


15.06.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General present.


Despite direction notices were not issued. Therefore, fresh notice be issued to respondents for submission of reply/comments. Failing which their right for submission of written reply/comments shall be deemed struck off. Adjourned. To come up for reply/comments on 16.08.2022 before S.B at Camp Court Abbottabad.


(Fareeha Paul)
Member (E)
Camp Court A/Abad

18th Oct., 2022

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

Written reply/comments on behalf of the respondents have not been submitted. By virtue of previous order sheet, right of the respondents for submission of written reply/comments is deemed as struck off. To come up for arguments on the basis of available record on 27.12.2022 before the D.B at Camp Court, Abbottabad.


(Fareeha Paul)
Member(E)

20.01.2022

Clerk of learned counsel for the appellant present. Mr. Muhammad Babar, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and sought time for submission of written reply/comments. Adjourned. To come up for written reply/comments on 19.04.2022 before the S.B at Camp Court Abbottabad.

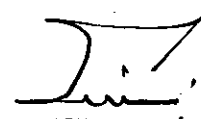


(Salah-ud-Din)
Member (J)
Camp Court A/Abad

19.04.2022

Counsel for the appellant present. Mr. Muhammad Babar, Assistant alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present and requested for time for submission of written reply/comments.

Respondents are directed to submit their written reply/comments on the next date positively, failing which their right for submission of written reply/comments shall be deemed as struck off. To come up for submission of written reply/comments on 15.06.2022 before the S.B at Camp Court Abbottabad.



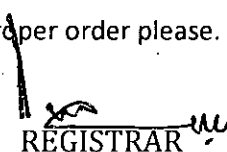


(Salah-Ud-Din)
Member (J)
Camp Court Abbottabad

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7570 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/10/2021	<p>The appeal of Mr. Muhammad Bilal presented today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to Touring S. Bench at Abbottabad. Notices be issued to appellant/counsel for preliminary hearing to be put up there on <u>02/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	02.12.2021	<p>Mr. Mohammad Aslam Tanoli, Advocate, for the appellant present. Preliminary arguments heard.</p> <p>Points raised need consideration, therefore, the appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, where-after notices be issued to the respondents for submission of written reply/comments before the S.B on 20.01.2022 at Camp Court Abbottabad.</p> <p style="text-align: right;"> (Salah-Ud-Din) Member (J) Camp Court Abbottabad</p>

Appellant Deposited
Security Process Fee
8/12/21

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: _____ vs _____

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Mohammed Aslam Tandil Advocate</u>		
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
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 A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/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 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 annexures 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/documentation as required in the above table have been fulfilled.

Name: Mohammed Aslam Tandil
Advocate
 Signature: M. Aslam
 Dated: 11-10-2021

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. 7570/21

Muhammad Bilal, Computer Operator, presently posted at
Deputy Commissioner, Haripur..... **Appellant**

VERSUS

1. Secretary to Govt, Revenue Department, KPK, Peshawar.
2. Commissioner, Hazard Division, Abbottabad.
3. Deputy Commissioner, Haripur..... **Respondents**

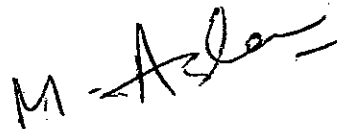
SERVICE APPEAL

INDEX

S/N	Description of Document	Ann- exure	Page No.
1.	Appeal with condonation application		01-09
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3.	Charge Sheet and its Reply.	"B&C"	12-14
4.	Impugned Order 11-06-2021.	"D"	15
5.	Calls data dated 04-02-2021 & 09-02-2021	"E"	16-17
6.	Transferred Order dated 09-03-2021	"F"	18
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8.	Departmental appeal, appeal rejection order and Application.	"H, I, & J"	20-23 24-25
9.	Wakalatnama		


Appellant

Through


(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated: 10-10-2021

①

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No.....

Muhammad Bilal, Computer Operator, presently posted at
Deputy Commissioner, Haripur..**Appellant**

VERSUS

1. Secretary to Govt, Revenue Department, KPK, Peshawar.
2. Commissioner, Hazard Division, Abbott bad.
3. Deputy Commissioner, Haripur..... **Respondents**

**SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL
ACT 1974 AGAINST ORDER DATED 11-06-2021 OF DEPUTY
COMMISSIONER HARIPUT WHEREBY APPELLANT HAS BEEN
AWARDED WITH PENALTY OF WITHHOLDING OF ANNUAL
INCREMENT FOR THE PERIOD OF YEAR WITH COMMULATIVE
EFFECT AND ORDER DATED 31-08-2021 OF THE COMMISSIONER
HAZARD DIVISION ABBOTTABAD WHEREBY HIS DEPARTMENTAL
APPEAL HAS BEEN REJECTED.**

**PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL ORDER
DATED 11-06-2021 AND 31-08-2021 OF THE RESPONDENTS MAY
GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE RELEASED HIS
ONE YEAR STOPPED ANNUAL INCREMENT WITH ALL
CONSEQUENTIAL SERVICE BACK BENEFITS.**

Respectfully sheweth,

1. That appellant has completed more than 05 years service in this department. Appellant always performed his assigned duties with devotion, dedication and honesty and never provided a chance of reprimand. Appellant has unblemished rather meritorious service record at his credit. For the reason appellant was never given even a single explanation throughout his service.
(Copy of Appreciation Certificate is Annexure-"A").

②

2. That appellant was served upon with a charge sheet dated 22-04-2021 by the Deputy Commissioner, Haripur which was duly replied on 28-04-2021 explaining all facts and circumstances of the matter and the allegations were straightaway denied. **(Copies charge sheet and its of reply are attached as Annex-"B & C")**.
3. That no proper departmental enquiry was conducted. No witness was called by the so-called inquiry officer in the presence of appellant nor was he afforded to cross examine such a witness if any. Appellant was not confronted with any documentary evidence if produced before the enquiry officer. No show cause notice was issued to him. Copy of enquiry findings, if any, was also not issued to him. Even opportunity of personal hearing was not provided to appellant.
4. That appellant was called by Competent Authority to appear before him' at 02:00 pm on 16-06-2021 and just 10 minutes before his appearing at 01:50 pm someone posted a show cause notice dated 08-06-2021 at his whatsapp and was intentionally deprived of the reply.
5. That the Deputy Commissioner Haripur without giving any consideration to the stance taken by appellant in his reply to the charge sheet, without any reason, justification, proof and in a whimsical and cursory manner awarded the appellant penalty of with-holding of annual increment for a period of one year with accumulative effect vide order dated 11-06-2021. **(Copy of order dated 11-06-2021 is Annexure-"D")**.

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6. That in fact appellant while performing his duties at complaint cell, a lady lodged a complaint on Pakistan Citizens Portal (PCP). The complainant was approached officially (through official phone No. **0995-920207**) for requisite particulars of her complaint. She herself requested the appellant to update status of her case. She was updated to the extent of her case. Moreover, no such inappropriate approach was made which would reveal that appellant tried to make any private relations with her. Allegations are false, fabricated and baseless. **(Call data dated 04-02-2021 & 09-02-2021 is attached as Annexure-"E")**.

7. That appellant knew not the complainant. She made complaint on PCP. Hundreds of men and women make complaints on PCP daily. Appellant treats all of them with courtesy; this does not mean to establish private relations with them. There had been no complaint against appellant throughout his posting. It is very astonishing one that as to why appellant had to try to make personal relations when he did not know even the age of the lady whether she was of his age or his mother's age or that of his grand-mother. No such inappropriate approach was used which alludes toward establishing personal relations. Appellant was transferred from PCP to CD on 09-03-2021 **(Transferred Order dated 09-03-2021 is attached as Annexure "F")** and subsequent text dated 16-03-2021 and 06-04-2021 was made on specific request of complainant. Proof as a clarification is attached herewith. **(Clarification of Text dated 16-03-2021 & 06-04-2021 is Annexure-"G")**.

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8. That appellant has discharged his assigned duties with devotion, dedication and honesty. There is nothing wrong on his part. The penalty of stoppage of increment to the appellant is wrong, against the facts and in whimsical, cursory in manner, illegal and without lawful authority hence liable to be set aside.
9. That in view of the facts narrated here above by no stretch of imagination the appellant can be held responsible for the allegations as leveled in the charge sheet as well as in impugned order for which the appellant has been awarded with the punishment without any proof and reason.
10. That aggrieved of the order dated 11-06-2021 of the Deputy Commissioner Haripur, the appellant filed a departmental appeal before the Commissioner Hazara Division Abbottabdd which was rejected vide order dated 31-08-2021, however, attested copy of the said order was delivered on 10-09-2021 and that too on the specific written request of appellant dated 10-09-2021. **(Copies of departmental appeal and appeal rejection order and application are attached as Annex-"H, I & J")**. Hence instant service appeal, inter alia, on the following:

GROUND:

- a) That order dated 11-06-2021 and 31-08-2021 of respondents are illegal, unlawful against the facts

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and circumstances of the matter hence liable to be set aside.

- b) That no proper departmental enquiry was conducted. No witness was called by the so-called inquiry officer in the presence of appellant nor was he afforded to cross examine such witness, if any. Appellant was not confronted with any documentary evidence if produced before the enquiry officer. No show cause notice was issued to him. Copy of enquiry findings, if any, was also not issued to him. Even opportunity of personal hearing was not provided to appellant.
- c) That the respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued impugned orders, which is unjust, unfair hence not sustainable in the eyes of law.
- d) That appellate authority has also failed to abide by the law and departmental rules and regulations. This act of the respondent is contrary to the law, section 24-A of General Clause Act 1897 and Article 10A of Constitution of Islamic Republic of Pakistan 1973.
- e) That there is nothing wrong on the part of appellant rather he has discharge his assigned with devotion and honesty.

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- f) That nothing adverse could be brought on record against the appellant by the Enquiry Officer during the so-called enquiry proceedings to materialize the allegations as leveled in the charge sheet as well as in the impugned punishment order.
- g) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.


PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal the order dated 11-06-2021 and 31-08-2021 of respondents may graciously be set aside and appellant be released his annual increment from the date of its with-holding with all consequential service back benefits. Any other relief in the light of circumstances of the case which this Honorable Service Tribunal deems fit may also be granted.



Appellant

Through:



(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 11-10-2021

VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.



Appellant

Dated: 11-10-2021

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Muhammad Bilal, Computer Operator, presently posted at
Deputy Commissioner, Haripur.....**Appellant**

VERSUS

1. Secretary to Govt, Revenue Department, KPK, Peshawar.
2. Commissioner, Hazard Division, Abbott bad.
3. Deputy Commissioner, Haripur..... **Respondents**

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been
filed in this Honourable Service Tribunal or any other court prior
to instant one.


APPELLANT

Dated: // -10-2021

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**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Muhammad Bilal, Computer Operator, presently posted at
Deputy Commissioner, Haripur..... **Appellant**

VERSUS

1. Secretary to Govt, Revenue Department, KPK, Peshawar.
2. Commissioner, Hazard Division, Abbott bad.
3. Deputy Commissioner, Haripur..... **Respondents**

SERVICE APPEAL

AFFIDAVIT:

I, Muhammad Bilal appellant do hereby solemnly declare
and affirm on oath that the contents of the instant Service
Appeal are true and correct to the best of my knowledge
and belief and nothing has been suppressed from this
Honorable Service Tribunal.


Deponent/Appellant

Dated: 11 -10-2021



9-10-21

Identified By:



Mohammad Aslam Tanoli
Advocate High Court
At Haripur


Appellant

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BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Muhammad Bilal, Computer Operator, presently posted at Deputy
Commissioner, Haripur..... **Appellant**

VERSUS

1. Secretary to Govt, Revenue Department, KPK, Peshawar.
2. Commissioner, Hazard Division, Abbott bad.
3. Deputy Commissioner, Haripur..... **Respondents**

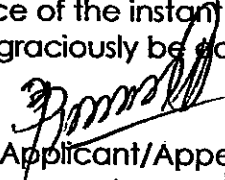

APPLICATION FOR CONDONATION OF DELAY IN FILING SERVICE APPEAL BEFORE
THIS HONOURABLE SERVICE TRIBUNAL

Respectfully Sheweth:

1. That applicant/appellant has filed today Service Appeal, which may be considered as part and parcel of this application, against orders dated 11-06-2021 and 31-08-2021 passed by respondents whereby appellant has been awarded with the penalty of "stoppage of one year annual increment with cumulative effect". Copy of appellate order was also not provided to the appellant which he obtained through his enthusiastic efforts by approaching office of the Commissioner Hazara Division Abbottabad by filing application.
2. That as the order has been passed in violation and derogation of the statutory provisions of law, rules and regulations governing the terms and conditions of service of the appellant, therefore causing a recurring cause of action to the applicant/appellant can be challenged and questioned irrespective of a time frame.
3. That impugned order passed by the respondents dated 11-06-2021 and 31-08-2021 are illegal, without lawful authority, and whimsical in manner. The applicant/appellant has filed departmental as well as service appeals well in time and has rigorously been pursuing his case. The delay, if any, in filing departmental as well as service appeal needs to be condoned.
4. That instant application is being filed as an abundant caution for the condonation of delay, if any. The impugned orders are liable to be set aside in the interest of justice.

It is, therefore, respectfully prayed that on acceptance of the instant application the delay, if any, in filing of above titled appeal may graciously be condoned.

Through:


Applicant/Appellant

(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 11-10-2021

VERIFICATION:

It is verified that the contents of the instant application/appeal are true and correct to the best of my knowledge & belief & nothing has been suppressed.

Dated 11-10-2021


Applicant/Appellant

Annex-A

10

CERTIFICATE OF APPRECIATION

THIS CERTIFICATE IS PROUDLY PRESENTED TO

Bilal Ahmad

In recognition of contribution dedicated and committed cooperation during COVID-19, Administrative Surveys, Work with Food Dept. Haripur, Police Dept. Haripur, Health Dept. Haripur with loyalty, honesty, hardworking, trustworthy, well disciplined District Administration Haripur present the same with great pleasure, gratitude and expect the same level of commitment in future as well.

38/01/2021
DATE



DISTRICT ADMINISTRATION
HARIPUR



Attested
[Signature]



A/1

OFFICE OF THE ADDL: ASSISTANT COMMISSIONER-I, HARIPUR

Dated 27.12.2019

Certificate of Appreciation

This letter is to acknowledge and appreciate the whole-hearted services extended by you in implementation of government policies, service delivery and making the life of citizens of District Haripur comparatively better.

I hope you will continue to work with same spirit, full of dedication and passion to serve the people as true public servants.

With best wishes & warm regards

(Adnan Jamil)

ADDL: ASSISTANT COMMISSIONER
HARIPUR



Mr. Muhammad Bilal (CO)

Attest of



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OFFICE OF THE **Annex-B**
DEPUTY COMMISSIONER, HARIPUR

☎ 0995 613391-19 | 📠 0995-615412 | 🐦 @dcharipur | 📧 dcharipur | 📧 hllodcharipur@gmail.com | 📞 0335 5613376

No. 1(9)/ AE/Inquiry/ 2021/DC (H)/ 3668

Dated: 22/04/2021

CHARGE SHEET

1. I, Cap (R) Nadeem Nasir, Deputy Commissioner Haripur, as competent authority, hereby charge you, Muhammad Bilal, Computer Operator, of this office/SDC Haripur, as follows:

That you, while posted as Computer Operator, of this office/SDC Haripur committed the following irregularities.

A complaint received through Pakistan Citizen Portal ref. No. KP070421-88210827 dated 21-04-2021, has been initiated by lady regarding your coordination with her on her personal cell number and whatsapp messages to let or know the status of her case pending in this office by making a pretext of the case you tried to establish personal relation which is against the code of conduct of service. You have been found guilty of gross misconduct which is liable to proceed under E&D Rules 2011.

2. By reason of the above, you appear to be guilty of misconduct under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer, as the case may be.

4. Your written defense, if any, should reach the inquiry officer/inquiry committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

5. A statement of allegations is enclosed.

Attended
Prasad

Deputy Commissioner,
Haripur.



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**OFFICE OF THE
DEPUTY COMMISSIONER, HARIPUR**

☎ 0335 613391-19 | 📠 0335-615412 | 📧 @dcharipur | 📧 @dcharipur | 📧 hellocdcharipur@gmail.com | 📠 0335 5613376

No. 1(9)/AE/Inquiry/2021/DC(H)/3668

Dated: 22 / 04 / 2021


DISCIPLINARY ACTION

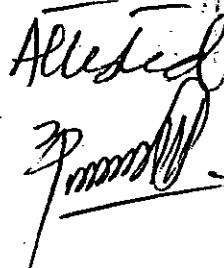
1. I, Cap (R) Nadeem Nasir, Deputy Commissioner Haripur, as competent authority, am of the opinion that Mr. Muhammad Bilal, Computer Operator, of this office presently posted at Service Delivery Center (SDC) Haripur has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3(a)(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011:-

STATEMENT OF ALLEGATIONS

A complaint received through Pakistan Citizen Portal ref. No. KP070421-88210827 dated 21-04-2021, has been initiated by lady regarding your coordination with her on her personal cell number and whatsapp messages to let or know the status of her case pending in this office by making a pretext of the case you tried to establish personal relation which is against the code of conduct of service. You have been found guilty of gross misconduct which is liable to proceed under E&D Rules 2011.

2. For the purpose of inquiry against you with reference to the above allegations, Miss. Shaista, Addl: Deputy Commissioner(Relief & HR), Haripur is appointed as Inquiry Officer under rule 10(1)(a) of the ibid rules.
3. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide opportunity hearing to the accused, record its findings and make, within 15 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.
4. The accused shall join the proceedings on the date, time and place fixed by the inquiry officer.


Competent Authority


Accused


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Annex-C

Statement

With due reference and deference, it is submitted that the concerned complainant is unknown to me and that she had lodged a complaint on PCP. The complainant was approached officially for discussing requisite particulars of the complaint. Later, upon her request regarding letting her know the status of her case, the complainant was updated to the extent of her case. Moreover, no such inappropriate approach was used which indicate towards establishing personal relation. However, throughout correspondence under taken mutually in courteous way, is being attached for further clarification (Attached herewith).

Therefore, as far as I am concerned, the allegations charged against me, are the result of some ambiguities/doubts due to which some misconception was created. As I am law abiding employee and I am well aware of the sensitivity of my official engagements/businesses as I have been served on various posts/branches in Deputy Commissioner Office and have been very honest towards my job responsibilities throughout the period. However, the word if any, used by me which is creating sense of insecurity or any sort of violation, the same may be treated as with the specific apology.


Muhammad Bilal
Computer Operator
DC Office Haripur.

Allied


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Annex-D



OFFICE OF THE DEPUTY COMMISSIONER, HARIPUR

PHONE: 0995-920200, FAX: 0995-615412
No. AE/Inquiry/2021/ 4314-21 /DC(H)
Dated 11.06.202

ORDER

WHEREAS, an enquiry under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline Rules, 2021 against Mr. Muhammad Bilal, Computer Operator (BPS-16) Computerization of Land Record (SDC Haripur) was conducted against him on the complaint received through Pakistan Citizen Portal vide No. KP070421-88210827 dated 21.04.2021 with the allegations that he has tried to establish personal contact with the (lady) complainant on the pretext of the case pending in DC Office by contacting / texting her twice through WhatsApp irrelevantly and needlessly, even after his transfer to other office. His actions clearly appear to be driven by malafide intension and tantamount to gross misconduct.

AND WHEREAS, the Complaint was forwarded to the Additional Deputy Commissioner (Relief & Human Rights), Haripur alongwith Statement of Allegations & Charge Sheet vide this office letter No 1(9)AE/Inquiry/2021/DC(H)/3668 dated 22.04.2021 to conduct Inquiry under E&D Rules, 2011.

AND WHEREAS, As per Inquiry Report of Additional Deputy Commissioner (Relief & Human Rights), Haripur vide No. Inquiry/1344/ADC HR(H) dated 06.05.2021, the accused official was found guilty of misconduct and the Inquiry Officer recommended for imposition of Minor Penalty of withholding of Annual Increment.

AND WHEREAS, Show Cause Notice was served upon the accused Official with opportunity of personal hearing vide No. 1(9)/AE/Inquiry/2021/DC(H) / 4136 dated 08.06.2021. The accused official was appeared before the undersigned on 10.06.2021. During the personal hearing the accused official neither could refute the charge / allegation brought against him nor could he produce any proof in his defense.

NOW THEREFORE, in the light of Departmental Inquiry by ADC (R&HR), Haripur, Mr. Muhammad Bilal, Computer Operator (BPS-16), Computerization of Land Record (SDC Haripur) has been found guilty of misconduct, hence I, the undersigned being the Competent Authority in exercise of the powers conferred under Rule 4(1)(a)(ii) of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011, **MINOR PENALTY OF WITHHOLDING OF ANNUAL INCREMENT FOR THE PERIOD OF ONE YEAR WITH ACCUMULATIVE EFFECT** is hereby imposed upon Mr. Muhammad Bilal, Computer Operator (BPS-16) with immediate effect.

Attested To be True Copy

(Muhammad Mughees Sa-naullah)
Deputy Commissioner, Haripur
(Competent Authority)

Copy to the:

1. Commissioner, Hazara Division, Abbottabad.
2. Director Land Record, Khyber Pakhtunkhwa, Peshawar.
3. Additional Deputy Commissioner (G), Haripur.
4. Additional Deputy Commissioner (Relief&HR), Haripur.
5. Deputy Director Database, Computerization of Land Record, Haripur.
6. District Accounts Officer, Haripur for necessary action.
7. District Nazir (Local) for necessary action.
8. Mr. Muhammad Bilal, Computer Operator, Computerization of Land Record (SDC Haripur)

Deputy Commissioner,
Haripur

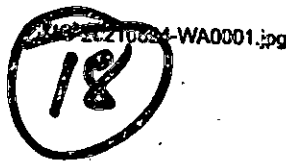
Annex-E

National Telecommunication Corporation

Bill Month : Feb-2021 Deptt. Code : 99500 Potal Zone : 0 Total Calls : 235 Phone No : 995920207
 Statement of Trunk (B) / NWD (N) / Local Mobile (LM) / NWD Mobile (NM) / VIP Token (I) / Overseas (S) and
 Phonogram (P)

TYPE	Date	Time	Station Called	Number Called	Unit(s)	Amount
LM	01-02-2021	09:58:16				
LM	01-02-2021	10:14:27		03315745403	2	5.80
LM	01-02-2021	10:27:25		03335098043	2	5.80
LM	01-02-2021	10:30:08		03314612893	1	2.90
LM	01-02-2021	11:30:11		03165320600	1	2.90
LM	01-02-2021	11:35:09		03165320600	1	2.90
LM	01-02-2021	11:43:00		03465171912	1	2.90
LM	01-02-2021	12:00:39		03338697174	7	20.30
LM	01-02-2021	12:33:05		03469040712	2	5.80
LM	01-02-2021	12:36:04		03325482015	4	11.60
LM	01-02-2021	13:28:12		03459055566	3	8.70
LM	01-02-2021	13:30:49		03125124988	2	5.80
LM	01-02-2021	13:43:30		03165320600	1	2.90
LM	01-02-2021	14:18:12		03315523686	2	5.80
LM	01-02-2021	14:38:11		03338468705	1	2.90
LM	01-02-2021	15:59:14		03365662123	3	8.70
LM	01-02-2021	16:23:47		03325482015	2	5.80
LM	01-02-2021	18:08:23		03345653324	1	2.90
LM	02-02-2021	09:25:09		03155023056	5	14.50
LM	02-02-2021	09:58:19		03005491827	2	5.80
LM	02-02-2021	10:29:20		03325042875	2	5.80
LM	02-02-2021	15:29:51		03449432439	1	2.90
LM	02-02-2021	15:35:01		03465628250	1	2.90
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LM	02-02-2021	17:02:05		03365662123	1	2.90
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LM	03-02-2021	15:00:37		03349494696	1	2.90
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LM	03-02-2021	17:21:48		03329286448	1	2.90
LM	04-02-2021	10:12:16		03489721913	1	2.90
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LM	04-02-2021	10:17:54		03169748634	1	2.90
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LM	04-02-2021	10:25:47		03348387169	1	2.90
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LM	04-02-2021	10:58:03		03215822622	1	2.90
LM	04-02-2021	12:18:30		03335903928	4	11.60
LM	04-02-2021	12:23:04		03145331837	2	5.80
LM	04-02-2021	12:26:49		03325092726	2	5.80
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LM	04-02-2021	16:52:09		03409649104	2	5.80
LM	04-02-2021	17:04:23		03004085344	7	20.30
LM	04-02-2021	17:11:44		03175000743	12	34.80
LM	08-02-2021	09:50:39		03435601887	4	11.60
LM	08-02-2021	10:46:34		03365679608	1	2.90
LM	08-02-2021	11:11:33		03165320600	1	2.90
LM	08-02-2021	15:36:21		03159541902	1	2.90
				03005615556	1	2.90

Attested
[Signature]



Annex - F

**Office Of The Deputy Commissioner, Haripur.**

Phone No. 0995 -920200 / 920202, FAX 0995 - 615412

No. AE-598-100 /DC(H)

Dated: 09/03/2021

OFFICE ORDER:

Posting / transfer amongst the following officials is hereby ordered, with immediate effect, in best public interest:-

S#	Name of Official	Designation	From	To
1.	Muhammad Bilal	Computer Operator	o/o ADC (G)	Service Delivery Center Haripur. He is also directed to work in the court of ADC (G) on RCDS, in addition to his own duties, till further orders.
2.	Abdul Basit	Computer Operator	DPCR / DCCR	Service Delivery Center Haripur.

Deputy Commissioner,
Haripur.

Copy to the:-

1. Additional Deputy Commissioner (G), Haripur.
2. Deputy Director Database, SDU Haripur.
3. Officials concerned for compliance.

Deputy Commissioner,
Haripur.

2021.03.10 17:25

Akmal Qureshi

19

Amir G

Your security code with +92 317 5000743 changed. Tap to learn more.

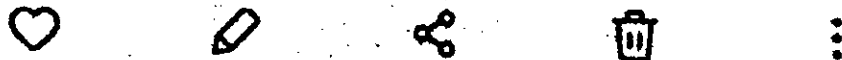
Aoa, hope you are doing good. what about your case proceeding? 8:54 pm ✓✓

AssalamoAlikum!

I asked you about ur case as I desired to inquire about what sort of proceeding they ve done so far but u did not respond.. Your grievance is right to the great extent and i also know the pain you went through while approaching different forums for getting your right but what i wanted to tell you was that i had been transfered to the Service Delivery Center due to which i could not complete the whole proceeding of your case. anyhow, being a public servant, i want to apologize for any inconvenience caused to you ..at the end, i want to conclude that a failed state is one where justice becomes a saleable commodity and the government gives up on its responsibility to protect the lives, honour and property

Amir G

Keep us safe & sound



Downloaded



20

Annex-H'

BEFORE HONOURABLE COMMISSIONER HAZARA
DIVISION ABBOTTABAD.

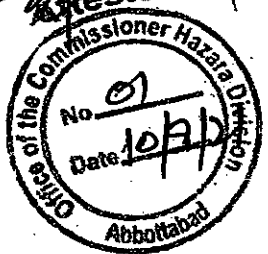
DEPARTMENTAL APPEAL AGAINST ORDER NO. AE/ENQUIRY/2021/4314-21/DC(H) DATED 11.06.2021 PASSED BY THE WORTHY DEPUTY COMMISSIONER HARIPUR WHEREBY APPELLANT HAS BEEN AWARDED WITH PENALTY OF WITHHOLDING OF ANNUAL INCREMENT FOR THE PERIOD OF ONE YEAR WITH ACCUMULATIVE EFFECT".

PLAYER: ON ACCEPTANCE OF INSTANT DEPARTMENTAL APPEAL ORDER DATED 11.06.2021 OF THE WORTHY DEPUTY COMMISSIONER HARIPUR MAY KINDLY BE SET ASIDE AND THE APPELLANT BE RESTORED HIS ONE YEAR WITH-HELD ANNUAL INCREMENT WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respected Sir,

The following few lines are submitted for your kind consideration and favorable order please:-

1. That appellant has rendered more than 05 years service in this department. Appellant always performed his assigned duties with devotion, dedication and honesty and never provided a chance of reprimand. Appellant has unblemished rather meritorious service record at his credit (Copies of acknowledgment certificates attached as Annex-A). For the reason appellant was never given even a single explanation throughout his service.
2. That appellant was served upon with a charge sheet vide No. AE/Enquiry/2021/ 4314-21/DC(H)/3668 dated 22-04-2021 along-with statement of allegation by the Worthy Deputy Commissioner, Haripur which was duly replied on 28-04-2021 explaining all facts and circumstances of the matter and the allegations included therein were straightaway denied.



Rw
ACR
5/20/21

Sgt
01/11/21
Set

Attested
20/10/21

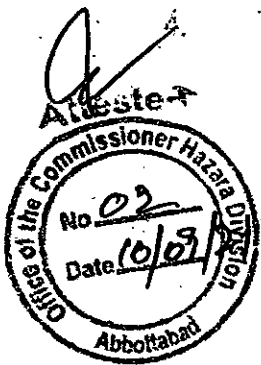
20/10/21

10/11/21 (H)

(Copies of charge sheet and its reply are attached as Annex-B & C).

3. That no proper departmental enquiry was conducted. No witness was called by the inquiry officer in the presence of appellant nor was he afforded to cross examine such a witness if any. Appellant was not confronted with any documentary evidence if produced before the enquiry officer. Most importantly, copy of enquiry findings, if any, was also not issued to him. Surprisingly, the allegations mentioned in the complaint do not reveal any indication towards establishing personal relation whereas charge sheet was made based on ambiguous facts.

That appellant was called by Competent Authority to appear before him at 02:00 pm on 10-06-2021 pm. The show cause notice issued on 08.06.2021, was posted at appellant's WhatsApp just 18 minutes before his appearance at 01:42 PM and intentionally deprived of opportunity to reply the same.

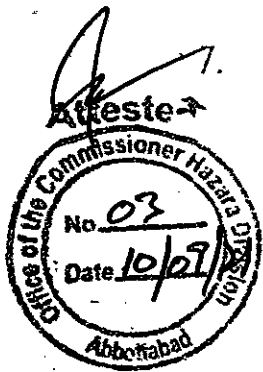


5. That the Worthy Deputy Commissioner Haripur without giving any consideration to the stance taken by appellant in his reply to the charge sheet referred above, without any reason, justification, proof and in a whimsical and cursory manner awarded the appellant with the penalty of with-holding of annual increment for the period of one year with accumulative effect vide order No. AE/Enquiry/2021/4314-21/DC(H) dated 11-06-2021.

22

(Copy of order dated 11-06-2021 is attached as Annex- D).

6. That in fact appellant while performing his duties at complaint cell, a lady lodged a complaint on Pakistan Citizen Portal. The complainant was approached officially (0995-920207) for requisite particulars of her complaint (Evidence attached as Annex-E). She herself requested the appellant to update her about status of her case. She was updated to the extent of her case. Moreover, no such inappropriate approach was made which would reveal that appellant tried to make private relations with her. Allegations are false, fabricated and baseless.

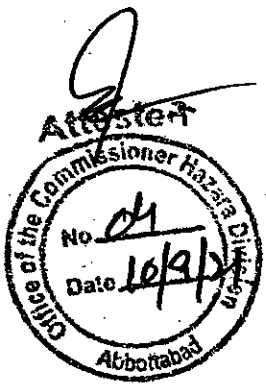


That appellant did not know the complainant. She registered complaint on Pakistan Citizen Portal (PCP). Hundreds of men and women make complaints on PCP daily. Appellant treats all of them with courtesy; this does not mean to establish private relation with them. But there had been no complaint against him throughout his posting. It is very astonishing and perplexing one that as to why the appellant had to try to make personal relation when he did not know even the age of the lady whether she was of his age or his mother's age or that of his grand-mother. No such inappropriate approach was used which indicate toward establishing personal relation. Appellant was transferred to Service Delivery Center on 09-03-2021 with the additional charge (Court Cases) and subsequent text dated 16-03-2021 and 06-04-2021 was made on specific request of complainant. Proof as a clarification is attached herewith. (Proof attached as Annex-F).

8. That appellant has discharged his assigned duties with devotion, dedication and honesty. There is nothing wrong on his part. The penalty of stoppage of increment to the appellant is wrong, against the facts and in whimsical, cursory in manner, illegally and without lawful authority hence liable to be set aside.

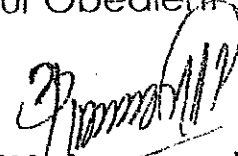
9. That in view of the facts narrated here above by no stretch of imagination the appellant can be held responsible for the allegation as leveled in the charge sheet as well as in impugned order for which the appellant has been awarded with the punishment without any proof and reason.

10. That had the appellant been associated and provided time for the reply to the show cause notice, he would have really proved himself as innocent by adducing credible facts of the matter.



It is, therefore, requested that order dated 11-06-2021 of the worthy Deputy Commissioner, Haripur may graciously be set aside and the annual increment of the appellant may be restored with all consequential service back benefits in the interest of justice, please. The appellant shall pray for your long life and good health.

Your Obedient Servant


(Mohammad Bilal)
Computer Operator
Service Delivery Centre,
Haripur

Dated: 24/06/2021

0312-4270012



Subject: APPEAL FILED BY MUHAMMAD BILAL COMPUTER OPERATOR DEPUTY COMMISSIONER OFFICE HARipur

31/08/2021
 O-15-D-7-R

The brief history of the instant appeal is that Mr. Muhammad Bilal was serving as Computer Operator of Land Record (SDC Haripur) and at the time appellant was serving with Additional Deputy Commissioner Office Haripur. In the light of complaint against appellant filed by female citizen received through a Citizen Portal DC Office Haripur, with the allegations that he has tried to establish personal relation with the lady complainant on the pretext of the case pending in DC office by contacting her clearly appear to be driven by mala fide intention which is tantamount to gross misconduct.

A fact finding enquiry was conducted by Addl. Deputy Commissioner (Relief & IR), Haripur. The enquiry officer inquired the matter thoroughly and furnished the report vide No. Inquiry 131-VI-XC HR (1) dated 06.02.2021 and deduced that the accused has tried to establish personal contact on the pretext of the case pending in the Deputy Commissioner Office by contacting her twice inevitably and necessity. The allegations leveled against appellant have been proved. The inquiry officer recommended to initiate legal action against accused under I&D Rules 2011.

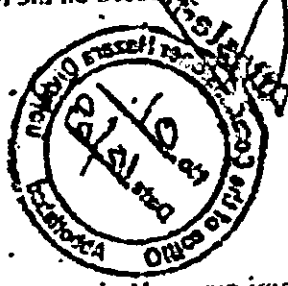
And whereas, in the light of the recommendations made by the inquiry officer, the Deputy Commissioner, Haripur in the light of Rule 4(1) (a) (ii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 imposed Minor Penalty of withholding of annual increment for the period of one year with accumulative effect.

And whereas, Mr. Muhammad Bilal (appellant) filed the instant appeal against the order of the Deputy Commissioner Haripur dated 11/08/2021 with the plea that the impugned order may be set aside.

And whereas, appellant appeared for personal hearing today on 26.08.2021 at 11:30 am. heard in person in presence of representative of the Deputy Commissioner Haripur. The appellant failed to convince me to prove his innocence and non-involvement in above mentioned case already proved against him through a detailed enquiry under prescribed rules.

Now, therefore, in the light of the arguments, facts and record, there is nothing to interfere with the impugned order which is upheld and appeal of the appellant is dismissed. No order as to the cost. A copy of my order shall be placed on the relevant file after completion.

Announced
 31/08/2021



Nazara Division
 Commissioner
 By order

Copy forward to the:
 1. Deputy Commissioner, Haripur w/o to above
 2. Appellant

(Dr. Arifullah) F. O. A.
 Assistant to Commissioner (RWDV)
 Nazara Division, Arbolabad

The Assistant to Commissioner (Rail)
Hazara Division Abbottabad

Subj: Certified copies of inquiry proceedings
against submitted departmental appeal

Respected Sir,

It is stated that appellant appeared
before you on 26.08.2021 in respect of personal
hearing of submitted departmental appeal
the final order of the submitted inquiry proceedings
has been issued. It is therefore requested
that certified copies of all relevant record
pertaining to the inquiry proceedings may
please be provided for further appropriate
Appellant's name.

~~Asst. Commr~~
10.09.21

Muhammed Bilal
10/09/2021
(Appellant)

Dated 10-09-2021

Attested
[Signature]

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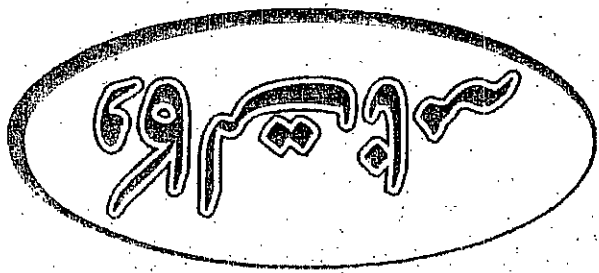
2021
11:11

M. H. ...
M. H. ...

Main body of handwritten text, appearing to be a letter or report. The text is dense and covers most of the page.

Handwritten signature and name: *...*

Handwritten notes at the bottom of the page, including a date and other details.



کوئی فیس	فیس
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“B”

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

No.

TB

Appeal No. 7570 of 20 21

Muhammad Bilal Appellant/Petitioner
 Versus

Sgt. Rameez R. Pk Respondent
 Respondent No. 2

Notice to: — Commissioner Hazara Division
Muzaffargarh

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 21/12/21 at 8:00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 21st

Day of Decr 20 21

at Camp Court A. Abad

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

“B”

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

No.

713

Appeal No. 7570 of 20 21

Muhammad Bilal Appellant/Petitioner

Versus

Sgt. Reemus P. P. P. Respondent

Respondent No. 3

Notice to:

Deputy Commissioner
Hari Pur.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 20.1.2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No. dated~~

Given under my hand and the seal of this Court, at Peshawar this 14/11

Day of Dec 20 21

at Camp Court A. Ahmad

Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

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

TB

No.

Appeal No. 7570 of 2021

Muhammad Bilal Appellant/Petitioner

Versus

Soyy: Revenue Pesh. Respondent

Respondent No. I

Handwritten notes:
04/12/22

Notice to: -

Handwritten: Soy: to Govt of PPL Revenue Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 20.12.22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you~~ vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 14/12/22

Day of Dece 2021

Handwritten: at Corrip Court A Head

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.