BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR AT CAMP COURT ABBOTTABAD

SERVICE APPEAL NO. 1172/2017

Date of institution ... 25.09.2017

Date of judgment ... 08.07.2019

Haroon Khan son of Muhammad Younas Khan, Canal Patwari, Sub-Divisional Office, Sub-Division, Haripur,

R/o Village Sara-e-Saleh, Tehsil & District, Haripur.

(Appellant)

VERSUS

1. Secretary Irrigation Department, Khyber Pakhtunkhwa, Peshawar.

- 2. Chief Engineer (North), Irrigation Department, Khyber Pakhtunkhwa, Peshawar.
- 3. Executive Engineer, Hazara Irrigation Division, Abbottabad.
- 4. Superintendent Engineer Irrigation Swabi Circle, Swabi.

(Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED 1199/18-E DATED 09.05.2017 ORDER NO. ISSUED RESPONDENT NO. 3, WHEREBY, WITHOUT CONDUCTING REGULAR INQUIRY, PERSONAL HEARING OR SHOW-CAUSE NOTICE, AGAINST THE LAW, RULE AND FACTS, APPELLANT WAS DEMOTED FROM SCALE NO. 7 TO SCALE NO. 1 (APPRENTICES) PATWARI WITH OBSERVATION FOR ONE YEAR IN FUTURE.

Mr. Abdul Aziz Khan Tanoli, Advocate.

For appellant.

Mr. Muhammad Bilal Khan, Deputy District Attorney

For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI MR. HUSSAIN SHAH

MEMBER (JUDICIAL) MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving as Canal Patwari in Irrigation Department. He was imposed major

penalty of demotion from BPS-7 to BPS-1 with observation for one year in future vide order dated 09.05.2017 on the allegation of poor performance. The appellant filed departmental appeal on 24.05.2017 but the same was not responded hence, the present service appeal on 25.09.2017.

- 3. Respondents were summoned who contested the appeal by filing of written reply/comments.
- 4. Learned counsel for the appellant contended that the appellant was serving as Canal Patwari in Irrigation Department. It was further contended that the appellant was imposed major penalty of demotion from BPS-7 to BPS-1 with observation for one year in future vide order dated 09.05.2017 on the allegation of poor performance. It was further contended that neither any charge sheet, statement of allegation was served upon the appellant nor proper inquiry was conducted nor the appellant was associated in the inquiry proceeding nor any final show-cause notice alongwith copy of inquiry report was handed over to the appellant therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside and prayed for acceptance of appeal.
- 5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was imposed major penalty of demotion from BPS-7 to BPS-1 with observation for one year in future on the allegation of poor performance. It was further contended that all the codal formalities were fulfilled before imposing the aforesaid penalty therefore, the competent authority has rightly imposed the aforesaid penalty and prayed for dismissal of appeal.
- 6. Perusal of the record reveals that neither proper charge sheet, statement of allegation was framed or served upon the appellant nor proper inquiry in the mode and manner prescribed under the Khyber Pakhtunkhwa Government

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Servants (Efficiency & Discipline) Rules, 2011 was conducted nor the appellant was associated with the inquiry proceeding nor any show-cause notice alongwith copy of inquiry report was handed over to the appellant before imposing the major penalty of demotion from BPS-7 to BPS-1 therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal and set-aside the impugned order. However, the respondent-department is at liberty to conduct de-novo inquiry within a period of 90 days in the mode and manner prescribed under Government Servants (Efficiency & Discipline) Rules, 2011 from the date of receipt of copy of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED 08.07.2019

(MUHAMMAD AMIN KHAN KUNDI) MEMBER

CAMP COURT ABBOTTABAD

(HUSSAIN SHAH)
MEMBER
CAMP COURT ABBOTTABAD

20.05.2019

Junior to counsel for the appellant and Mr. Muhammad Bilal, DDA alongwith Mr. Jawad, Zilladar for respondents present. Junior to counsel for the appellant seeks adjournment as his senior counsel is not available today. Adjourned. Case to come up for arguments on 08.07.2019 before D.B at camp court Abbottabad.

(Ahmad Hassan) Member (M.Anfin Khan Kundi) Member Camp Court A/Abad

08.07.2019

Counsel for the appellant and Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of three pages placed on file, we partially accept the appeal and set-aside the impugned order. However, the respondent-department is at liberty to conduct de-novo inquiry within a period of 90 days in the mode and manner prescribed under Government Servants (Efficiency & Discipline) Rules, 2011 from the date of receipt of copy of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

08.07.2019

(Hussain Shah)

Member

Camp Court Abbottabad

(Muhammad Amin Khan Kundi)

Member

Camp Court Abbottabad

15.10.2018

Appellant in person present. Mr. Muhammad Jawad, Zilladar alongwith Mr. Usman Ghani, District Attorney for the respondents present. Written reply submitted. Adjourned. To come up for rejoinder and arguments on 15.1.2019 before D.B at camp court, Abbottabad.

WA Member Camp Court, A/Abad

15.01.2019

Learned counsel for the appellant and Mr. Muhammad Bilal learned Deputy District Attorney alongwith Muhammad Jawad Zilladar present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 18.03.2019 before S.B at camp court Abbottabad.

Member

Member

Camp Court Abbottabad

18.03.2019

Junior to counsel for the appellant and Mr. Muhammad Bilal learned Deputy District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 20.05.2019 before D.B at Camp Court Abbottabad.

Member

Member
Camp Court A/Abad.

19.04.2018

Appellant in person and and Mr. Usman Ghani, District Attorney alongwith Raham Zeb, Deputy Collector for the respondents present. Representative of the respondents seeks adjournment. Granted. To come up for written reply on 27.06.2018 before the S.B. at camp court, Abbottabad.

Charman Camp court, A/Abad

27.06.2018

Appellant Haroon Khan in person present. Mr. Jawad Zilladar alongwith Mr. Usman Ghani, District Attorney for the respondents present. The above named representative of the respondents made a request for adjournment. Granted but as a last chance. To come up for written reply/comments on 27.08.2018 before S.Bat camp court, Abbottabad.

Chairman
Camp court, A/Abad

27.08.2018

Appellant in person and Jawad khan Zila Dar for the respondents present . Due to summer vacations, the case is adjourned .To come up for the same on 15.10.2018 at camp court Abbottabad.



19.1.2018

Counsel for the appellant present. Preliminary arguments heard. The learned counsel for the appellant argued that the appellant was demoted from BPS-7 to 1 on 09.05.2017 against which he filed departmental appeal on 25.5.2017 which was not responded to and thereafter he filed the present service appeal on 23.09.2017.

The grounds taken by the learned counsel for the appellant was that the appellant was demoted without any enquiry and without any show cause notice and personal hearing.

Points raised need consideration. The present is appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 20.03.2018 before S.B at camp court, Abbottabad.

Appellant Deposited
Security & Process Fee?

Camp court, A/Abad

20.03.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Lutfullah, Assistant (Litigation) for the respondents present. Written reply not submitted. To come up for written reply on 19.04.2018 before the D.B at camp court, Abbottabad.

Chairman
Camp court, A/Abad

Form-A FORMOF ORDERSHEET

Court of		
Case No	1172/ 2017	,

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	20/10/2017	The appeal of Mr. Haroon Khan received today by post through Mr. Abdul Aziz Khan Tanoli Advocate, may be entered in the Institution Register and put up to Worthy Chairman for proper order please.
2-	24-10-2017	This case is entrusted to Touring S. Bench at A.Abad for
		preliminary hearing to be put up there on $\frac{19-01-201}{8}$
	_	CHAIRMAN
	,	
		·

The appeal of Mr. Haroon Khan son of Muhammad Younas Khan cannal Patwari Sub Divisional Office Haripur received to-day i.e. on 25.9.2017 is returned to the counsel for the appellant with the direction to submit one more copy/set of the appeal along with annexures i.e. complete in all respect within 15 days.

Registrar Khyber Pakhtunkhwa **Service Tribunal**

Peshawar

Mr. Abdul Aziz Khan Tanoli Adv. **High Court Abbottabad.**

Objection Remove and Rea Submitted

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1772 /2017

Haroon Khan son of Muhammad Younas Khan, Canal Patwari, Sub-Divisional Office, Sub-Division, Haripur, resident of Village Sara-e-Saleh, Tehsil & District, Haripur.

...APPELLANT

VERSUS

Secretary Irrigation Department, Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

INDEX

S. #	Description	Page No.	Annexure
1.	Service appeal alongwith affidavit	1 to 6	
2.	Copy of order dated 09/05/2017	-7-	. "A"
3.	Copy of Notification	8759	"B"
4.	Copy of departmental appeal and postal receipt	10 75 12	"C"
5.	Wakalatnama	-/3-	

Through

Dated: 2/- 9- /2017

..APPELLANT

(ABDUL ÁZIZ KHAN TANOLI)

Advocate High Court, Abbottabad

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 177 /2017

Haroon Khan son of Muhammad Younas Khan, Canal Patwari, Sub-Divisional Office, Sub-Division, Haripur, resident of Village Sara-e-Saleh, Tehsil & District, Haripur.

..APPELIDAN TPakhtukhwa Service Tribunal

Diary No. 1094

VERSUS

- 1. Secretary Irrigation Department, Khyber Pakhtunkhwa, Peshawar.
- 2. Chief Engineer (North), Irrigation Department, Khyber Pakhtunkhwa, Peshawar.
- 3. Executive Engineer, Hazara Irrigation Division, Abbottabad.
- 4. Superintendent Engineer Irrigation Swabi Circle, Swabi.

... RESPONDENTS

Fledto-day
Registrail

Re-submitted to -day

20/10/1).

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT, 1974, AGAINST THE IMPUGNED ORDER NO.1199/18-E DATED 09/05/2017 ISSUED BY RESPONDENTS NO.3, WHEREBY, WITHOUT CONDUCTED REGULAR INQUIRY, PERSONAL HEARING OR SHOW CAUSE NOTICE, AGAINST

THE LAW, RULE AND FACTS, APPELLANT WAS DEMOTED FROM SCALE NO.7 TO SCALE NO.1 (APPRENTICES) PATWARI WITH OBSERVATION FOR ONE YEAR IN FUTURE.

PRAYER: ON ACCEPTANCE OF THIS APPEAL, IMPUGNED ORDER DATED 09/05/2017 MAY VERY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY PLEASE BE DIRECTED TO RESTORE THE ORIGINAL SCALE OF THE APPELLANT SCALE NO.7 WITH ALL BACK BENEFITS. ANY OTHER REMEDY WHICH THIS HONOURABLE TRIBUNAL DEEMS FIT AND PROPER MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Respectfully Sheweth:-

Brief facts giving rise to the present appeal are as under:-

1. That appellant is the employee of respondents department and served the respondents department as Canal Patwari for quite considerable time quite efficiently and upto the entire satisfaction of his superior.

- 2. That appellant when received the charge of Dam Khairbara Entry of irrigation recorded in Khasra according to the fact which was available in the spot.
- 3. That the entry of irrigation in Khasra which recorded the appellant in Khasra confirmed by superior officer.
- 4. That the respondent No.3 without conducted regular inquiry, charge sheet, show cause notice or personal hearing of the appellant with malafide and against the law appellant was demoted from Scale No.7 to Scale No.1 vide order No.1199/18-E dated 09/05/2017. Copy of order dated 09/05/2017 is attached as Annexure "A"
- 5. That the major penalty of Demolition passed by the respondents against the appellant from Scale No.7 to Scale No.1 is not covered by law as the finance department of KPK vide Notification NO.KC/FD/SO(FR)7-20/2015-16 dated 26/05/2016 Scale No.1 and 2 of the basic pay scale stand abolished. Thus the penalty is not sustainable

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under the law. Copy of Notification is annexed as Annexure "B".

- 6. That the appellant after obtaining copy of impugned order filed departmental appeal on 25/05/2017. Copy of departmental appeal and postal receipt is attached as Annexure "C".
- 7 That respondents/ department did not give any reply of the departmental appeal of the appellant, and statutory period is already been completed, hence, this appeal, inter-alia, on the following grounds;-

GROUNDS;-

a) That the impugned order was passed by respondents against the appellant with malafide and against the law, without conducted regularly inquiry, charge sheet, show cause notice or personal hearing of the appellant, thus not sustainable under the law and liable to be set aside.

- against the appellant and on the basis of penalty was imposed is totally illegal, against the law, without jurisdiction, corumnon-judice and not sustainable under the law and liable to be set aside.
- c) That the impugned order was passed against the appellant in violation of Article 4 and 25 of the Constitution of Pakistan, 1973.
- d) That the impugned order was passed in violation of fundamental rights as well as mandatory provisions of law and natural justice. Thus not sustainable under the law and liable to be set aside.
- e) That no other efficacious, speedy and adequate remedy is available to appellant except the instant appeal.
- f) That the other points shall be urged at the time of arguments.

It is, therefore, respectfully prayed that on acceptance of this appeal, impugned order dated 09/05/2017 may very kindly be set aside and the respondents may please be directed to restore the original scale of the appellant scale No.7 with all back benefits. Any other remedy which this Honourable Tribunal deems fit and proper may also be awarded in favour of appellant.

Him

....APPELLANT

Through

Dated: 21 - 9 - 12017

(ABDUL AZIZ KHAN TANOLI)

Advocate High Court, Abbottabad

VERIFICATION;-

Verified 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 from this Honourable Court.

...APPELLANT

OFFICE OF THE EXE

HAZARA IRRIGATION DIVISION ABBOTTABAD Phone No 0992-9310246 Fax No (0992-93/0246)

march

OFFICE ORDER

Whereas charges of poor performance in Govt: duty and decrease in area assessed was leveled upon Mr. Haroon Khan and Naiz Ahmed Patwaries attached to Haripur Sub Division during visit of Canal Collector North wing dated 01.09.2016.

Whereas the enquiry was ordered by the worthy Chief Engineer North Wing Peshawar and Mr. Roohul Mohsin Technical Officer, Office of the Chief Engineer Peshawar and Mr. Raham Zeb Deputy Collector Hazara Irrigation Division Abbottabad to probe the matter and submit their findings for further necessary action.. Both the enquiry officers visited the site and submitted their report direct to the Chief Engineer North wing Peshawar. Wherein the Dam Khairbara was constructed with the total cost of Rs.284.840 Millions for total CCA of 1600 Acre, while the Patwari concerned assessed only 8 and 7 Acres per Crop, which was very meager figures.

The enquiry Officers submitted their report alongwith other factors // reasons, the actual Irrigated area was witnessed to be quite larger as compared to the assessment made by the Patwaries in the first 3 years. Whereas the enquiry officers proved the charges leveled upon the accused. Thereby rendered themselves for penalty.

Now being competent authority, penalty has been imposed on both the accused Mr. Haroon Khan S/o Muhammad Younas of village Sarai Saleh Distt: Haripur, designation Canal Patwari BPS-07 and is being demoted from BPS-07 to BPS-1 (apprentices) Patwari with observation for one year in future. And Mr. Naiz Ahmed S/o Umar Khitab village Nokot Distt: Mansehra designation Canal Patwari BPS-07 and is being demoted from BPS-07 to BPS-05 with observation for 6 months in future alongwith (Full attendance in HVC office Abbottabad) in the best public interest.

EXECUTIVE ENGINEE

Copy to the:-

Chief Engineer (North) Irrigation Department Peshawar. 1.

Superintending Engineer Swabi Irrigation Circle Swabi. 2.

District Accounts Officer Abboitabad. 3.

Sub Divisional Officer Irrigation Sub Division Mansehra, Hampur for 4. information.

Deputy Collector HID Abbottabad. 5.

All Zilladars in HID Abbottabad.

DAO/HC/EC (Local) for information & n/action. 7.

Officials / accused concerned. 8:

HVC (Local) with the direction to observe his full attendance and report on daily basis.





OVERNMENT OF KHYBER PAKHTUNKHWA

FINANCE DEPARTMENT (REGULATION WING)

NO. KC/FD/SO(FR)/7-20/2015-16 Dated Peshawar, the 23-02-2016

То,

The Accounts Officer (HAD) Accountant General Office Khyber Pakhtunkhwa, Peshawar.

Subject:

UPGRADATION OF CLASS IV AND SANCTION OF SPECIAL

Dear Sir,

I am directed to refer to your letter No. H-24/Promotion / Fixation 2015-16/3444 dated 10-11-2015 on the subject noted above and to state that reply of Finance Department in annotative form is as under.

attested Hu

S. No	AG Observations	Finance Department Reply
1	It is stated that Para(a) of the above cited Notification read with para-iii of your office	Fresh appointment of BS-1 and BS-2 shall be made in BS-03 and BS-04 respectively. And all the Administrative
	memo No. KC/FD/SO(FR)7-20/2015 dated 17- 08-2015 all posts in BPS-01 to 05 stand upgraded	Departments will amend their service
1	by two stages. Hence, scale 01 and 02 of the Basic Pay Scale stand abolished.	rules in prescribed manner.
2	Under para-ii of your office letter No. KC/FD/SO(FR)7-20/2015 dated 17-08-2015	Correct
	premature increment is allowed to all upgraced	
	employees. However, this office is of the view that premature increment on upgradation may be	
5	allowed on the analogy of rule 10(i) of the Fay Revision Rules 1978i.e. where increase in the	
	pay on fixation to the next stage of the higher post gives a pay increase equal to or less than a	
	full increment of the pay scale of the higher post.	
3	Para(c) of the Notification provides that Special Compensatory Allowance will be granted to all	The Government will reconsider para-4 of Finance Department notification
	the provincial employees in BPs-16 and the amount of Special Compensatory Allowance will	dated 30-06-2015 and when notified the same could be communicated to
	be equal to the difference of pay and allowance	Accountant General Office.
	of notional upgradation from BS-16 to BS-17 and will be applicable w.e.f. 01-07-2015.	1
	Furthermore on 01-07-2015 due to revision of Pay & Allowances almost all the allowances	· ·
	stand frozen at the level of 30-06-2015. As a	

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		consequence of that the allowances of an	
		upgraded officer will remain unchanged & rate of	
		Special Compensatory Allowance will be equal	
		to the difference of basic pay and House Rent	·
		Allowance only.	
	4	Regular employees on deputation in	Not entitled for Special Compensatory
	·	developmental projects are entitled for Project	
		<u> </u>	Allowance as mentioned in Finance
		Allowance and Deputation Allowance. Hence,	Department notification of para-c.
		being allowances difference of the same on the	Hence not covered for the said
		aforementioned upgradation should also be	allowance.
		considered for the calculation of Special	
		Compensatory Allowance.	
	5	Exercise of option for Special Compensatory	The Government will reconsider para-4
		Allowance under Para-(C) of the notification is	of Finance Department notification
		not clear as option is meant for fixation of Basic	dated 30-06-2015 and when notified the
		Pay and not allowances. Furthermore, exercise of	same could be communicated to
;		option in the instant case will deprive Civil	Accountant General Office.
		Servants from the payment of Special	·
		Compensatory Allowance for 05 months. The	
		same may therefore, be withdrawn or guidance	
		may be solicited with proper example.	
i	6	Mr. B. Ward orderly was awarded one scale	December 11 3
	•	move Upgradation Committee from BS-02 to	Present incumbents will be upgraded
		BS-03 w.e.f. 01-07-2007 and now his pay will be	from BS-03 to BS-04 on 01-07-2015
		le di se	and new appointments will also be
/	Daw	_	made in the BS-04
\setminus	/ ·	upgradation, if we consider the New Pay Scale	
	>	words instead of upgradation of post alongwith	
		incumbents then the new incumbent will be	·
		appointed in BPS-05 or otherwise?	
	7	The various categories of existing teacher such as	The case of those teachers who were
ĺ	•	PST, CT, DM, PET upgraded conditionally (one	not upgraded in 2012 or onward vide
		time) on the basis of higher qualification / length	Finance Department letter No.
		of service w.e.f. 01-10-2007 vide your office	SO(FR)/Finance Department/10-
		Notification No.Finance Department/SO(FR)/10-	22(E)/2010 dated 16-07-2012 and
	į	22/2010 dated 16-01-2008. Later on the posts of	E&SE Department Notification No.
		the above teachers have been upgraded in general	SO(B&A)1-18/E&SE/2012 dated 11-
		w.e.f. 01-07-2012 vide Finance Department letter	07-2012. After confirmation from the
		No. SO(FR)Finance Department/10-22/E/2010	payroll of the remaining PST, CT, DM,
		dated 16-07-2012. It needs clarification whether	PET, AT, TT, Qari teachers who are
		one step upgradation will be admissible to those	appointed before 01-07-2010, are also
		teachers who were allowed one step upgradation	entitle for one step upgradation vide
		from 01-10-2007 on the basis of higher	Finance Department notification dated
	ļ	qualification / length of service or otherwise, as	30-06-2015
		they have not been upgraded in last five years.	
-	8	Similarly Arabic Teacher and Theology Teacher	As above in para-7.
	İ	were allowed revised pay scales BPS-15 and	1.3 20010 in para-7.
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attested

پیکماندائیل برخلاف آرڈرنمبری Xen Dated 09/05/2017 1199/18E صاحب بزارہ ایریکشن ڈویژن ایب آباد کی منہری بالا کے تحت اپیلانٹ کو بغیر قانونی وضروری تقاضے پورے کئے سکیل نمبر 7سے سکیل نمبر 1 میں Demote کردیا گیا اورایک سال Observation کی سزادی۔

استدعا بمنظوری اپیل مذا آرڈرنمبر بالا برخلاف اپیلانٹ غلط غیر قانونی اورخلاف انصاف اور قابل منسوخی ہے اور اپیلانٹ سکیل نمبر 7 پر سے جملہ فوائد ملازمت پر بحال ہونے کا حقد ارہے۔

attested

جناب عالى!

ائیل ذیل *وض* ہے۔

) بیرکه سائل محکمه بذامین بخسشیت پٹواری اپنے فرائض منصبی سرانجام دے رہاہے۔ سائل کاسروس ریکار ڈ صاف وشفاف ہے۔

2) یی دی محکمہ چیف انجئیر صاحب (نارتھ) پٹاور پراپیلانٹ اور نیاز احمد پٹواری کے خلاف محکمانہ انکوائری کا حکم صادر کیا۔ کین انکوائری میں ضروری قانونی نقاضوں کو پامال کیا گیا اور سائل Defance کا موقع بالکل نہیں دیا گیا اور سائل کومز اکا آرڈر دینے سے قبل نہ ہی جارج شیٹ جاری کی گئی نہ ہی کوئی شوکازنوٹس جاری کیا گیا۔ بدیں وجہ آرڈر نذکورخلاف قانون ہے۔

- 3) بیکرسائل اپیلانٹ کے خلاف جوانگوائری مقرر کی گئی وہ بھی بمطابق قانون نتھی کیونکہ انگوائری میں جو ضروری گوہان (علاقہ خیر باڑہ کے ذمینداران) مقے اُن کے بیان نہیں لیے گئے نہ بی کسی گواہ پر اپیلانٹ کوجر سے کاموقع دیا گیانہ ہی کسی گواہ کا بیان اپیلانٹ کی موجودگی میں قامبند کیا گیا۔
 کی موجودگی میں قامبند کیا گیا۔
- - 5) بیکہ سائل/اپیلانٹ کودی گئی سزانہ تو سول سرونٹ ایکٹ 1973 کے تحت دی گئی ہے اور نہ ہی 2012 ایکٹ کے تحت بدیں وجہ سائل/اپیلانٹ کوسزاخلاف قانون دی گئی جونا قابل بحالی ہے اور قابل منسوخی ہے۔
- 6) یہ کہ سائل/اپیلانٹ کے خلاف یکطرفہ طور پرمخش جانبداری سے انگوائری کی گئی جس میں اپیلانٹ کوصفائی پیش کرنے کا موقع نہ دیا گیا اور نہ ہی Impugned آرڈر پاس کرنے ہے بل کوئی فائنل شوکارزنوٹس جاری کیا گیا اور نہ ہی اپیلانٹ کی پرسنل Hearing کی گئی ہدیں وجہ آرڈر غلط،خلاف قانون،خلاف انصاف و واقعات ہونے کی بناء پر قابل منسوخی ہے اور نا قابل بحالی

7) یہ کہ پنواری ہر فصل کا اندراج کر کے خسرہ جات کھتونی ہر 6 ماہ بعد دفتر ضلعداری جمع کراتا ہے۔ دفتر ضلعداری والے نقشہ جات بیاں کر کے دفتر ڈپٹ کلٹر صاحب اور دفتر n کا ماہ بعد فقر کے دفتر ڈپٹ کلٹر صاحب اور دفتر n کے بیٹ آبادار سال کرتے ہیں اور وہ نقشہ جات بیٹا ور کلکٹر آفس میں بھی ہر 6 ماہ بعد فصل کے اختیا م پر بھیجے جاتے ہیں۔ اگر بپٹواری سی بھی سکیم کا رقبہ کم لیا افسر ان کوشک گزار سے کی رقبہ آبیاش شدہ کم لیا گیا تو فوری طور پر اپنے کو دیے مطابق ضلعدار صاحب و پٹٹ کلکٹر صاحب محسا حب کلکٹر صاحب پڑتال وشر تال کرتے ہوئے ہیں اور بر آمدہ نمبران پٹواری سے اُسی فصل میں درج خسرہ کرائے جاتے ہیں۔ لیکن افسوس کہ کہ نقشہ جات اُن کے پاس ہوتے ہوئے بھی کسی افسر نے پڑتال پاشرتال جو کہ افسر ان کامقرر کر دہ کو ٹھ ہے نہیں کی گئی۔ نہ بی پٹواری سے کمی رقبہ کا جواب طلب کیا گیا اچا تک کے سال بعد کی رقبہ کا اُن کو خیال آگیا اور سار از لہ پٹواری برگرا دیا گیا۔

8) سن یک سنائل پرایک الزام میریمی عائد کیا گیا که خیر باژه و نیم کا 1600 ایکٹر CCA رقبہ جس کا اندران جنیں کیا گیا جبکہ خیر باژه و و نیم موضع پپلیالہ ٹوٹل دیہہ کا بھی 1600 ایکٹر رقبہیں ہے۔خود ضلعدار صاحب، ۷/c صاحب سیکشن ہری پورنے ذمینداران کی درخواست برایک عارضی واربندی حال ہی میں تیار کی ہے جو کہ 288 ایکٹر CCA پر ششتل ہے۔

9) یہ کہ قبل ازیں جتنی بھی سیسیں محکمہ کے حوالے کی گئی سب سے پہلے اُن کی چک بندی تیار کرائی جاتی ہے۔ تاکہ دقبہ جات کے GCA اور CCA کا تعین ہو سے لیکن 7 سال گزرنے کے باوجود تا حال خیر باڑہ ڈیم کی کوئی چک بندی نہے۔ انداز آبی الزام پر رقبہ CCA تحریر کیا گیا ہے دقبہ کہاں سے لیا گیا بغیر چک بندی کے کیے تعین کیا گیا کہ دقبہ 1600 ایکٹر ہے۔ خیر باڑہ ڈیم کا تا حال کوئی ریکارڈ پڑواری کومیسر نہیں ہے۔ باوجود باربار رپورٹ کے محکمہ بندانے کوئی ریکارڈ مہیا نہ کیا۔

10) یہ کہ ذمینداران کی درخواست پر سابقہ SDO صاحب عمران خان ایڈیشنل کمیشنر صاحب مخصیل غازی بضلعدار صاحب سیکشن ہری پور 4 سال قبل خیر باڑہ ڈیم کاموقع ملاحظہ کر کے ذمیداران سے ندا کرات بھی کیے تھے۔اُس وقت نہر خیر باڑہ ڈیم ہیڈ سے Damarage ہوئی تھی اور پانی ضائع ہور ہاتھا اور اُن کے علم میں تھا کہ رقبے کی آبیا ثی پانی ضائع ہونے کی وجہ کم ہور ہی ہے۔

Water Course جوڈیم فدکور کے لیے تیار کی گئیں ہیں اُن سے آبیا ثی ناممکن ہے اور ذمینداران Water Course میں بند لگا کرآبیا شی کرتے ہیں کیونکہ مو گہ جات واٹر کورس کے اور نصب ہیں۔

لہذااستدعاہے کہ منظوری ہذا آرڈرنمبری 1199/18Eایکسین ہزارہ اریکیشن ڈویژن ایبٹ آباد منسوخ فرما کرسائل اپیلانٹ کوأس کے سکیل نمبر 7 پرمعہ جملہ فوائد ملازمت کے احکامات صادر فرمائے جائیں۔مہر بانی ہوگی

الرقوم:2017-24

ہارون خان ولد محمد بونس خان

سكندسرائ صالح تخصيل وضلع برى بور

كالى برائ:

1) جناب سیرٹری صاحب ابریکیشن ڈیپارٹمنٹ سکریٹریٹ پشاور 2) سپریٹنڈنگ انجنیئر صاحب ابریکیشن ڈیپارٹمنٹ صوابی

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وكالت نامه

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> نوعیت مقدمه سر کول اسل باعث تحریر آنکه

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آل مقام مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی کاروائی میں کر کریے اور کر کے افر اس کر کرے افر اس کر میں کر کے افر اس کر میں استان کی کاروائی کا کال افقیار ہوگا نیز ویک صاحب موصوف کومقدمہ کی کل کاروائی کا کال افقیار ہوگا نیز ویک صاحب موصوف کومقدمہ کو دیے اقبال دعوی اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ وعرضی دعوی کی تقدیق اور اس پر دیخط کرنے کا افقیار ہوگا اور بصورت ضرورت مقدمہ ندکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مخارصاحب قانونی کو اپنے ہمراہ اپنی بجائے تقر رکا افقیار ہوگا اور صاحب مقررشدہ کو بھی وہی اور ولیل یا مخارصاحب قول کے اور اس کا ساختہ پر داختہ جھے کومنظور و بھی ہوگا اور صاحب مقررشدہ کو بھی وہی اور ولیے بی افقیارات ہوں کے اور اس کا ساختہ پر داختہ جھے کومنظور و تبول ہوگا ۔ دور ان مقدمہ جو فرچ و ہر جاندالتو اے مقدمہ کے سب ہوگا اس کے سخق و کیل صاحب موصوف نیز بھی این مقام دورہ پہتو یا حدے باہر ہوتو و کیل صاحب موصوف بابند ہوں کے کہ ویروی مقدمہ ندکورہ کریں اور اگر مخارم کردہ میں کوئی جزو بقایا ہوتو و کیل صاحب موصوف بابند ہوں کے کہ ویروی مقدمہ ندکورہ کریں اور آگر مخارم کردہ میں کوئی جزو بقایا ہوتو و کیل صاحب موصوف مقدمہ کی بردی کے بابند نہوں گے۔ نیز درخواست بمراداستجارت نائش بسیخہ مفلی کے دائر کرنے اور اس کی مقدمہ کی بردی کے بابند نہوں گے۔ نیز درخواست بمراداستجارت نائش بسیخہ مفلی کے دائر کرنے اور اس کی مقدمہ کی بردی کے بابند نہوں گے۔ نیز درخواست بمراد استجارت نائش بسیخہ مفلی کے دائر کرنے اور اس کی

لهذاوكالت نامة تحرير كروياتا كدسندرب_

بيروى كابحى صاحب موصوف كواختيار موكا_

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بقائ أربيك أكاد

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BEFORE THE HONORABLE KHYBER PAKHTUN KHWA SIRVICE PESHAWAR.

Service Appeal No.1172/2017

 Haroon khanPetitio 	ner.
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VERSUS

Secretary Irrigation Department Khyber pakhtunkhwa Peshawar and others

RESPONDENTS

Subject:

parawise comments on the behalf of respondents No. 1-4

DESCRPTION OF DOCUMENTS	ANNEXURE	PAGE
Parawise comments along with Affidavit		
Copy of khasra girdawri	A	3-15
Reassessment list	В	16
Written statement of the appellant	С	17-23
Copy of pay slip and other supporting	D	24-31
documents		
Charge sheet	E	32
Show cause notice	F	33
	Parawise comments along with Affidavit Copy of khasra girdawri Reassessment list Written statement of the appellant Copy of pay slip and other supporting documents Charge sheet	Parawise comments along with Affidavit Copy of khasra girdawri Reassessment list Written statement of the appellant Copy of pay slip and other supporting documents Charge sheet E

Executive Engineer HID Abbottabad

BEFOR THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

HAROON KHAN V/S SECRETARY IRRIGATION DEPARTMENT, KHYBER
PAKHTUNKHWA PESHAWAR ETC

PARA WISE COMMENTS ON BE HALF OF RESPONDENTS ARE AS

UNDER

RESPECTFULLY SHEWETH

PRELIMINARY OBJECTIONS

- 1. That the Appellant has got no cause of action.
- 2. That the instant appeal is filed by suppressing the material facts from this honorable tribunal, hence not maintainable.
- That the penalty was imposed on appellant because of decrease in assessed area from 86 acres to 6 acres by conducting regular inquiry as per rules and regulations.
- 4. That the instant appeal is against the prevailing law and rules.
- 5. That the instant appeal has been filed just to pressurize the respondents.
- 6. That the appellant has not come to this honorable tribunal with clean hands.

FACTS.

- Para No 1. is correct to the extent that appellant is employee of irrigation department since dated 08/05/2013. Rest of the para is incorrect and dependant on the proof. His service has never been found satisfactory
- 2. Para No 2. is incorrect. Niyaz Patwari, the predecessor of appellant, assessed the area of 86 acres for crop Rabi 2013-14 (the first crop Irrigated by Khair Bara Dam). After that appellant brought the assessment to only 6 acres from the dam which was constructed on huge amount.
- 3. Para No 3.Is wrong. The father of appellant was Zilladar in the department at that time. He did not report of less assessment to higher office nor he checked the assessed area and also did not provided Naqsha No. 15 as per revenue manual (copy of Khasra Girdawri is annexed here with)

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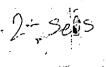
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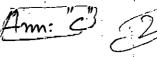
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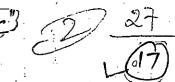
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OFFICE OF THE CHIEF ENGINEER (NORTH) IRRIGATION DEPARTMENT PESHAWAR

Email address: irrigation_dev@yahoo.com Phone & Fax No. 091-9212123

No. 926_/North/

Dated Peshawar the 2/1/03/2017

Tò-

The Superintending Engineer Head Quarter (North)

Subject:

INSPECTION NOTE.

Ref:

Your office letter No. 4824/North/1-E(ii), dated 08-09-2016.

Enclosed please find herewith the requisite Inquiry report (04 pages) for further appropriate necessary action as desired vide the above letter under reference please.

Encl: As above

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FROM : SMALL DAMS

FAX NO. :0919219534 No.3/3/2002-W.III

1:14PM P3 1 Mar. 2017

Ministry of Water and Power

Islamabad July 12, 2012.

The Secretary, Irrigation Department,

Government of Khyber Pakhtunkhwa,

Peshawar.

SUBJECT: CONSTRUCTION OF KHAIR BARA DAM PROJECT (REVISED)

I am directed to convey the administrative approval of the Government of Pakistan to execution of the following project was approved by CDWP in its meeting held on 18th June 2012;

S.No.	Name of Project		Decision
(i)	Construction of Khair E Dani Project (Revised).	Bara	The project was approved at a cost of Rs.284.840 million including Rs.38.87 million to be borne by the Provincial Government from their caynesources.

The monthly progress report in respect of the above mentioned scheme may be submitted regularly.

3. All codal formalities and guidelines may be observed strictly while implementing the scheme.

(Zamir Ehsen) Section Officer (W.11)

Secy Irrigation

Distribution:

Secretary, Finance Division, Islamabad.

ii) Joint Secretary (Committee), Cabinet Division, Islamabad.

iii) DFA (W&P), Islamabad.

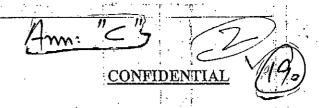
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v) CEA/CFFC, Islamabad

vi) SO(W.I)

vii) A.C(Dev), MOWP, Islamabad.

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INQUIRY REPORT

GENERAL/AUTHORIZATION

In pursuance to Superintending Engineer Head Quarter (North) Office order No. 824/North/1-E, dated 08-09-2016, an inquiry committee comprising of the following officers was constituted to probe the matter of meager assessment of Irrigated area under the command of newly constructed "Khair Bara Dam District Haripur".

- i. Engr. Roohul Mohsin Technical Officer o/o the Chief Engineer (North)
- ii. Mr. Raham Zeb Khan Deputy Collector Hazara Irrigation Division Abbottabad

. PROCEEDINGS:-

To proceed with the inquiry office of the Director General Small Dam Organization in response to the committee request, furnished handing/taking over paper alongwith other pertinent information of the subject noted dam.

The site was visited by the Inquiry Committee on 03-01-2017 alongwith Canal Collector (North), Sub Divisional Officer, Zilladar & Sub Engineer concerned.

The Patwaries namely Mr. Haroon Khan & Mr. Niaz Ahmad who couldn't join the inquiry committee on the date of its inspection, appeared before the Committee on 05-01-2017 & submitted their written statement enclosed as (Annex-I)

C. BACK GROUND.

Khair Bara Dam is situated in District Haripur. Physical work on the project was commenced in 19-06-2007 and completed on 11-01-2013. Total cost of the Project is Rs. 284.84 Million. Other salient features of the Dam are furnished as under:-

Live storage capacity
 488.76 Acres feet

Dead storage capacity = 16.73 Acres feet

• Cultivable Command Area = 1600 Acres

• Design Discharge of the off-taking Canal = 4.85 cusecs

• Length of the Irrigation Canals = 26500 Acres

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After completion of the Project, the facility was handed over to Hazara Irrigation Division on 1-01-2013. Subsequently the dependent/designed command area of the Scheme started utilizing water of the newly constructed reservoir. Accordingly the irrigated area of the reservoir was assessed by the concerned revenue staff. A brief detail of the assessment is furnished as under:-

O M	Crops	Assessed Area
S. No	Kharif 2014	8 Acres
1	Rabi 2014-15	7 Acres
3	Kharif 2015	7 Acres
4	Rabi 2015-16	6 Acres

Keeping in view the meager area assessed by the concerned revenue staff, the collector Irrigation (North) visited the area wherein it was observed that the actual area irrigated (from the newly constructed dam) was many fold larger than the assessed figures of the concerned Revenue staff (copy of the inspection report and details of irrigated area assessed by Canal collector is enclosed as Annex II). In order to have impartial investigation of the alleged negligence of the revenue staff, the instant inquiry was ordered as already elaborated above.

D. <u>FINDINGS & OBSERVATION</u>

On 04-01-2017, the site was visited by the Inquiry Committee, the Canal Collector North, SDO concerned and other relevant staff of Hazara Irrigation Division. The newly constructed Irrigation Canal was visited from head up to RD 6+500.

During the course of the stated visit, SDO Haripur intimated that Irrigation Canal at RD 5+000 sustained damages in July 2016 which was restored in September 2016. It was also observed that no proper water courses were in existence for conveyance of Irrigation water from Canal to the Command area. The cultivators just erect bunds across the channel and raise the water level to their lands/Katcha water course.

A pipe outlet on main canal at RD 0 + 400 left was observed completely chocked. Consequently the Irrigators concerned divert Irrigation Water by damaging the left side wall at RD 0 + 50/L & conveying the water to the dependent command area through natural nullah/khwar having shingles/gravels bed formation thus wasting substantial quantum of precious irrigation water.

During the course of the site visit, the staff was asked about the Engineering/Revenue chakbandi of the designed cultivable area. However it was reported that the same is not prepared as yet. The handing/taking over papers of the Khair Bara Dam are also silent about these very important tasks/documents. Ironically neither the client could pay appropriate attention towards this

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Division responsible

important assignment during the currency of the project, nor the Irrigation Division responsible for O&M of the facility.

Construction of Water Course is another important segment which should have been taken up with On Firm Water Management (OFWM) well in time. Without proper water courses, it is not even possible for the end user/cultivator, to utilize the Irrigation water conserved after construction of Khair Bara Dam through huge investment worth Rs. 284.840 Million from the National exchequer.

As a consequence of the above, the facility could only serve a small tract of the designed command area. Despite of the above given reasons the actual irrigated area was witnessed to be quite larger as compared to the assessment made by the lower revenue formation in the 1st 3 years.

The concerned Patwaries who appeared before the enquiry team on 05-01-2017 submitted their written statement, wherein they have highlighted the facts like non-availability of revenue chakbandi, non-construction of appropriate outlet structure & water courses and non-deployment of operational staff as yet, as the impediments in appropriate assessment of the irrigated area.

E. <u>CONCLUSION</u>

From the record, hearings and discussions with the concerned officers and officials of the department the inquiry committee has arrived at the conclusion that:-

As per Canal & Drainage Act, 1873 and the Revenue Manual, the role of Irrigation Staff regarding Assessment of the Irrigated Area and its (checking) Partal/Shartal has been very clearly defined vide different paras/ chapters as detailed below.

Chapter 2, Revenue Manual page 27,28 and 29 (Duties of Zilladar)

Chapter 3, Revenue Manual Pages 46,47, (Duties of Deputy Collector Irrigation).

Chapter 6, Revenue Manual, Pages 70, 71 (Duties of SDO).

Chapter 7, Revenue Manual, Page 87 (Duties of Divisional Canal Officer)

However, it was observed that the assessment conducted by the lower revenue staff couldn't be checked by any of the responsible officer being their legitimate duty as spelled over in the Revenue Manual. The situation would have been certainly better if the superior engineering and Revenue staff had bothered to check the work accomplished by the Patwaies.

Furthermore, non-availability of necessary revenue chakbandi does transpires the fact that this important task was completely ignored perhaps due to over engagement of the XEN and SDO concerned in the management/supervision of other construction activities.

n3/D/Data/enquiry/inquiry report khair bara dam.doc

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RECOMMENDATIONS:-

- The Divisional officer/Executive Engineer concerned may be provided necessary funds for preparation of the complete Revenue Chakbandi of the Scheme.
- Provision of appropriate outlet structure be included in ADP/O&M program so that the potential cultivator could avail the facility of Khair Bara Dam for their subsistence. This would also generate appropriate revenue for the provincial exchequer.
- The issue of water courses construction should be immediately tackled with On Farm Water Management (OFWM). An appropriate network of water courses could enable the designed command area of the Project to extract optimal benefits out of the Project.
- The unjustified and irrational assessment of the Irrigated area as compared to the actual extent of irrigation reported vide Canal Collector (North) letter No. 4738/Norht/7-R(N), dated 01-09-2016 (Annex-III) was checked at random by the Inquiry Committee during its site visit dated 03-01-2017. The report of the Canal Collector is hereby endorsed.
- This could be termed as negligence/laxity on the part of the concerned formation especially the revenue staff (Patwaries) who were supposed to have actual assessment of the irrigated area followed by appropriate checking/Partal/Shartal by the immediate higher officer(s)/Management.

Mr. Raham Zeb

Deputy Canal Collector

Hazara Irrigation Division Abbotabad

Engr. Rookul Mohsin

The Inquiry Officer/Technical Officer Office of the Chief Engineer (North)

Irrigation Department, Peshawar

Am."C" 16 سان عمارون فالمرواري على سال حي عرى لور مس عقر از و دیم ما حارا و معل رسو 15-1402ء سے حاصل تیا۔ بموقع ترفعلر ان ى تروان ترج البيران و تما - بيز سے بر تولوز تر رئيسداران سل آباش وا عرف ی ایاس ترا بے تھے۔ حسل الورک فعلق ارفعان کودی۔ تے عمراہ موقعہ نیریمی سے -اور زمینداراں کو ناجا کر آبیاسی سے منع کیا کیں ز سندران کے اجاب اس سے ساعا مرکف تھا کہ سمارے حقوق سول ایکاسی قبل از می عی اسی طرح نے ۔ اور سم اسی کو بنر میس کرمی کے ۔ محمد معذانے بذر لعرسا لغن اکو اسیاسی کانا کے دیا میوا علی میش ان لولوں نے أس لو تقرون سے مرامع اتھا۔ بعرص حب بساور سے سامنے سی گونب سي نعادات اور فعال سے اجائز آ ساسی سور ہی تی ترشر عمل سے وما حال فحے فیر ماریم کا سیرہ و سرو سی دے علے پیں اور نے جیست کی سار مولی سے سماراً لوی علی المعار هیرا زه دی لیر لعبنات نبقا کی با عام سوے ایک سدار ت می مولی بری سے میل در کا دار سے میل در کا در است میں مقاب کی میں سے میل در کا در است کی میں مقاب کی میں میں Ju Com Combande Some and Some and in the second of the sec الى سے ۔ حسى رفعہ كى أبهاسى ہے۔ كى سے صبى نے دراح كروما سے ۔ الورم كى عرف سے ۔ الورم كى عرف سے ۔ وما رون فالمع الري 5-01-017

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مناب عائي ا

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مع سان علمن زك مع دستول وا تكو مقار له سند ري ياس دهي

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مِنَالَ وَيَنِي ظَلُوهِمَا مِنَ الرَّيْسِيْنِ وَوَيْرُنَ السِينَارِ

سنج اری مار من ط جواب اور اس رعماً علی کا که موجنع بسلیا لم کے زمستوار ن سے - مذکورہ سنواری کو قراری صوابت ماری کا کہ کہ موجنع بسلیا لم کے زمستوار ن کو قراری الملاع برائے تعام لی ماری وار سنری کے سکن سنواری مذکور نے ماری اور دفتر میں کا کر اور ماری داری مذکورے والدمال کی میں رسنواری مذکورے والدمال موسائل برحمان عاد کو سیت معین کہ مرے میں کو سات دمی کو سات دمی کو سات دس نے در می کر والے معین کر والے معین کر والے معین اور می بری کہ کر اس نے در می کر والے معین اور می بری کہ کر اس نے در می کر والے معین اور می بری کی بین جو گرا

لعبرتی وار میزی سے قابل کا ست ومبرکی تسخیص کی صوفاتی لیکی مدکوری کی فراری میدکوری میروند می موقع کا ماخا مدہ رکیا ہے کی موقع بر آب قیاں اور ۱۰ 00 وی میں میرکوری کی ۔ اس سے ہیے کی موقع بر آب قیاں اور ۱۰ 00 وی میں کے معرار ہ فرائے تعبرتی رقمیم حالے کمیلی کر سے تعی نظری مناسب اطلاعی اور ۱۰ موالی میں معرف میں معید تعین میرکی معید میرکی موجود میں میرکی
الهذا آ ہے فرمت میں رمین کیا جاتا ہے کہ اس بارے میں صوبت جاری مرمائی جائے کہ رمیہ اندراج رصوبی جاتے اور میوادی کے رس رویو مری دیں کا روائی کا نے کیو مکم سکواری نے حکم اوولی کسی مج مسامی فیر

Jan Hpr Dated: 07/06/17



Government of Khyber Pakhtunkhwa District Accounts Office Abbotabad Monthly Salary Statement (February-2018)



Personal Information of Mr HAROON YOUNIS d/w/s of YOUNIS KHAN

Personnel Number: 00701793

CNIC: 1330203649547

Date of Birth: 05.04.1984

Entry into Govt. Service: 08.05.2013

NTN:

Length of Service: 04 Years 09 Months 022 Days

Employment Category: Active Temporary

Designation: PATWARI

80000297-GOVERNMENT OF KHYBER PAKH

DDO Code: AD4305-

Payroll Section: 002

GPF Section: 001

Cash Center:

GPF A/C No:

Interest Applied: Yes

GPF Balance:

41,206.00

Vendor Number: -Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil

BPS: 01

Pay Stage: 8

Wage type	Amount	Wage type	Amount
0001 Basic Pay	11,450.00	1000 House Rent Allowance	891.00
1210 Convey Allowance 2005	1,785.00	1300 Medical Allowance	1,500.00
2148 15% Adhoc Relief All-2013	296.00	2199 Adhoc Relief Allow @10%	
2211 Adhoc Relief All 2016 10%	1,075.00	2224 Adhoc Relief All 2017 10%	1,145.00

Deductions - General

Wage type	Amount	Wage type	Amount
3001 GPF Subscription - Rs 400	-400.00	3501 Benevolent Fund	-300.00
4004 R. Benefits & Death Comp:	-451.00		0.00

Deductions - Loans and Advances

Loan		 Description	 Principal a	mount	Deduction	Balance
	_			•		

Deductions - Income Tax

Payable:

0.00

Recovered till February-2018:

0.00

Exempted: 0.00

Recoverable:

0.00

Gross Pay (Rs.):

18,360.00

Deductions: (Rs.):

-1,151.00

Net Pay: (Rs.):

17,209.00

Payee Name: HAROON YOUNIS

Account Number: 16688-5

Bank Details: NATIONAL BANK OF PAKISTAN, 230301 MAIN BRANCH, ABBOTABAD. MAIN BRANCH, ABBOTABAD.,

ABBOTABAD

Leaves:

Opening Balance:

Availed:

Earned:

Balance:

Permanent Address: MOLLAH RAWAILWAY STATION HARIPUR

City: AD

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp. Address: City:

Email:

(13/06.03.2018/10:32:01) 2) Al amounts are in Pak Rupees 3) Errors & omissions excepted

جارح شی برهندف عارون خان شوادی حلق سمال در میر سلیتی بری ور آئے۔ مسی الرام ہے۔ کہ اون صر فاڑہ دیم کے کت ارافیات رساش شرہ کو درج حسرہ بن کیا ہے۔ جس کے بارے س جاب ملاطرهاف بشاورے موقع سر رشہ رساخی سرکا کی نشا نومی کی -حود ١٠٠٠ - ١٩١١ من مرب مذكوره كو اك فصراً عمداً فعول الع جَكُم اب زمیراران مقلقے سے اس کا آسانہ وحول ہی بیلے۔ بیلم خرج مفرره سے کس زیارہ وہ رمول کیا ہے۔ ادر مقم مذہورہ کو داخل فراہ نس کیا ہے۔ مکامر ما بشاورے رورٹ سر مناب میف افتری ت در نه ای فعرف نوروری افغامات ما در کی و که ای م فلاف الحالاه الله بل الله من من من وما من شامل رم کے کوں نہ ای ملاف ای اسٹر ڈی دولر اامعے کے قث کاروا معلى مائے مائے۔

EXECUTIVE ENGINEER 18/04/17
HAZARA TRRIGATION DIVISION
ABBOTTABAD.

سر کار و لئی بنام ها دون حان کسال شوری علم معال گرینر سکتی بری و در براره

الريم على الما عرص دو سال سے حسرباڑہ علی عادی بر کینت کینا شماری نسات میں . نسل رہنے 14-2013 میں طیرباڑہ ڈیم کی آبیا شی تعدادہ 86 الكير تسخيص كى فى عنى - حكم إيت رشر مزكد ٥ كو و ك البير برلي ال كالشرفة لينادر عوالموره غيرباره ديم من أساش سره رهم أساري ما من من من من من ورج في الله المن من من عقا - الم زميران من عقا - الم زميران من من عقا - الم زميران من علاقے سے اسانے سے فررہ سے کہ ازیدہ و مول کے داخل فرانہ بن لعدازال ای فلاف فین الجدر ما کی کا فلم دیل می الرامات با فاعمره بموت عسافة فا بث بعلى محرك . الله از و بروی این ارد از اعفاد رقید ایناش شده ی مربک پای بید اس مین می و دامت شام کران کر کوله نراز ک فلاف کاون کے طابق ما روزی میں لائی جائے ، جسی آپ تی وری سے برخا ستکی ہی شامل

18.491.A7 No

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1395 /ST

Dated $\frac{16 - 8 - 2019}{1}$

To

The Executive Engineer, Hazara Irrigation Division, Abbottabad.

Subject:

JUDGEMENT IN APPEAL NO. 1172/2017, HAROON KHAN/VS GOVT.

I am directed to forward herewith a certified copy of Judgement dated 08.07.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

was contended that the appeal has no force and prayed for dismissal of appeal.

Perusal of the record reveals that the appellant was imposed major 6. penalty of termination from service vide order dated 23.12.2016 but neither any absence notice is record nor any charge sheet, statement of Lun of your Proper inknives -allegation, inquiry report and final show-cause notice is available on the record. Meaning thereby that the appellant was imposed major penalty of termination from service without codal formality therefore, the appellant was condemned unheard. As such, we partially accept the appeal, set-aside the impugned order and direct the respondent-department to conduct regular inquiry in the mode and manner prescribed under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011. However, the reinstatement of the appellant and issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

<u>ANNOUNCED</u> 11.04.2019

> (MUHAMMAD AMIN KHAN KUNDI) MEMBER

(MUNAMMAD HAMID MUGHAL)
MEMBER

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