008.  
Enclosed find herewith a copy of letter No. 3071 dated 05.03.2008 received from  
Principal Govt. Post Graduate College, No. 1 Abbottabad addressed to the  
lecturer concerned and copy thereof endorsed to this office for further necessary  
action.

Endst. No. 6111

BY: DIRECTOR HIGHER EDUCATION  
N.W.F.P, PESHAWAR.

/ Copy for information to the Principal Govt. Post Graduate  
College, No. 1 Abbottabad with reference to his letter referred above.

*PIF Released to  
lecturer in comp  
9-2-08*

*11/4/08*  
BY: DIRECTOR HIGHER EDUCATION  
N.W.F.P, PESHAWAR. *[Signature]*

*Attested  
[Signature]*

Muhammad Irshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Dist Bar Abbottabad

.. nn x - 'C',-

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To

The Secretary,  
Higher Education Department,  
Govt of Khyber Pakhtunkhwa,  
Peshawar.

Through:

The Director,  
Higher Education Department,  
Govt of Khyber Pakhtunkhwa,  
Peshawar.

Subject:

"**APPEAL/APPLICATION FOR REINSTATMENT AS LECTURER (COMPUTER SCIENCE) BPS-17(REGULAR)**"

R/Sir,

With deference, it is submitted that I was appointed as Lecturer (Computer Science) BPS-17 on merit in 2002 vide. my Appointment Order. No. SO(COLLEGES)2-5/2002 Dated.01/08/2002 and posted in the Govt Post Graduate College No. 01 Abbottabad vide. Arrival Report. Dated. 01/08/2002 & Transfer of Charge. Dated.26/08/2002. In August 2007, I forwarded an application for long leave. Accordingly, admissibility Report for my Privilege leave was obtained from the District Account Office Abbottabad for further necessary action at the end of College. The Higher Education department raised objections on my application which were removed/ cleared and replied honestly on the basis of true facts. Later on, in 2009, no other detail/correspondence was conveyed to me in any form except a Notice of absence. Due to some personal obligations and family matters, I was unable to attend the college, assuming that my leave was approved, as I had enough balance of earned leave at my credit and I followed the proper procedure to get the leave. In spite of my repeated requests, the College Administration remained uncooperative to give me access to my Personal file in order to enable me to know the exact status of leave Application. I could neither be served upon the *Show Cause Notice, Personal Hearing* etc. before issuance of so-called Order for *Removal of my Service* nor anything else relating to *termination of my Service was conveyed/delivered to me* in black & white by hand/registered post etc.

It is narrated with bona-fide intentions that I was interested in continuing my job at that time, rather than to resign from my service. Therefore, I applied for leave through proper channel Furthermore, it is pertinent to mention that one of the College Assistant Professor was granted Ex-Pakistan leave on the same grounds vide. College Notice Dated. 30-08-2005(copy of the same is annexed

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No 33 Adjacent to  
Distt Bar Abbottabad

herewith for ready reference). On the other hand, I was deprived of my due right, which is not at par with the domain of justice. I was not intimated in any form about sanction of leave or otherwise and was also not informed about the provision/eligibility for grant of Earned leave existed at my credit.

Para-wise detail of the subject case is elaborated hereunder besides the above:

- i) I served my Department of Higher Education by working in Govt. Post Graduate College. No.01 Abbottabad from 2001-02 to 2007 for more than Six valuable period of my Service Career and also I remained In-charge of Computer Science department at the same college(Copy enclosed herewith).
- ii) Leave Application was forwarded on prescribed Performa under Civil Servants Revised Leave Rules,1981 which indicate:
 

**Rule 16(1)** "Leave Ex-Pakistan may be granted on full pay to a Civil Servant who applied for any such leave or who proceeds abroad during leave or takes leave while posted abroad or is otherwise on duty abroad and makes a specific request to that effect."

**Rule 16(6)**

**Rule 17** (Assigning Reasons for leave)----"*It shall not be necessary to specify the reasons for which leave has been applied, so long as that leave is due and admissible to a Civil Servant*"

**Rule 23** (Any type of leave may be applied)

**Rule 31(1)** (Leave application, its sanction etc.)
- ii) I have an excellent Educational record which stands exemplary and outstanding with standard of A-Grade throughout my career from School to University( i.e Primary, SSC to Post graduation Degree ).Attested copies of my testimonials are enclosed herewith for information and ready reference.
- iii) In-fact, I belong to the middle Class of the Society and self-made person and earned all with the grace of Al-Mighty Allah and by dint of my hard work in the life. I have a large family to support and many responsibilities are lying on my shoulders. Therefore, it is requested that my Application/Appeal may be considered sympathetically on humanitarian basis and *I may please be reinstated in service as Lecturer BPS-17* in the Higher Education Department by bridging my service from 2007-08 to date.

*Muhammad Arshad Khan Tareq*

Muhammad Arshad Khan Tareq  
Advocate High Court  
Office No 33 Adjacent to  
District Court Abbottabad

- iv) If a chance is given to me to serve the Higher Education Department, I will discharge my duties to the entire satisfaction of my Seniors. I assure you that my experience & expertise would certainly benefit the department being the important Citizen of Pakistan.
- v) It is worth-mentioning and brought to the notice of concerned helm of affairs that no proper procedure was adopted for *Removal of my Service* under the existing *Rules of Service*. No reasonable opportunity was given to me for my defense and ex-parte action was taken against me.

*Any proceeding to this effect may be intimated to me in black & white.*

Note: Attested copies of all relevant documents of my Education & Service are enclosed herewith for your due favour.

Yours obediently,

Riasat Khan

H.No 35A, Ilyasi Masjid Rd.  
Thanda Choha, Chunakari  
Nawan Shehr, Abbottabad.

Contact: 03335041456

18-10-26

*Attested*  
*[Signature]*

Muhammad Waseem Khan  
Advocate High Court  
Office No 33 Adjacent to  
Distt Bar Abbottabad



Annex D

The Secretary  
Higher Education Department  
Government of Khyber Pakhtunkhwa  
Peshawar

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The Director  
Higher Education Department  
Government of Khyber Pakhtunkhwa  
Peshawar

Subject: REQUEST FOR REINSTATEMENT AS LECTURER  
(COMPUTER SCIENCE) BPS-17 REGULAR

With due respect, it is submitted that I was appointed as lecturer on merit in 2002 and was posted in Government Post Graduate College No.1 Abbotabad. In August 2007 due to domestic issues, I submitted an application for long leave. Accordingly, admissibility report for leave was forwarded by District Account Office Abbotabad to my college for further necessary action with some observation from HED which were cleared then. Later on in 2009 a notice of absence was served but due to some personal/family matters I could not attend the college assuming that my leave approved. I was neither served any Show Cause Notice nor received any letter for removing me from my service.

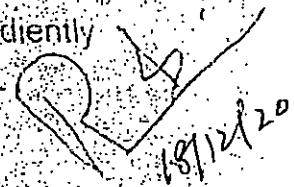
I am deprived of my due right which is not at par with the domain of justice. I have an excellent educational record which stands exemplary and outstanding with A- Grade throughout my career from school to University.

I belong to middle class society and a self-made person with a large family to support. It is therefore humbly requested that my application may be considered sympathetically on humanitarian grounds and reinstate me in service as lecturer BPS-17 in Higher Education Department. I definitely assure you that my experience & expertise would certainly benefit the department. It is worth mentioning that no proper procedure was adopted for Removal from my service under the existing rules of service, no reasonable opportunity was given to me for my defense and ex-parte action was taken against me.

Any proceeding to this effect may be intimated to me in black & white

Note: Attested copies of all relevant documents of my education & service are enclosed herewith for ready reference.

Yours Obediently



Email: imriasat@gmail.com

Riasat Khan

Attested



Muhammad Riasat Khan Tando  
Advocate High Court  
Office No. 33-Adjacent to  
Traffic Bar Peshawar

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

Dated Peshawar the 26.07.2010.

**NOTIFICATION**

**No. SO (COLLEGES)/09-2010/XI-8/2006.** The Competent Authority is pleased to remove Mr. Riasat Khan, lecturer in Computer Science (BPS-17), Govt. Post Graduate College, No. 1, Abbottabad from Govt. service, with immediate effect on account of his long willful absence from duties.

**Note:** - The period w.e.f 01.09.2007 to till date may be treated as un-authorized absence from duties without pay.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

**Ends: No. & Date Even.**

Copy forwarded to the:-

1. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar with the request to remove his name from the seniority list.
2. Principal Govt. Post Graduate College, No. 1, Abbottabad.
3. District Accounts Officer, Abbottabad.
4. Deputy Director (IT), Planning Cell, Higher Education Department.
- ✓ 5. Officer concerned.

SECTION OFFICER (COLLEGES)

*office Supdt.*

*Pl. inform the officer concerned*

*9/08/2010*

*Rs. copy received on  
25/11/20*

*Attested*

*Muhammad Arshad Khan Tanoli*  
Advocate High Court  
Office No. 33 Adjacent to  
Dist. Bar Abbottabad

کورٹ فیس

وکالت نامہ

Chairman Service Tribunal KPK Peshawar

Riasat Khan Govt of KPK etc

Appellant

نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے اسے پیروی و جواب دہی کل کارروائی متعلقہ آں مقام

Abbottabad M. Arshad Khan Tanoli Adv Hc ATO

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کارروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد استجارت نالاش بصیغہ مفلسی کے دائرہ کرنے اور اس کے پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 26 مارچ 2021

بمقام: ABBOTTABAD

ال

Accepted

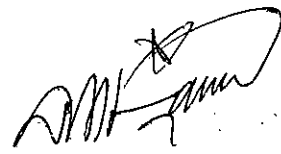
M. Arshad Khan Tanoli  
Adv High Court Atd

**IN THE COURT OF HONOURABLE SERVICE TRIBUNAL  
KPK ABBOTTABAD**

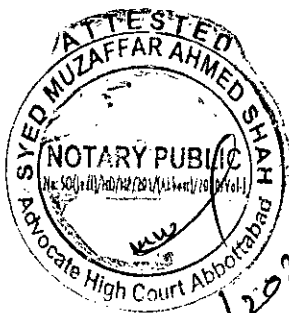
**AFFIDAVIT**

I, Muhammad Shakeel, Law Officer, Higher Education Department Khyber Pakhtunkhwa Peshawar do hereby affirm and certify that the contents of the attached comments / reply of the Department of the Higher Education in case No. S.A # 4277/2021, titled Riasat Khan V/S Government of KPK, are true to the best of my knowledge and belief.

Deponent \_\_\_\_\_



**Muhammad Shakeel  
Assistant Prof/ Law Officer  
GPGC No. 1, Abbottabad**



20/7/2022

**BEFORE THE HONOURABLE KHYBER PAKHTUN KHWA SERVICE TRIBUNALAT**  
**CAMP COURT ABBOTTABAD**

S.A # 4277/2021

Riasat Khan .....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa  
Through Chief Secretary  
& others.....

Respondents

**SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 4**

**Respectfully Sheweth:-**

**Preliminary Objections:-**

1. That the appellant has got neither cause of action nor locus standi to file the instant Service appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant is trying to conceal material facts.
4. That the appellant is estopped by his own conduct to file the instant service appeal.
5. That the instant Service Appeal is badly time barred as the same is filed after 11 years of his removal from service.
6. That the instant Service Appeal is not maintainable and this Tribunal Lacks Jurisdiction to entertain the instant Service Appeal under section 4(a) of Khyber Pakhtunkhwa Service Tribunal Act, 1974 as the appellant did not filed departmental Appeal.

**Reply on Facts:-**

1. Correct to the extent that the appellant was appointed as Lecturer in Higher Education department.
2. Pertains to Record.
3. Correct to the extent that the appellant applied for Ex-Pakistan leave through proper channel for 02 years w.e.f 01-09-2007 to 31-08-2009. It is pertinent to mention here that the appellant got job in King Medical University but he did not apply through proper channel and did not get NOC from the department before applying to the said post and concealed it from the department. That the appellant without sanctioning of his leave went abroad.
4. That the appellant himself accepted in this Para that his leave was not sanctioned and he went abroad, meaning there by that he was wilful absent from duty. As the appellant was wilful absent w.e.f 01-09-2007, absence Notice dated: 07-07-2009 and 22-07-2009 was issued at his home address by the office of respondent No. 3 & 4 respectively to report for duty within 15 days (**Annex-A**). But the appellant did not report for duty rather submitted an

application dated: 02-09-2009 wherein he again requested for approval of Ex-Pakistan leave w.e.f 01-09-2007 to 31-08-2009 and also requested for extension in Ex-Pakistan leave for one more year upto 31-08-2010. (**Annex-B**). As the appellant did not report for duty, as a result he was removed from service due to long wilful absence from duties vide notification dated: 26-07-2010 (**Annex-C**)

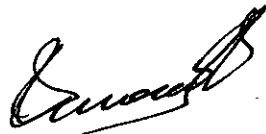
5. Incorrect. As no such representation is available in the official record.
6. Incorrect. No departmental appeal is available in official record. It is pertinent to mention here that the date mentioned on the departmental Appeal attached with Service Appeal as Annex-D is 18-12-2020 which shows unjustified gap of 10 years.
7. Incorrect. As no such departmental Appeal is available in official record.


**Reply on Grounds: -**

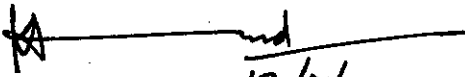
- A. Incorrect. That the removal order is in accordance with law/rule.
- B. Incorrect. The appellant was removed from service after fulfilment of all codal formalities.
- C. Incorrect. As already explained in preceding paras.
- D. Incorrect. As already explained in preceding paras.
- E. Incorrect. As already explained, all codal formalities were fulfilled.
- F. That the instant Service Appeal is badly time barred.


**Prayer:-**

It is, therefore, humbly prayed that the instant Service Appeal is based on misconception/misstatements hence may graciously be dismissed.

  
**Chief Secretary,**  
Govt; of Khyber Pakhtunkhwa  
Respondent No. 01

  
**Secretary,**  
Higher Education Department  
Respondent No. 02

  
**Director,** 13/7/2022  
Higher Education Department  
Respondent No. 03

  
**PRINCIPAL**  
Govt Postgraduate College No. 1  
Abbottabad  
**Principal,**  
Govt; Postgraduate College,  
No. 1 Abbottabad  
Respondent No. 04

A

38

REGISTERED

DIRECTORATE OF HIGHER EDUCATION  
NWFP, PESHAWAR.

Phone # 091-9211025, 091-9210242, Fax # 091-9210242

No. CA-II/Est/Branch.

Dated Peshawar, the 27<sup>th</sup> 2009

To

Mr. Riasat Khan  
Lecturer in Computer Science  
GPCC No.1, Abbottabad  
C/o Muhammad Jan Shopkeeper,  
Chonakali, P.O Nawanshahr  
Abbottabad.

Subject - ABSENCE FROM DUTY,

Memo

You got a job in King Khalid University (Saudi Arabia) for which you did not apply through proper channel. Instead, you applied for Ex-Pakistan leave for 02 years w.e.f 01.08.2007 to 31.08.2009 concealing the facts from the Department and left the Department without waiting for approval of the Competent Authority. You are willfully absent from duty w.e.f 01.08.2007 to date.

You are directed in your own interest to report for duty within 15 days positively of the receipt of this letter failing which it will be presumed that you are not interested in your service and disciplinary action under RSC-2009 will be initiated against you in culminating your dismissal from service.

DY-DIRECTOR (ESTABLISHMENT)  
HIGHER EDUCATION NWFP, PESHAWAR.

Indst No. 11526.27

Copy is forwarded to the:-

1. Principal GPCC No.1 Abbottabad w.r to his letter No 6110/371 dated 05.07.2008 with the request to contact the lecturer concerned on his home address to report for duty within fifteen days of the receipt of this letter positively otherwise disciplinary action will be taken against him.
2. Section officer (Colleges) Govt of NWFP, Higher Education Department Peshawar w.r to his letter No. SORC/15.32009 dated 02.06.2009.

Suppl for -/n  
files  
Princ. 22/7/09

DY-DIRECTOR (ESTABLISHMENT)  
HIGHER EDUCATION NWFP, PESHAWAR.  
63  
22/7/09

(40)

GOVT. POSTGRADUATE COLLEGE ABBOTABAD

No. 971 Dated 22/07/2009

To

Mr. Basit Khan,  
Lecturer in Computer Science,  
GPCC No.1 Abbotabad  
C/O Muhammad Jan Shopkeeper  
Chiswickari 141 Nawanshahr  
Abbotabad.

Sub: ABSENCE FROM DUTY

Monitor

Enclosed please find herewith copy of letter No. 149263/A/5441 Branch dated 2/7/2009 (Copy attached) received from Director of Higher Education NWFP, Peshawar.

You are directed to report for duty within 15 days positively, failing which disciplinary action will be taken against you.

*M*  
Principal,  
Govt. Postgraduate College,  
Abbotabad.

Enclst No. 972  
Copy to:-

The Director of Higher Education NWFP, Peshawar w/r to above for information please.

*M*  
Principal,  
Govt. Postgraduate College,  
Abbotabad.



B

3

Dated 02/07/2010

Director of Higher Education  
N.W.F.P. Peshawar

From


Risat Khan  
Lecturer Computer Science  
Govt. Postgraduate College No1, Abbottabad.

Subject Request for approval/extension of Ex-Pakistan leave

Respected sir,

Reference to your letter no 1-925 dated 07/07/2009 regarding Ex-Pakistan leave (without pay) for job in King Khalid University Saudi Arabia, it is submitted that I applied for the said job through internet and the mean time applied for Ex-Pakistan leave and clearly mentioned all the facts and purpose of the leave and did not conceal anything. I could not find any proper channel to route the application on line through internet. I also visited your esteemed office many times for sanction of leave but it is my bad luck that my leave has not been approved even after two years and now I received the letter of intimation to report.

Sir, I humbly request you kindly to grant me Ex-Pakistan leave for two years w.e.f 01/09/2007 to 31/08/2009 and also I will be grateful if you kindly extend the leave for one more year upto 31/08/2010. I will be thankful for this favor.

  
Risat Khan  
Lecturer Computer Science  
Govt. Postgraduate College No1,  
Abbottabad.

Copy forwarded to:

Principal Govt. Postgraduate College No1 Abbottabad

4

C

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION, ARCHIVES &  
LIBRARIES DEPARTMENT**

Dated Peshawar the 26.07.2010.

**NOTIFICATION**

No. 50 (COLLEGES)/09-2010/XI-8/2006. The Competent Authority is pleased to remove Mr. Riasat Khan, lecturer in Computer Science (BPS-17), Govt. Post Graduate College, No. 1, Abbottabad from Govt. service, with immediate effect on account of his long willful absence from duties.

**Note:** - The period w.e.f 01.09.2007 to till date may be treated as un-authorized absence from duties without pay.

SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT

**Endst: No. & Date Even.**

Copy forwarded to the:-

1. Director, Higher Education, Khyber Pakhtunkhwa, Peshawar with the request to remove his name from the seniority list.
2. Principal Govt. Post Graduate College, No. 1, Abbottabad.
3. District Accounts Officer, Abbottabad.
4. Deputy Director (IT), Planning Cell, Higher Education Department.
- ✓ 5. Officer concerned.

  
SECTION OFFICER (COLLEGES)

*Office Supdt.*

*Pl. inform the officer concerned*

*HL*

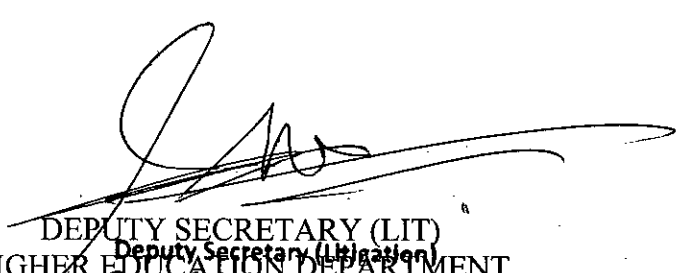
*21/08/2010*



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
HIGHER EDUCATION DEPARTMENT**

**AUTHORITY LETTER**

Mr. Muhammad Shakil Law Officer, Higher Education Department Khyber Pakhtunkhwa Abbottabad is hereby authorized to attend and submit JPWC in Service Appeal No. 4277/2022, Titled Riasat Khan VS Govt. of Khyber Pakhtunkhwa in the provincial Service Tribunal Camp Court Abbottabad in the cases pertain to Higher Education Department Khyber Pakhtunkhwa on behalf of official respondents.

  
DEPUTY SECRETARY (LIT)  
Deputy Secretary (Litigation)  
HIGHER EDUCATION DEPARTMENT  
Govt. of Khyber Pakhtunkhwa  
Higher Education Archives &  
Libraries Department

**BEFORE THE HONOURABLE KHYBER PAKHTUN KHWA SERVICE TRIBUNAL AT  
CAMP COURT ABBOTTABAD**

S.A # 4277/2021

Riasat Khan .....Appellant

**Versus**

Govt. of Khyber Pakhtunkhwa  
Through Chief Secretary  
& others.....

Respondents

**SUBJECT: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 4**

**Respectfully Sheweth:-**

**Preliminary Objections:-**

1. That the appellant has got neither cause of action nor locus standi to file the instant Service appeal.
2. That the appellant has not come to this Honourable Tribunal with clean hands.
3. That the appellant is trying to conceal material facts.
4. That the appellant is estopped by his own conduct to file the instant service appeal.
5. That the instant Service Appeal is badly time barred as the same is filed after 11 years of his removal from service.
6. That the instant Service Appeal is not maintainable and this Tribunal Lacks Jurisdiction to entertain the instant Service Appeal under section 4(a) of Khyber Pakhtunkhwa Service Tribunal Act, 1974 as the appellant did not file departmental Appeal.

**Reply on Facts:-**

1. Correct to the extent that the appellant was appointed as Lecturer in Higher Education department.
2. Pertains to Record.
3. Correct to the extent that the appellant applied for Ex-Pakistan leave through proper channel for 02 years w.e.f 01-09-2007 to 31-08-2009. It is pertinent to mention here that the appellant got job in King Medical University but he did not apply through proper channel and did not get NOC from the department before applying to the said post and concealed it from the department. That the appellant without sanctioning of his leave went abroad.
4. That the appellant himself accepted in this Para that his leave was not sanctioned and he went abroad, meaning thereby that he was wilful absent from duty. As the appellant was wilful absent w.e.f 01-09-2007, absence Notice dated: 07-07-2009 and 22-07-2009 was issued at his home address by the office of respondent No. 3 & 4 respectively to report for duty within 15 days (**Annex-A**). But the appellant did not report for duty rather submitted an application dated: 02-09-

application dated: 02-09-2009 wherein he again requested for approval of Ex-Pakistan leave w.e.f 01-09-2007 to 31-08-2009 and also requested for extension in Ex-Pakistan leave for one more year upto 31-08-2010. (Annex-B). As the appellant did not report for duty, as a result he was removed from service due to long wilful absence from duties vide notification dated: 26-07-2010 (Annex-C)

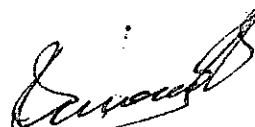
5. Incorrect. As no such representation is available in the official record.
6. Incorrect. No departmental appeal is available in official record. It is pertinent to mention here that the date mentioned on the departmental Appeal attached with Service Appeal as Annex-D is 18-12-2020 which shows unjustified gap of 10 years.
7. Incorrect. As no such departmental Appeal is available in official record.

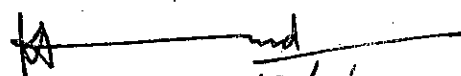
**Reply on Grounds: -**

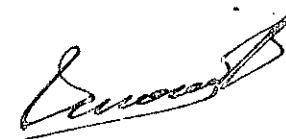
- A. Incorrect. That the removal order is in accordance with law/rule.
- B. Incorrect. The appellant was removed from service after fulfilment of all codal formalities.
- C. Incorrect. As already explained in preceding paras.
- D. Incorrect. As already explained in preceding paras.
- E. Incorrect. As already explained, all codal formalities were fulfilled.
- F. That the instant Service Appeal is badiy time barred.


**Prayer:-**

It is, therefore, humbly prayed that the instant Service Appeal is based on misconception/misstatements hence may graciously be dismissed.

  
**Chief Secretary,**  
Govt; of Khyber Pakhtunkhwa  
Respondent No. 01  
MP

  
**Director,** 13/7/2022  
Higher Education Department  
Respondent No. 03  
D

  
**Secretary,**  
Higher Education Department  
Respondent No. 02  
MP

  
**PRINCIPAL**  
Govt; Postgraduate College (No. 1)  
Abbottabad  
**Principal,**  
Govt; Postgraduate College,  
No. 1 Abbottabad  
Respondent No. 04

A

38

REGISTERED

DIRECTORATE OF HIGHER EDUCATION,  
NWFP, PESHAWAR.

Phone # 091-9211025, 091-9211024, Fax # 091-9211024

To: Mr. A.H. Staff Branch

Dated Peshawar, 07/07/2009

To:

Mr. Iqbal Khan  
Lecturer in Computer Science  
GPUC No. 1, Abbottabad  
C/O Muhammad Jan Nangial  
Chowkati, P.O. Nawanshahr  
Abbottabad.

Subject: ABSENCE FROM DUTY.

Memo

You got a job in King Abdul Durrani University (Sandi Arabia) for which you did not apply through proper channel. Instead, you applied for Ex-Patriation leave for 02 years w.e.f. 01/01/2007 to 31/03/2009 conveying the facts from the Department and left the Department without waiting for approval of the Competent Authority. You are willfully absent from duty w.e.f. 01/01/2007 to date.

You are directed in your own interest to report for duty within 15 days positively of the receipt of this letter failing which it will be presumed that you are not interested in your service and disciplinary action under RSO-1/2009 will be initiated against you commencing your dismissal from service.

DY DIRECTOR ESTABLISHMENT,  
HIGHER EDUCATION NWFP, PESHAWAR.

Encl. No. 14926/07

Copy is forwarded to this.

1. Principal GPUC No. 1 Abbottabad wr to his letter No. 110/2071 dated 09/07/2008 with the request to contact the lecturer concerned on his home address to report his duty within fifteen days of the receipt of this letter, otherwise disciplinary action will be taken against him.
2. Section officer (College) Govt. of NWFP, Higher Education Department Peshawar wr to his letter No. SCHE/115/2009 dated 1/07/2009.

Suppl for work  
Please  
Minister  
22/7/09

DY DIRECTOR ESTABLISHMENT,  
HIGHER EDUCATION NWFP, PESHAWAR.  
63  
22/7/09

(40)

GOVT. POSTGRADUATE COLLEGE A. ABAD

No. 971 Dated 22/07-2001

To  
Mr. Basit Khan,  
Lecturer in Computer Science,  
GPCC No 1 Abbottabad  
C/O Muhammad Jan Shopkeeper  
Chromakari P.O. Nowshahra  
Abbottabad.

Sub. ABSENCE FROM DUTY

Memorandum  
Enclosed please find herewith copy of letter No. 140/16 C.A.F.501 Branch dated  
27.7.2001 Copy attached received from Director of Higher Education NWFP, Peshawar.

You are directed to report for duty within 15 days positively. Failing which  
disciplinary action will be taken against you.

*M*  
Principal,  
Govt. Postgraduate College,  
Abbottabad

Enclst No. 972  
Copy to:

The Director of Higher Education NWFP, Peshawar w/r to above for  
information please.

*M*  
Principal,  
Govt. Postgraduate College,  
Abbottabad

**REGISTERED****DIRECTORATE OF HIGHER EDUCATION,  
NWFP, PESHAWAR**

Phone# 091-9211025, 091-210242, Fax# 091-9210242

Dated Peshawar # 27/7/2009

To,

Mr. Riasat Khan  
Lecturer in computer science  
Govt. PGC No. 1 Abbottabad  
C/o Muhmmad Jan Shopkeeper  
Chunakari P/o Nawansher Abbottabad

Subject: **ABSENCE FROM DUTY**

You got a job in King Khalad Dynasty, Saudia Arabir for which you do not apply through proper channel inveal, for applied for Ex-Pakistan leave for 02 years w.e.f from 04-09-2007 to 31-08-2009 come calling the facts for the Department ... for the Department without waiting for approval of the Competent Authority. You are with falls absent from duty w.e.f ....

You are directed in your own interest to report for within 15 days of the receipt of this letter which it will be presented that you are not ...from service.

**HIGHER EDUCATION NWFP, PESHAWAR**

Endst: 14926.27

Copy is forwarded to the:

1. Principal GPGC No. Abbottabad w.e.f to this letter no. 14925 dated 27.07.2009 with the request to contact that letting concerned on his house address to within fifteen days at the receipt at the receipt of this letter, other wise disciplinary action will be taken against him.
2. Section officer (Govt. of NWFP). Higher Education Department Peshawar

**DY: DIRECTOR ESTABLISHMENT****HIGHER EDUCATION NWFP PESHAWAR**



**GOVT: POSTGRADUATE COLLEGE ABBOTTABAD**

No. 971 dated 22/07/2009

To,

Mr. Riasat Khan  
Lecturer in Computer Science  
GPGC No. 1 Abbottabad  
C/o Muhammad Jan Shopkeeper  
Chunakari P/o Nawansher  
Abbottabad.

Sub: **ABSENCE FROM DUTY**

Memo

Please find herewith copy of letter no. 14926CA Bench dated. Copy is attached received from director of higher Education NWFP, Peshawar.

You are directed to report for within 15 days positively. Filing which disciplinary action will be taken against you.

Sd/-  
Principal,  
Govt. Postgraduate College,  
Abbottabad

**Endst. No. 972**

Copy to:-

The Director of Higher Education NWFP, Peshawar w.e.f to above for information please.

Sd/-  
Principal,  
Govt. Postgraduate College,  
Abbottabad

B

13 Aug 02 09:23 AM

Director of Higher Education  
N.W.F.P. Peshawar

From:

Rizal Khan  
Lecturer Computer Science  
Govt. Postgraduate College No.1, Abbottabad.

Subject: Request for approval/extension of Ex-Pakistan leave

Respected sir,

Reference to your letter no 14925 dated 07-07-2009 regarding Ex-Pakistan leave without pay for job in King Khalid University Saudi Arabia, it is submitted that I applied for the said job through internet and the leave time applied for Ex-Pakistan leave and clearly mentioned all the facts and purpose of the leave and did not conceal anything I could not find any proper channel to make the application online through internet. I also visited your esteemed office many times for sanction of leave but it is my bad luck that my leave has not been approved even after two years and now I received the letter of intimation to report.

Sir, I humbly request you kindly to grant me Ex-Pakistan leave for two years w.e.f 01-08-2007 to 31-08-2009 and also I will be grateful if you kindly extend the leave for one more year upto 31-08-2010. I will be thankful for this favor.

Rizal Khan,  
Lecturer Computer Science  
Govt. Postgraduate College No.1  
Abbottabad.

Copy forwarded to:

Principal Govt. Postgraduate College No.1 Abbottabad

BETTER COPY

(B)

Dated : 02-09-2009

To,

Director of Higher Education  
NWFP, Peshawar

From:

Riasat Khan  
Lecturer Computer Science  
Govt. Postgraduate College No.1 Abbottabad.

Subject: **REQUEST FOR APPROVAL EXTENSION OF EX-PAKISTAN LEAVE**

Respected sir,

Reference to your letter no. 14925 dated 07.07.2009 regarding Ex-Pakistan without pay for job in King Khalid University Saudia Arabia. It is submitted that I applied for the said job through internet and the mean time applied for Ex-Pakistan leave and clearly mentioned all the facts and purposes of the leave and did not conceal anything. I could not find any proper channel to the application online through internet. I visited your esteemed office many times for sanction of leave but it is my bad luck that my leave has not been approved even after two years and now I received the letter at initiative to report.

Sir, humbly request you kindly to grant the Ex-Pakistan leave for two years w.e.f to 04-09-2007 to 04-08-2008 and I will be grateful to you kindly extend the leave for one year upto 04-08-2009.

I will be thankful to you for this favour.

**Riasat Khan,  
Lecturer Computer Science  
Govt. Postgraduate College No.1  
Abbottabad.**

Copy forwarded to:

Principal Govt. Postgraduate College No.1 Abbottabad.