

Form-A  
FORM OF ORDERSHEET

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

Case No. 1552/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	1/11/2022	As per direction of the Worthy Chairman this case be put up before touring Single Bench at A.Abad for preliminary hearing on _____  REGISTRAR

Respected Sir,

It is submitted that the present appeal was received on 23.11.2021 after thoroughly scrutinizing the same many deficiencies were found in it which was returned to the counsel for the appellants for completion and resubmission within 15 days which was to be resubmitted on 08-02-2022 but counsel for the appellant re-filed the same by post which was received today on 20.10.2022 late by 245 days.

The appeal is submitted to your Honour under rule-7(c) of Khyber Pakhtunkhwa Service Tribunal rules 1974 for appropriate order please.

REGISTRAR

21/10/22

Worthy Chairman

o/s be fixed

Signature

24<sup>th</sup> Oct., 2022

Lawyers are on strike today.

To come up for further proceedings on office objection on 01.11.2022 before me. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

(Kalim Arshad Khan)  
Chairman

①

**BEFORE THE KHYBER PUKHTUN KHWA SERVICE  
TRIBUNAL PESHAWAR**

Case Title: RAHMAN vs. GOVT **CHECK LIST**  
R#2240 V/S GOVT

CONTENTS		YES	NO
1	This Appeal has been presented by		
2	Whether counsel / appellant / respondent / deponent have signed the requisite document?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent oath commissioner?	✓	
8	Whether Appeal / Annexures are properly paged?	✓	
9	Whether Certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable / clear?	✓	
13	Whether copy of appeal is delivered to AG / DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by Petitioner / Appellant / Respondents?	✓	
15	Whether number of referred cases given are correct?	✓	✓
16	Whether appeal contains cutting / overwriting?	✓	
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this Court?	✓	
19	Whether requisite number of spare copies are attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether Index filed?	✓	
23	Whether index is correct?	✓	
24	Whether security and process fee deposited? On		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules, 1974 Rule 11, Notice along with copy of Appeal and annexure has been sent to Respondents? On		
26	Whether copies of comments / reply / rejoinder submitted? On		
27	Whether copies of comments / reply / rejoinder provided to opposite party? On		

It is certified that formalities / documentations as required in the above table, have been fulfilled.


Name: \_\_\_\_\_  
 Signature: \_\_\_\_\_  
 Dated: \_\_\_\_\_

The appeal of Mr. Muhammad Razzaq Ex-Sweeper Govt. Post Graduate College A. Abad received today i.e. on 23.11.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

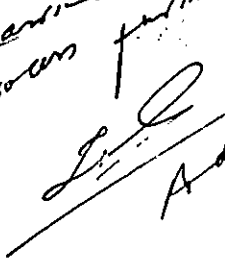
- ① Check list is not attached with the appeal.
2. Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
- ③ Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal in file covers.

No. 2329 /S.T,

Dt. 23/11 /2021

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Zulfiqar Ahmad Advocate,  
High Court Abbottabad.

Sir, check list / Index is already placed on file. Certificate as required is also made annexed with copies has been carried out. May please be process further.  
  
Advocate 21/11/22

Objections no. 1 and 3 is still stand. The appeal in hand is returned again to the counsel for the appellant for completion and resubmission within

Registry Peshawar  
Office Tribunal

File No. 1823 15 - days.

Dated 1/11/2022

No. 145 /S.T


Dt. 24/01 /2022

  
Registrar

Five copies are submitted.

Sir Adil

objection review is resubmission

  
1/2/2022

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PUKHTUN KHWA PESHAWAR**

*Appeal no. 1552/2022*  
MUHAMMAD RAZZAQ

... APPELLANT

**VERSUS**

Government of Khyber PukhtunKhwa & Others

...RESPONDENTS

**APPEAL SERVICE**

**INDEX**

S. No.	Description	Annexure	Pages
1	Service Appeal with affidavit		1 To 7
2	Copy of the letter of DCA, Abbottabad dated 05/01/2018	"A"	8
5	Copy of Show Cause Notice No. 649-50 Dated 05/01/2021	"B"	9 To 10
6	Copy of reply of show cause notice dated 18/01/2021	"C"	10(A)
7	Copy of impugned order dated 01/03/2021	"D"	11
8	Copy of representation / Departmental Appeal and order thereon	"E" & "F"	11(A) To 15
9	Wakalatnama	"G"	16

..... APPELLANT

Dated 08/11/2021

0311-5131690

Through *Asst*  
(ZULFIQAR AHMED)  
Advocate High Court  
Abbottabad

(1)

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PUKHTUN KHWA PESHAWAR**

*Appeal no. 1552/2022*

MUHAMMAD RAZZAQ S/O MUHAMMAD SHAFI  
R/O HOUSE NO. 14 MOHALLAH BILAL MASJID,  
KEHAL, TEHSIL & DISTRICT ABBOTTABAD (EX-  
SWEEPER BPS-03) GOVT. POST GRADUATE  
COLLEGE, MANDIAN, TESHIL & DISTRICT  
ABBOTTABAD.

Khyber Pakhtunkhwa  
Service Tribunal

APPELLANT

**VERSUS**

Dary No. *7926*

*23-11-2021*

1. Government of Khyber Pakhtunkhwa through Secretary Higher Education, KPK, Peshawar.
2. The Director of Colleges / Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Principal Govt. Postgraduate College, Mandian, Tehsil & District Abbottabad.

...RESPONDENTS

=====

**APPEAL UNDER SECTION 4 OF NWFP SERVICE  
TRIBUNAL ACT 1974 AGAINST THE ORDER OF  
RESPONDENT # 3 ISSUED LETTER NO. 802 DATED  
01/03/2021 WHEREBY THE APPELLANT WAS  
DISMISSED FROM SERVICE AND ORDER OF  
RESPONDENT NO. 2 WHEREBY THE  
DEPARTMENTAL APPEAL / REPRESENTATION  
WAS ALSO DISMISSED THAT IS ILLEGAL, VOID  
WITHOUT LAWFUL AUTHORITY, WITHOUT  
JURISDICTION, WITHOUT ANY PLAUSABLE  
EXPLANATION AND SAME IS NOT TENABLE IN  
THE EYES OF LAW AND IS LIABLE TO BE SET  
ASIDE.**

=====

Filed to-day

Registrar

*23/11/2021*

**PRAYER:- ON ACCEPTANCE OF INSTANT APPEAL THE ORDER OF RESPONDENTS No. 2 & 3 MAY KINDLY BE SET ASIDE AND APPELLANT BE REINSTATED IN SERVICE WITH ALL BACK BENEFITS AND ANY FURTHER PROCEEDINGS IN CONSEQUENCE OF IMPUGNED ORDERS MAY ALSO BE SET ASIDE BEING UNLAWFUL AND AGAINST THE SETTLED NORMS OF JUSTICE.**

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Respectfully Sheweth; -

The facts giving rise to the instant appeal are arrayed as under.

**FACTS:-**

1. That the appellant was appointed in the Higher Education Department as Sweeper on 30/04/2005 and posted at Govt. Post Graduate College, Mandian On 22/05/2012.
2. That the District Comptroller of Abbottabad vide his letter No. 555-559/ADAO-1/PEN dated 05/01/2018 addressed to the Principal Govt. Post Graduate College, Mandian, Abbottabad mentioning therein that during processing of DCS pension case of the appellant it was noticed by them that the appellant was also drawing pension under PPO No. 11117-H/NWFP and also pay under personal No. 002828299 despite having been

invalidated out by standing medical board and that this fact was allegedly concede about previous service pension violating the relevant rules. That the District Comptroller Account, Abbottabad in its concluding para had asked the Principal to probe the matter and get it regularized under the applicable rules by 28<sup>th</sup> of January, 2018. It was desired that in case of failure pay and pension in question shall remain in abeyance till doing of needful. **(Copy of the letter of District Comptroller Account, Abbottabad is attached as annexure "A")**.

3. That on the basis of the above pension letter show cause notice was issued to the appellant with the result mentioned in it that the Principal of the college tentatively decided to impose penalty of removal from service under the said rules vide office endorsement No. 649-50 dated 05/01/2021. **(Copy of show cause notice is attached as annexure "B")**
4. That a reply to the show cause notice was submitted to the Principal by explaining that nothing was concealed and on receipt of appointment letter the appellant had properly submitted medical and fitness certificates and if any document was misplaced from the record it can not be the fault of the appellant. It was further mentioned by



the appellant that being illiterate the copy of fitness certificate could not be retained by the appellant however it was submitted to the authorities. **(The Copy of reply dated 18/01/2021 is attached as annexure "C").**

5. That through the impugned order issued vide letter No. 802 dated 01/03/2021 the Principal Post Graduate College, Abbottabad dismissed the appellant from service for the allegations mentioned in the letter of District Comptroller Accountant, Abbottabad. **(Copy of impugned order is attached as annexure "D").**

6. That feeling aggrieved the appellant submitted representation before the respondent # 2 which was also filed / dismissed without giving any reasons and the letter issued in this respect is also devoid of any material or cogent grounds which order was received to appellant on 19/10/2021. **(Copy of the representation / Departmental Appeal and order thereon is annexure "E" & "F").**

That the impugned orders of respondent No 2 & 3 are liable to be set aside inter – alia on the following grounds:-

GROUND S; -

- a. That the orders of respondents No. 2 & 3 are illegal arbitrary, void, without lawful authority and also without jurisdiction and hence liable to be set aside.
  
- b. That patently orders of dismissed from service is illegal without lawful authority and result of misreading and non reading and non deciding the representation of appellant by respondent # 2 is also illegal.
  
- c. That the illegal and without jurisdiction orders of respondent # 2 & 3 have resulted in mis-carriage of justice and amounted to abuse of process of law which has adversely effected the appellant without any proper inquiry and orders of respondents as the valuable right of cross examination of appellant is still not exhausted even no inquiry was conducted.
  
- d. That respondents did not take into consideration the fact and the impugned orders was passed without sufficient grounds and suppressing the real facts.

e. That further points will be submitted at the time of arguments.

**PRAYER:** It is therefore most humbly prayed that on acceptance of instant appeal against impugned orders of respondent # 2 & 3 may kindly be set aside and appellant reinstated in service with all back benefits available to the appellant under the law.

گلبرگ  
...APPELLANT

Through

Dated: 08/11/2021

~~M. A. Ahmad~~  
(ZULFIQAR AHMAD)  
Advocate High Court  
Abbottabad

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUN KHWA  
PESHAWAR

Mohammad Razzaq VERSUS Government of KPK &  
Others.

SERVICE APPEAL

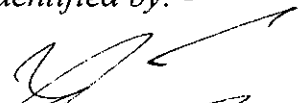
CERTIFICATE

I , Mohammad Razzaq S/O Mohammad Shafi R/O House # 14  
Mohallah Bilal Masjid Kehal Tehsil & District Abbottabad do hereby  
solemnly affirm and declare on oath that the contents of foregoing appeal  
are true and correct to the best of my knowledge and belief and nothing has  
been concealed therein. No such appeal was lodged or is pending an any  
other court/ forum.

  
Mohammad Razzaq  
...DEPONENT

Dated 21/1/2021

Identified by: -

  
(ZULFIQAR AHMAD)  
Advocate High Court  
Abbottabad

**BEFORE THE SERVICE TRIBUNAL KHYBER  
PUKHTUN KHWA PESHAWAR**

**MUHAMMAD RAZZAQ S/O MUHAMMAD SHAFI  
R/O HOUSE NO. 14 MOHALLAH BILAL MASJID,  
KEHAL, TEHSIL & DISTRICT ABBOTTABAD (EX-  
SWEEPER BPS-03) GOVT. POST GRADUATE  
COLLEGE, MANDIAN, TESHIL & DISTRICT  
ABBOTTABAD.**

**... APPELLANT**

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Secretary Higher Education, KPK, Peshawar.
2. The Director of Colleges / Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Principal Govt. Postgraduate College, Mandian, Tehsil & District Abbottabad.

**...RESPONDENTS**

**APPEAL SERVICE**

**AFFIDAVIT**

I, Muhammad Razzaq s/o Muhammad Shafi r/o house no. 14 Mohallah Bilal Masjid, kehal, tehsil & district Abbottabad (ex-sweeper bps-03) Govt. post graduate college, Mandian, teshil & district Abbottabad, do hereby solemnly affirm and declare on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein. No such appeal is pending in any other court.



محمد رازق

**...DEPONENT**

Dated 108/11/2019  
Identified by: -

**(ZULFIQAR AHMAD)**  
Advocate High Court  
Abbottabad

**OFFICE OF THE DISTRICT COMPTROLLER OF ACCOUNTS ABBOTTABAD**

No. 555-559 /ADAO-I/Pen  
Dated 05-07 2018

⑧  
A  
==

To

The Principal,  
Govt Post Graduate College (Boys)  
Abbottabad.


ATTACHED  
ZULFIKAR AHMED  
DISTRICT COMPTROLLER OF ACCOUNTS ABBOTTABAD

Subject: Drawl of Pay & Pension

Memo.

During processing of DCS pension case of Mr. Muhammad Razaq Sweeper of your institutes, it has been noticed that the said official has been drawing his pension under PPO No.11117-H/NWFP and pay under Personal No.00282899 simultaneously since long despite having been invalided out by a standing medical board. It appears that the individual has deliberately concealed his previous service/pension which is sheer violation of article 529 of CSR.

You are therefore requested to probe the matter at the earliest and get it regularized under the applicable rules by 20<sup>th</sup> instant, failing which pay & pension in question shall remain in abeyance till doing of needful.

  
District Comptroller of Accounts  
Abbottabad

No. \_\_\_\_\_

CC for information & necessary action to:-

1. The Accountant General KPK Peshawar.
2. The ADAO-I local.
3. The AAO Pension local.
4. Mr.Tariq SA HR local.

- SA -  
District Comptroller of Accounts  
Abbottabad

May be seen above

P/BB

S  
2/1

SHOW CAUSE NOTICE

ATTENDED  
FURNISHED  
RECEIVED

9

B  
=

Dr. Azhar Mehmood, Principal GPGC Mandian Abbottabad as competent Authority, under the Khyber PakhtunKhwā Government Servants (Efficiency and discipline) Rules, 2011, do hereby serve you, Mr. Muhammad Razzaq, Sweeper (BPS 03), GPGC Mandian, Abbottabad as follow:

i) You were appointed in the Higher Education Department as Sweeper on 30/4/2005 vide End No. 448-48 at GPGC No. 1 Abbottabad and transferred to GPGC Mandian Abbottabad on 22/5/2012. There is no record of ex service in your service history.

ii) Reference District Comptroller of Accounts Abbottabad letter No.555-559, ADAO-I Pen. dated 5/1/2018 you were drawing your pension under PPO No. 1117-H/ NWFP and pay under personel No. 00282899 simultaneously since long despite having been invalidated out by standing medical board. Your pay was stopped by District Account office since May 2018 requiring medical fitness certificate from the standing medical board committee. You failed to provide uptill now. No record is found with GPGC No.1 Abbottabad.

iii) Guidance from Director Higher Education Department was obtained vide letter No. 13211/ CA-VIII/Estt. Branch/ A-167/ GPGC Mandian dated 18.08.2020.

iv) I being authorized officer after examining your service record and report of fact finding committee constituted by undersigned reached the conclusion that you deliberately concealed your ex service, which is sheer violation of article 519 CSR. Conducting inquiry in your case is not necessary in term of rule 5 (iii)b of Govt. Servant Efficiency and Discipline Rule 1973.

V) I am satisfied that you have committed the following act/ omission specified in Khyber Pakhtunkhwa Government Servants Efficiency and discipline Rules, 2011

b) Misconduct

v) As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of REMOVAL FROM SERVICE under rule 4(b) of the said rules.

vii) You are therefore, 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.

viii) If no reply to this notice is received within 14 days of its delivery, it shall be presumed that you have no defense to put in, and in that case, an exparte action shall be taken against you.

PROF. Dr. AZHAR MEHMOOD  
PRINCIPAL  
Govt. Post Graduate College  
GPGC MANDIAN, ABBOTTABAD

✓ Mr. Muhammad Razaq Sweeper BPS 03  
GPGC Mandian Abbottabad.

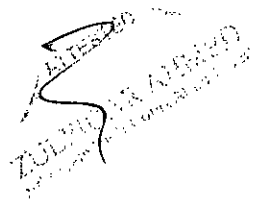
Endst No: 649 - 59/PF

Copy to:

1. PA to Director Higher Education Khyber Pakhtunkhwa Reshawar.
2. JMC Coordinator/ Principal GPGC No.1, Abbottabad.

65/07/2021  
PROF. Dr. AZHAR MEHMOOD  
PRINCIPAL  
Govt. Post Graduate College  
GPGC MANDIAN, ABBOTTABAD

نوٹس: اظہارِ وجوہ



میں، ڈاکٹر اظہارِ محمود بطور مجازا تقارنی گورنمنٹ پوسٹ گریجویٹ کالج منڈیاں ایبٹ آباد Government Servants Efficiency and discipline Rules, 2011

کے تحت، جناب محمد رزاق سوہرہ (بی بی ایس 03) کے طور پر گورنمنٹ پوسٹ گریجویٹ کالج منڈیاں ایبٹ آباد میں خدمات سرانجام دے رہے ہیں، کو مندرجہ ذیل نوٹس دے رہا ہوں۔

1- آپ کو ہائر ایجوکیشن ڈیپارٹمنٹ میں مورخہ 30 اپریل 2005ء بحوالہ مراسلہ نمبر 48-448 کے تحت گورنمنٹ پوسٹ گریجویٹ کالج ٹیچر ایبٹ آباد میں بطور سوہرہ بھرتی کیا گیا تھا اور بعد ازاں مورخہ 22 مئی 2012ء کو گورنمنٹ پوسٹ گریجویٹ کالج منڈیاں ایبٹ آباد میں تبادلہ کیا گیا۔ آپ کی سابقہ نوکری کے بارے میں آپ کی سروس ریکارڈ میں کوئی ریکارڈ موجود نہیں ہے۔

2- بحوالہ ڈسٹرکٹ اکاؤنٹ آفس ایبٹ آباد کے خط نمبر AD-1 Pen 555-559 مورخہ 05 جنوری 2018ء کے تحت آپ ایک وقت پی پی او نمبر 1117-انچ لائن ڈیپارٹمنٹ پی کے تحت اپنی پینشن اور پرسل نمبر 00282899 کے تحت اپنی تنخواہ بھی وصول کر رہے تھے حالانکہ میڈیکل بورڈ کے تحت آپ کی سروس کو کالعدم قرار دے دیا گیا تھا۔ آپ کی تنخواہ ڈسٹرکٹ اکاؤنٹ آفس نے مئی 2018ء سے روک دی تھی۔ اور میڈیکل بورڈ کمیٹی سے میڈیکل فٹنس سرٹیفکیٹ کا مطالبہ کیا گیا تھا لیکن بحال آپ سرٹیفکیٹ جمع کرانے میں ناکام رہے۔ اور اس سرٹیفکیٹ کا گورنمنٹ پوسٹ گریجویٹ کالج نمبر 1 ایبٹ آباد میں بھی کوئی ریکارڈ نہیں۔

3- ڈاکٹر اظہارِ محمود اعلیٰ تعلیم کالج خیر پختونخواہ پشاور خط کے 18.08.2020/ CA-VIII Estd. Branch/ A-167/ GPGC Mandian dated کے تحت آپ کے تبادلہ کے بارے میں رہنمائی بھی حاصل کی گئی۔

4- آپ کی معاملہ کی پیش نظر زبرد تنحلی نے جانچ پڑتال کے لیے ایک انکوائری کمیٹی تشکیل دی اور انکوائری کمیٹی نے اپنی رپورٹ پیش کی۔ انکوائری کمیٹی کی رپورٹ اور آپ کی سروس کی جانچ پڑتال کے بعد میں بطور مجازا سروس کے اس بات کی نشاندہی کرتا ہوں کہ آپ نے جان بوجھ کر اپنی سابقہ خدمات کو چھپایا جو کہ آرٹیکل 519 سی ایس آر کی سراسر خلاف ورزی ہے۔ آپ کے معاملے

کی جانچ پڑتال کے لیے Govt. Servant Efficiency and Discipline Rule 1973 (iii) b of 5 آرٹیکل کے تحت زبرد تنحلی کو تحقیقات کرانا ضروری نہیں۔

5- میں اس نتیجے پر پہنچا ہوں کہ آپ حکومت خیر پختونخواہ کے "Government Servants Efficiency and discipline Rules, 2011" کی خلاف ورزیوں کے مرتکب ہوئے ہیں۔

6- اس کے نتیجے کے طور پر میں بطور مجازا تقارنی نے عارضی طور پر آپ کو نوکری قوانین کے آرٹیکل 4(بی) کے تحت سروس سے برخاست کرنے کی سزا عائد کرنے کا فیصلہ کیا ہے۔

7- لہذا آپ کو ہدایت کی جاتی ہے کہ اپنی طرف سے تحریری جواب دیں کہ مندرجہ بالا وجوہات کی بنیاد پر کیوں نہ آپ کو سروس سے مستقل طور پر برخاست کر دیا جائے۔

8- اگر اس نوٹس کا جواب اس کی فراہمی کے 14 دن کے اندر موصول نہیں ہو تو خیال کیا جائے گا کہ آپ اپنا دفاع نہیں کرنا چاہتے اور اس معاملے میں آپ کے خلاف ایک طرفہ کارروائی عمل میں لائی جائے گی۔

5/11/2021  
ڈاکٹر اظہارِ محمود  
پرنسپل  
گورنمنٹ پوسٹ گریجویٹ کالج منڈیاں ایبٹ آباد

College

جناب  
محمد رزاق سوہرہ بی بی ایس (3)  
گورنمنٹ پوسٹ گریجویٹ کالج منڈیاں ایبٹ آباد

تین نمبر 559-555-9۔ پر عمل ہوا  
کاپی برائے:  
1. پینشن ڈیپارٹمنٹ ہائر ایجوکیشن خیر پختونخواہ پشاور۔  
2. جے ایم سی کوارٹرنیٹیز/پینل گورنمنٹ پوسٹ گریجویٹ کالج نمبر 1 ایبٹ آباد۔

ڈاکٹر اظہارِ محمود  
5/11/2021  
پرنسپل  
گورنمنٹ پوسٹ گریجویٹ کالج منڈیاں ایبٹ آباد



بخدمت جناب پرنسپل صاحب گورنمنٹ پوسٹ گریجویٹ کالج منڈیاں ایبٹ آباد

ESTD 1973  
ZUI UNIVERSITY  
www.zui.edu.pk

جواب چٹھی نمبر 5-649 مورخہ 05-01-2021

جناب عالی!

مؤدبانہ گزارش ہے کہ میں 2005 میں نمبر 1 کالج ایبٹ آباد میں بطور سوپربھرتی ہوا تھا اس سے پہلے میں نے میڈیکل کروایا تھا۔ جب مجھے کالج ہذا سے آرڈر ملا تھا تو میں نے میڈیکل سرٹیفیکیٹ اور فٹنس سرٹیفیکیٹ بھی نمبر 1 کالج میں جمع کروایا تھا۔ ان پڑھ ہونے کی وجہ سے میں اس فٹنس سرٹیفیکیٹ کی فوٹوکاپی اپنے پاس نہیں رکھ سکا۔

میرا میڈیکل سرٹیفیکیٹ اور فٹنس سرٹیفیکیٹ دونوں میری سروس بک میں ہونے چاہیں تھے، اب جبکہ میرا میڈیکل سرٹیفیکیٹ میری سروس بک میں موجود ہے جبکہ فٹنس سرٹیفیکیٹ غائب ہے جسکی ذمہ داری مجھ پر عائد نہیں ہوتی کیونکہ سروس بک دفتر کے ریکارڈ میں ہوتی ہے۔

محمد رزاق سوپربھرتی

18/01/2021

کالج ہذا

# از دفتر پرنسپل گورنمنٹ پوسٹ گریجویٹ کالج منڈیاں ایبٹ آباد

مورخہ: 01.03.2021

سلسلہ نمبر 802

ATTESTED  
ZULFIQAR AHMETH

جیسا کہ رزاق سوہپر (بی بی ایس 03) گورنمنٹ پوسٹ گریجویٹ کالج منڈیاں ایبٹ آباد کے خلاف Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 کے تحت کارروائی عمل میں لاتے ہوئے مذکورہ کیس کے لیے شو کاز نوٹس جاری کیا گیا۔ اور جیسا کہ ڈسٹرکٹ اکاؤنٹ آفس ایبٹ آباد کے خط نمبر 555-559, ADAO-I Pen مورخہ 05.01.2018 کے مطابق مذکورہ ملازم میڈیکل بورڈ کروانے کے بعد PPO No.1117-H/NWFP کے تحت اپنی پشمن اور Personal No.00282899 کے تحت اپنی تنخواہ بیک وقت دونوں وصول کر رہا تھا۔ جس کی وجہ سے ڈسٹرکٹ اکاؤنٹ آفس ایبٹ آباد نے مئی 2018ء مذکورہ ملازم کی تنخواہ روک دی تھی اور مذکورہ ملازم کو میڈیکل بورڈ کمیٹی سے فٹنس سرٹیفکیٹ لانے کے لیے کہا گیا تھا۔

اور جیسا کہ مجاز اتھارٹی نے مذکورہ ملازم کے سروس ریکارڈ اور Fact Finding Committee کی پیش کردہ رپورٹ (جو کہ مذکورہ ملازم کی سابقہ سروس کی جانچ پڑتال کے بعد پیش کی گئی) کی روشنی میں یہ نتیجہ اخذ کیا کہ مذکورہ ملازم نے جان بوجھ کر اپنی سابقہ نوکری کو چھپایا جو کہ آرٹیکل 519 CSR کی سراسر خلاف ورزی ہے۔ اس ضمن میں مجاز اتھارٹی کے لیے 1973 Govt. Servant Efficiency and Discipline Rule (iii) b of Govt. Servant Efficiency and Discipline Rule 1973 کے تحت انکوائری کا انعقاد ضروری نہیں۔ مجاز اتھارٹی / زبردستی نے مذکورہ ملازم کو سزا کے طور پر نوکری سے برخواست کرنے کے حوالے سے مورخہ 05.01.2021 کو اظہار وجہ کے لیے اعلامیہ جاری کیا۔

اور جبکہ ملازم نے اپنا جواب مورخہ 21.01.2021 کو جمع کروایا کہ اس نے تقرری کے وقت میڈیکل فٹنس سرٹیفکیٹ جمع کروایا تھا جو کہ اس کی سروس بک اور سروس ہسٹری میں کہیں بھی موجود نہیں لہذا اس کا جواب غیر تسلی بخش پایا گیا ہے۔

تمام تر شواہد (جو کہ ریکارڈ میں موجود ہیں)، انکوائری کمیٹی کی رپورٹ اور مذکورہ ملازم کی طرف سے موصول شدہ جواب کی روشنی میں زبردستی / مجاز اتھارٹی Rule 17 Khyber Pakhtunkhwa Government Servants (Efficiency and discipline) Rules, 2011 کے تحت حاصل شدہ اختیارات کا استعمال میں لاتے ہوئے مذکورہ ملازم کو نوکری سے برخواست کرتی ہے۔

پرنسپل  
گورنمنٹ پوسٹ گریجویٹ کالج  
منڈیاں ایبٹ آباد

رزاق سوہپر (بی بی ایس 03)  
گورنمنٹ پوسٹ گریجویٹ کالج منڈیاں ایبٹ آباد

توثیق نمبر 802-06 / پرسنل فائل

کاپی برائے:

- 1- پی اے، ڈائریکٹر ہائر ایجوکیشن خیبر پختونخواہ پشاور۔
- 2- جے ایم سی کوارڈینیٹر / پرنسپل گورنمنٹ پوسٹ گریجویٹ کالج منڈیاں ایبٹ آباد۔
- 3- ڈسٹرکٹ اکاؤنٹ آفیسر ایبٹ آباد (بحوالہ خط نمبر 555-559, ADAO-I Pen. dated 5/1/2018)
- بھ۔ انچارج درجہ چہارم ملازمین، کالج ہذا۔

پرنسپل  
گورنمنٹ پوسٹ گریجویٹ کالج منڈیاں ایبٹ آباد

To,

The Director of Colleges / Higher Education,  
Khyber Pakhtunkhwa,  
Peshawar.

**Subject: Departmental appeal against the order of Principal Post Graduate College, Abbottabad passed vide letter No. 802 dated 01/03/2021 whereby the appellant was Dismissed from service.**

Sir,

It is submitted that the appellant was appointed in the Higher Education Department as Sweeper on 30/04/2005 and posted at Govt. Post Graduate College, Mandian On 22/05/2012.

That the District Comptroller of Abbottabad vide his letter No. 555-559/ADAO-1/PEN dated 05/01/2018 addressed to the Principal Govt. Post Graduate College, Mandian, Abbottabad mentioning therein that during processing of DCS pension case of the appellant it was noticed by them that the appellant was also drawing pension under PPO No. 11117-H/NWFP and also pay under personal No. 002828299 despite having been invalidating out by standing medical board and that this fact was allegedly concede about previous service pension violating the relevant rules. That the District Comptroller Account, Abbottabad in it's including PARA had asked the Principal to probe the matter and get it regularized under the applicable rules by 28<sup>th</sup> of January, 2018. It was desired that in case of failure pay and pension in question shall remain in abeyance till doing of needful. (Copy of the letter of District Comptroller Account, Abbottabad is attached).

That on the basis of the above pension letter show cause notice was issued to the appellant with the result mentioned in it that the Principal of the college tentatively decided to impose penalty of removal from service under the said rules vide office endorsement No. 649-50 dated 05/01/2021. **(Copy of show cause notice is attached)**

That a reply to the show cause notice was submitted to the Principal by explaining that nothing was concealed and on receipt of appointment letter the appellant had properly submitted medical and fitness certificates and if any document was misplaced from the record it can not be the fault of the appellant. It was further mentioned by the appellant that being illiterate the copy of fitness certificate could not be retained by the appellant however it was submitted to the authorities. **(The Copy of reply dated 18/01/2021 is attached).**

That through the impugned order issued vide letter No. 802 dated 01/03/2021 the Principal Post Graduate College, Abbottabad dismissed the appellant from service for the allegations mentioned in the letter of District Comptroller Accountant, Abbottabad. **(Copy of impugned order is attached).**

That the order is impugned on the following grounds:

- 1) That no proper inquiry has been conducted in the case and the appellant has been dismissed from service without any plausible explanation that the appointment of appellant was made in the year 2005 and till 2021 how one could continue his service illegally. All

it suggests that the appellant had submitted the required medical and fitness certificates and of a paper / document was not traced in the service record, it does not reflect that some intentional act was committed in violation of CSR 519.

- 2) That the District Comptroller Accounts, Abbottabad had not recommended the dismissal of the appellant rather it was desired to regularized the service of the appellant under the applicable rules which fact has not been considered by the authority and straight away passed the dismissal order which is not justified under the law.
- 3) That, had there been any misplacement of document from the record, the relevant custodian of record in the office should have been booked not the appellant as the acts and omission of others does not suggest in Penal action against the appellant.
- 4) That, even the appellant is physically and mentally fit till date and is also ready to undergo medical examination through any medical board.
- 5) That punishment imposed is against the settled norms of justice. Had there been any regular inquiry in the matter in the light of letter of District Comptroller of accounts, Abbottabad, the services of appellant would have been regularized and it should not have been cumulated in the shape of dismissal of the appellant.

**PRAYER:-**

In the light of above submission it is therefore most humbly prayed that the acceptance of departmental appeal the impugned order of Principal Post Graduate College, Mandian, Abbottabad may graciously be set aside and the appellant to allowed to continue his service in BPS-3 in sweeper along with the other benefits he is availing.

Dated 18/03/2021



..... Appellant

**Muhammad Razzaq (Ex-Sweeper BPS-03)**

**Govt. Post Graduate College, Mandian,**

**Abbottabad**



(15)

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**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA  
RANO GHARI NEAR CHAMKANI MOR, PESHAWAR**

E-mail:- [dhekpesh@gmail.com](mailto:dhekpesh@gmail.com) Facebook.com/dhekpeshawar Twitter.com/dhekpeshawar1

No. 22450 / CA-VII/Estt. Branch/A-167/ GPGC Mandian Dated Peshawar the 04 / 10 /2021

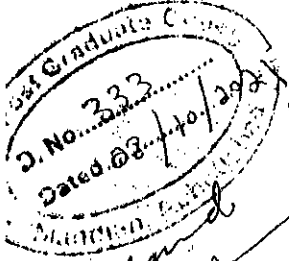
To

The Principal,  
Govt. Postgraduate College,  
Mandian (Abbottabad).

**Subject: - DEPARTMENTAL APPEAL AGAINST THE ORDER OF PRINCIPAL GOVERNMENT POSTGRADUATE COLLEGE, ABBOTTABAD PASSED VIDE LETTER NO. 802 DATED 01-03-2021 WHEREBY THE APPELANT WAS DISMISSED FROM SERVICE**

Respected Sir, السلام عليكم

I am directed to refer your Letter No. 1258 dated 17-08-2021 on the subject noted above and to state that request of Muhammad Razaq, Ex-Sweeper for reinstatement has been examined and regretted, hence he may be informed accordingly, please.



*Hand noted info for the official concerned.*

*(Khawaja M. Saqib)*

ASSISTANT DIRECTOR (GENERAL)

# وکالت نامہ

کورٹ فیس

6

بعدالت جناب سر جسٹس ایبٹ آباد

عنوان: محمد زاق بنام Govt of KPK

منجانب: Appellant

نوعیت مقدمہ: سر جسٹس ایبٹ

## باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام

ایبٹ آباد ذوالفقار احمد ایڈووکیٹ ایبٹ آباد

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف 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 کاروائی 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 جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت ناش بیضہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

محمد زاق

محمد زاق

(ایبٹ آباد)

المرقوم: 08/11/2021

ایبٹ آباد بمقام:

دقاس فوٹو سٹیٹ کچہری (ایبٹ آباد)

محمد زاق