20th Oct, 2022

None for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

Notices be issued to the appellant and his counsel through registered post. To come up for arguments on 27.12.2022 before D.B.

(Fareeha Paul)
Member(Executive)

(Kalim Arshad Khan) Chairman

19.04.2022

Appellant alongwith his counsel present. Mr. Ahsan Javed, Deputy Director alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present.

After hearing the arguments at certain length, it transpired that copies of complete record of inquiry are not available, therefore, representative of respondents namely Ahsan Javed, Deputy Director shall ensure the submission of copies of complete record of the inquiry on the next date and to come up for arguments on 14.06.2022 before the D.B at Camp Court Abbottabad.

(Rozina Rehman)

Member (J)
Camp Court Abbottabad

(Salah-ud-Din)

Member (J)

Camp Court Abbottabad

14.06.2022

Appellant in person present.

Noor Zaman Khan Khattak, learned District Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned.

Perusal of preceding order sheet dated 19.04.2022 would reveal that representative of respondents had been directed to submit copies of complete record of the inquiry on the next date. Today, learned AAG apprised this Tribunal in respect of the availability of complete record (inquiry) which is already available on file. To come up for arguments on 18.08.2022 before S.B at Camp Court, Abbottabad.

(Fareeha Paul) Member (E) Camp Court, A/Abad (Rozina Rehman) Member (J) Camp Court, A/Abad 23.12.2021

Appellant in person present. Mr. Waheed, Office Assistant alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Respondents have failed to submit their written reply/comments even today, therefore, last opportunity given to the respondents with the direction to submit reply/comments on the next date positively, failing which their right for submission of reply/comments shall be deemed as struck off. To come up for submission of written reply/comments on 18.01.2022 before the S.B at Camp Court Abbottabad.

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

18.01.2022

Appellant in person present. Mr. Waheed, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Written reply on behalf of respondents submitted, which is placed on file and copy of the same is handed over to the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 19.04.2022 before the D.B at Camp Court Abbottabad.

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



31.08.2021

Counsel for the appellant present. Preliminary arguments heard.

The instant service appeal instituted under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, challenges the impugned order dated 28.07.2020, whereby major penalty of compulsory retirement was imposed on the appellant. He preferred departmental appeal to respondent No.1 on 05.08.2020 which was not decided within the stipulated statutory period, hence, the instant service appeal before the Service Tribunal. Argument of the learned counsel for the appellant is that the appellant has served the department for about 31 years with unblemished service record and he has earned very good and outstanding ASR's during his service. The impugned order has been passed on the flimsy charges and is therefore, perverse, malafide, against the law and may therefore be set aside.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 21.12.2021 before the D.B.

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(Mian Muhammad) Member(E)

No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
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•	26.08.2021	Present.
•		Mr. Noor Muhammad Khattak, For appellant Advocate
		Muhammad Adeel Butt, Additional Advocate General For respondents
		Vide our detailed consolidated judgment of today consisting
		four pages placed on file, the instant appeal is accepted as prayed for
		Parties are left to bear their own costs. File be consigned to the record
		room.
		Announced 26.08.2021
-		(Mian Muhammad) (Salah-Ud-Din) Member(E) Member(J)
	:	

27.07.2021

The appellant present in person and has submitted an application for early hearing. The file of the appeal has been requisitioned in pursuance to the said application which is placed on file.

The appeal at hands was fixed for preliminary hearing at Camp Court, Abbottabad on 21.05.2021. However, the camp court for the time being is discontinued, and thus no further date of hearing was fixed. Consequently, this appeal is fixed for preliminary hearing on 31.08.2021 before S.B at Peshawar.

2125-7218

Chairman

Form- A

FORM OF ORDER SHEET

Court of_			
se No	15612	/2020	

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/12/2020	The appeal of Mr. Muhammad Arif received today by post through Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.
		REGISTRAR
2-		This case is entrusted to touring S. Bench at A. Abad for preliminary hearing to be put up there on $21 \times 5 - 2021$
		CHAIRMAN
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BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Appeal No. 15612 /2020

Mr. Muhammad Arif Ex Senior Clerk Directorate General Mines & Minerals Khyber Pakhtunkhwa Peshawar, presently Resident of Village Jabrian Post Office Salhad Tehsil and District Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Mineral Development Department, Civil Secretariat Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

INDEX

S.#	Description	Page No.	Annexure
1.	Service appeal along with affidavit	1 to 13	· .
2.	Copy of service book of the appellant showing his clean record of service	14-50	"A"
 -	Copy of inspection report dated 14/07/2017.	51-53	"B"
4.	Copy of retirement order of appellant	39	"D"
5.	Copy of appeal	35-27	"E"
6.	Copy of statement of allegation	00.01	"F"
7.	Copy of original record and decision of mineral title committee	62-63	"F"
8.	Copy of tempered record of Mineral Title committee	64-66	"G"
9.	Copy of minutes of the Departmental Promotion Committee	67-78	"H"
10.	Wakalatnama		

Dated: 3/12/2020

Through

nad Khan Tanoli) Advocate High Court, Abbottabad



BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Khyber Pakhtukhwa Service Tribuwal

Diary No

Appeal No/56/2 Parts

Mr. Muhammad Arif Ex Senior Clerk Directorate General Mines & Minerals Khyber Pakhtunkhwa Peshawar, presently Resident of Village Jabrian Post Office Salhad Tehsil and District Abbottabad.

...APPELLANT

VERSUS

- 1. Govt. of Khyber Pakhtunkhwa, through Secretary Mineral Development Department, Civil Secretariat Khyber Pakhtunkhwa, Peshawar.
- 2. Director General Mine & Minerals Khyber Pakhtunkhwa Peshawar.
- 3. Deputy Director Mineral Development Hazara Division, Abbottabad.
- 4. Assistant Director Mineral Development Mohallah Nogazi Safida road Mansehra.
- 5. Assistant Director Administration Directorate General Mine and Minerals Khyber Pakhtunkhwa Peshawar.

Registrate 2000

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 KP SERVICE TRIBUNAL ACT 1947 FOR DECLARATION TO THE EFFECT THAT THE APPELLANT WAS SERVING AS SENIOR CLERK IN THE OFFICE OF RESPONDENTS

AND HAS BEEN RETIRED FROM SERVICE COMPULSORILY VIDE IMPUGNED[®] COMPULSORY RETIREMENT ORDER NO. 11763/ DGMM/ADM HAZARA DIVISION DATED 28/07/2020 WHICH IS PERVERSE, DISCRIMINATORY, MALAFIDE AGAINST THE LAW AS WELL AS AGAINST THE PRESCRIBED PROCEDURE WHICH IS SINE QUO NON FOR TAKING PUNITIVE ACTION AGAINST THE APPELLANT UNDER E&D RULES 2011; HENCE, THE IMPUGNED COMPULSORY RETIREMENT DATED 28/07/2020 IS LIABLE TO BE SET ASIDE.

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, IMPUGNED COMPULSORY RETIREMENT ORDER NO. 11763/DGMM/ADMN/HAZARA/DIVN DATED 28/07/2020 MAY GRACIOUSLY BE SET ASIDE AND RESPONDENTS MAY BE DIRECTED TO REINSTATE THE APPELLANT IN SERVICE FROM THE DATE OF HIS COMPULSORY RETIREMENT WITH ALL BACK BENEFITS, WITH FURTHER

DIRECTION TO RESPONDENTS TO PROMOTE THE APPELLANT TO NEXT HIGHER SCALE FROM THE DATE OF HIS DEFERMENT I.E. 08/07/2020. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEM APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth;-

The facts forming the background of the instant service appeal are arrayed as under;-

- 1. That the appellant was serving as Junior Clerk in the respondents' department and served the department with complete devotion and dedication and left no stone unturned in the smooth functioning of the department.
- 2. That the appellant has served the department for a period of near about 31 years having unblemished and blotless service record. It is further submitted that during this period, the appellant earned very good and

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outstanding ACRs due to dent of his hard work and merit as well. Besides, no explanation, adverse entries and warning in the shape of minor punishments are recorded in his service record. (Copy of service book of the appellant showing his clean record of service is attached as Annexure "A".

That the appellant after expiry of the appeal period of cancellation letter dated 25/07/2019 under license No. MDW/MA/PL-Feldspar (532)/2005, the decision for implementation of same remaining portions of Mineral Title Committee under file No.MDW/MA/PL-Granite (444)/2017was put-up for approval/signature while the action as per directives on letter No.8403/MDW/MA/PL-Granite (190)/2001 was earlier taken by the Assistant Director (Technical) Mineral Development Mansehra alongwith Assistant Director (Geologist) Hazara Division Abbottabad on 14/07/2017. Copy of inspection report dated 14/07/2017 isattached as Annexure "B".

- 4. That the appellant has been retired from service compulsorily vide impugned compulsory retirement office order No.

 11763/ DGMM/Admin/Hazara/Division

 Dated 28/07/2020 on the flimsy charges of canceling of appeal period from the concerned party. Copy of retirement order of appellant is attached as Annexure "C".
- 5. That feeling aggrieved, the appellant filed departmental appeal which is yet to be decided by the appellate authority. Copy of appeal is attached as Annexure "D". The instant service appeal is filed, inter-alia on the following grounds.

GROUNDS;-

a. That impugned compulsory retirement order dated 28/07/2020 of the appellant is perverse, malafide, against the law and the impugned order dated 28/07/2020 is liable to be set aside.

- b. That the appellant's compulsory retirement order dated 28/07/2020 has been issued by the respondents on the so called allegation i.e concealment of appeal period and tempering the decision of Mineral title committee.

 Copy of statement of allegation is attached as Annexure "E".
- That the appellant being innocent c. replied the so called allegation but the department did not consider the reply of the appellant. In fact, before tempering of the record and keeping pending decision of Mineral Title Committee from the complainant by some unknown employee, appellant properly put-up the original decision to the respondent No.4. Copy of original record and decision of mineral title committee is attached as Annexure "F".
- d. That the appellant was transferred from the office of respondent No.4 to

Assistant Director Mineral Office Mardan vide transfer order dated 21/08/2019. while the inquiry was conducted by the department on 04/12/2019.

- e. That during the period, when the appellant was serving in the office of Assistant Director Mineral Development Mardan, some unknown miscreant committed a mischievous act and tempered the record of MTC. Copy of tempered record of Mineral Title committee is attached as Annexure "G".
- f. That, the respondents' department was supposed to send the hand writing of the appellant inotation on the original Mineral Title Committee as well as the tempered Mineral Title Committee decision to the hand writing expert along with other concerned employees to assess as to whether the hand writings on both the

g.

original and tempered Mineral Title committee decision are the same or other wise.

That one Inam-ul-Haq Mineral Guard who leveled allegation of concealing and withholding of letter to the parties is against the fact. Besides, it is settled principle of law that no one can be punished on the simple statement of a person unless he is properly cross examined by the other party. In this regard, no opportunity of cross examination of Inam-ul-Haq has been provided to the appellant prior to imposition of major punishment of compulsory retirement. Therefore. compulsory retirement order of the appellant is liable to be set aside.

h. That the prescribed procedure as per

E&D Rules 2011 has not been

complied with by the respondents'

department as well as inquiry officer

the inquiry officer did not issue show

i.

cause notice to the appellant which is mandatory prior to taking of any punitive measures against a civil servant. An order, without show cause notice, which adversely effects the rights of a civil servant, has been discouraged by the superior courts and such orders has been declared nullity in the eyes of law.

- That respondents' department was supposed to follow whatever is prescribed by law and not otherwise. The dependents of the appellants' school and college going daughters are suffering from financial hardships and their only source of bread and butter i.e. meager salary of the appellant has been snatched by the respondents without lawful any justification and due to no fault on the part of the appellant.
- j. That this fact may not be left to fade in oblivion that the appellant has

clean service carrier and no adverse entries is available in his service book during the period of his 31-years service.

- k. That no stretch of the imagination confer rights to the respondents to issue/ pass arbitrary action against the appellant. Hence, respondents' department has led the appellant to the place, which is utterly unknown to the principle of jurisprudence, good governance and canon of natural justice.
- That the promotion of the appellant 1. from Senior Clerk (BPS-14) to office Assistant (BPS-16) was due w.e.f 08/07/2020 but the Departmental Promotion Committee in its meeting deferred the appellant due to the pending inquiry against him vide minutes of the Departmental Promotion Committee dated 08/07/2020. As per law, during the

pendency of inquiry, promotion cannot be deferred. Copy of minutes of the Departmental Promotion Committee is attached as Annexure "H".

- m. That appeal of the appellant is within the prescribed period of limitation.
 - n. That the matter relates to the terms and conditions of service, therefore, the Honourable Tribunal has jurisdiction to entertain the Service Appeal of the appellant under Article-212 of the Constitution of Islamic Republic of Pakistan 1973.

It is, therefore, humbly prayed that on acceptance of the instant service appeal, impugned compulsory retirement Order No. 11763/DGMM/ADM Hazara Division dated 28/07/2020 may graciously be set aside and respondents may be directed to reinstate the appellant in service from the date of his compulsory retirement with all

back benefits, with further direction to the respondents to promote the appellant to next higher scale from the date of his deferment i.e. 08/07/2020. Any other relief which this Honourable tribunal deem appropriate in the circumstances of the case may also be granted to the appellant.

...APPELLANT

ed: 3/12/2020

Through

(Muhammad Arshad 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 from this Honourable Tribunal

.APPELLANT



BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR

Appeal	No.	,	2020

Mr. Muhammad Arif Ex Senior Clerk Directorate General Mines & Minerals Khyber Pakhtunkhwa Peshawar, presently Resident of Village Jabrian Post Office Salhad Tehsil and District Abbottabad.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Mineral Development Department, Civil Secretariat Khyber Pakhtunkhwa, Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Mr. Muhammad Arif Ex Senior Clerk Directorate General Mines & Minerals Khyber Pakhtunkhwa Peshawar, presently Resident of Village Jabrian Post Office Salhad Tehsil and District Abbottabad, do hereby solemnly affirm and declare that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

DEPONENT

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Heirs,

Annex-A

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D. 2-Page Annex-



DEFICE OF THE ASSISTANT DIRECTOR MINERAL DEVELOPMENT, MANSEHRA

P 51

Sufaida Road, Near district courts, Mansehra Phone number: 0997 300270

/MDW/MA/PL-Granite (190)/2001/-

Dated

14/07/2017

Inspection Report

In pursuance of letter Endst No: 8404/MDW/HQ/MA/PL-Granite (190)/2001 dated 20-07-2016: the Assistant Director (Geologist) H/Q office. Assistant Director Minerals Development Mansehra and Draftsman of Mansehra office inspected the site on 07-07-2017.

History

M/S Hamid and Co was granted one (01) year of prospecting License for granite over an area of 690,73 acres near village Kangli, District Manschra on 19-07-2002. The Prospecting License was renewed and was valid up to 18-07-2005. Licensing Authority cancelled the License on 15-12-2007 due to non-compliance of renewal letter. The licensee preferred an appeal to appellate authority but appeal was rejected vide order dated 21-04-2015.

Finding

Before proceeding to the site, the nominated team checked all the previous records related to that area and then inspected the area. It was observed that no production or development has been reported by the party. On the day of inspection, not any development neither any mining activity has been observed. And also previously any type of exploration works has not been done in the said area.

Recommendation

In view of the above position it is recommended that the area is not feasible for auction and may be considered as virgin and may be kept free in the best public interest please.

HEAD QUARTÉRS PESHAWAR

ASSISTANT DIRECTOR MINERA

Advocate High Court Office No. 33 Adjacent to Distt Bar Abbottabad

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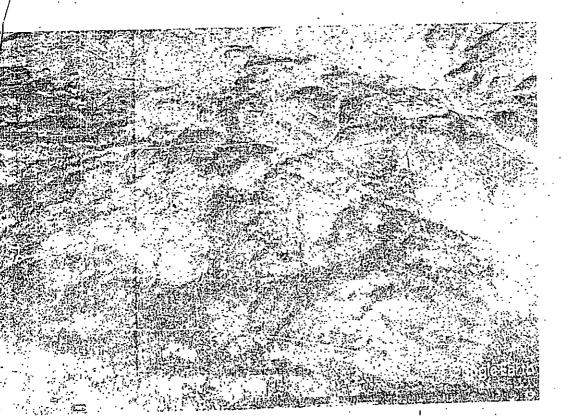
OFFICE OF THE ASSISTANT DIRECTOR MINERAL DEVELOPMENT, MANSEHRA

Sufaida Road, Near district courts, Mansehra Phone number: 0997 300270

/MDW/MA/PL-Granite (190)/2001

Dated____14/07/2017

P-52



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Advocate High Court

Office No. 33 Adjacent

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DIRECTORATE GENERAL MINES & MINERALS KHYBER PAKHTUNKHWA, PESHAWAR

ATTACHED DEPARTMENT, NEAR JUDICIAL COMPLEX, KHYBER ROAD PESHAWAR Ph; 091-9211153-9211146 Fax: 091-9210236

/MDW/HQ/MA/PL-Granite (190)/2001 /07/2016 Dated:

To

The Assistant Director (Geologist), Exploration Promotion Division, DGMM, Peshawar.

Subject:-

DECISION / JUDGMENT NO. MDW/MA/PL-GRANITE (190)/2001

I am directed to refer to Assistant Director Mineral Development Mansehra Endst: No. 02/MDW/MA/PL-Granite (190)/2011 dated 01.01.2016 on the subject noted above and to advise you to visit / inspect the area under reference alongwith Assistant Director Mineral Development Mansehra and report at an early date whether the area is feasible for auction or otherwise. In case of feasibility, fix reserve price for consideration of reserve price committee.

> Assistant Director (Tech) For Director General

Endst: No. 840 U __/MDW/HQ/MA/PL-Granite (190)/2001

Dated: 26/07/2016

Copy to:-

The Assistant Director Mineral Development Mansehra with reference to his Endst: No. 02 dated 01.01.2016 for follow-up action

Assistant Director (rech) For Director General

Put uppri

Muhammad Arshad Khan Janoli Advocate High Count Office No. 33 Adjacent 15 Distt Bar Abbottabad

E J. Pages

Annex - C



Directorate General of Mines and Minerals <u>KHYBER PAKHTUNKHWA</u>

Attached Departments Complex Khyber Road Peshawar

P-54

No. 11763 /DGMM/Admin/Hazara Division,

Dated: 28 /07 /2020

OFFICE ORDER.

- WHEREAS Mr. Muhammad Arif, then Senior Clerk (BPS-14), office of Assistant Director Minerals, Mansehra was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 on the charges mentioned in the charge sheet and statement of allegations.
- AND WHEREAS, an Inquiry Committee comprising Mr. Muhammad Irshad Khan, Director Licensing (South) BPS-19 and Mr. Muhammad Zulkifal Khan Dy. Director Minerals (BPS-18), H/Q Office, Peshawar was constituted to conduct formal inquiry against the accused officials.
- 3. The Inquiry Committee after having examined the charges, evidence on record and explanation of the accused officials submitted its reports.
- 4. AND WHEREAS, the Competent Authority/Director General Mines & Mineral, Khyber Pakhtunkhwa also afforded the opportunity of personal hearing to the accused official.
- 5. NOW THEREFORE, the Director General Mines & Mineral Khyber Pakhtunkhwa, being Competent Authority, has been pleased to impose major penalty of "Compulsory Retirement" upon Mr. Muhammad Arif, Senior Clerk (BPS-14) H/Q Office, Peshawar under Rule-4(1)(b)(ii) of the Khyber Pakhtunkhwa Govt Servant (E&D) Rules 2011, (with pension benefit) with immediate effect.

Sd/-

Director General Mines & Mineral Khyber Pakhtunkhwa Peshawar Dated: 28/07/2020

Endst: No. 11764-73 /DGMM/Admin/Hazara Division,

Copy is forwarded to: -

- 1. PS to Secretary, Minerals Development Department, Khyber Pakhtunkhwa Peshawar.
- 2. PA to Director General Mines & Minerals Khyber Pakhtunkhwa Peshawar.
- 3. The Additional Director General Mines & Minerals Khyber Pakhtunkhwa Peshawar.
- 4. The Accountant General Khyber Pakhtunkhwa Peshawar.
- 5. The Director Licensing, North, H/Q Office, Peshawar.
- 6. The Deputy Director Minerals, North, H/Q Office, Peshawar.
- 7. The Assistant Director (Accounts), H/Q Office, Peshawar.
- 8. Mr. Muhammad Arif, Senior Clerk, MC-IV H/Q Office, Peshawar.
- 9. Personal File of official concerned.
- 10. Master File/DGMM/Admn/2020.

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

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

Aunex-D P 55

To,

The Secretary Government of Khyber Pakhtunkhwa Mineral Development Department Civil Secretariat Peshawar.

05-03-2020.

Subject;

APPEAL AGAINST THE OFFICE ORDER No.11763/DGMM/ADMIN/ HAZARA DIVISION DATED 28/07/2020 RECEIVED ON 30/07/2020

Respected sir,

The following considerations are for submission.

- 1 That the appellant is working as Senior Clerk (BPSD-14) in the Directorate General Mines and Minerals Khyber Pakhtunkhwa since 04/08/2014, and was posted in the office of Assistant Director Mineral Development Mansehra during the month of April, 2019.
- During stay in the office of AD M Mansehra the appellant along with other staff put the cancellation letter as per Mineral Titles Committee decision Agenda Item No.36 dated 08/07/2019 to 12/07/2019 in file No. MDW/MA/PL-Feldspar (532)/2005 along with others to Dealing Assistant, which was forwarded to the then AD Mineral Mansehra and signed on 25/07/2019 and issued through letter No.1875/MDW/MA/PL-Feldspar (532)/2005, dispatched by Despatcher (Inham-ul-Haq) thereafter the then-AD Mineral (Qasim Jamal) was suspended.
- That on the suspension of AD Mineral Mansehra the Deputy Director Mineral Development Hazara Abbottabad (Mohsin Ali Khan) directed to put all the decision of Mineral Titles Committee for implementation. As usually all the decision including token No.1317/MDW/MA/PL-Granite (444)/2017 linked with file No.

Muhammad Arshad Khan. Tano Advocate High Court Office No: 33 Adjacent t. Distt Bar Abbottabas MDW/MA/PL-Feldspar (532)/2005, examined by the Deputy Director Mineral Development Abbottabad who enquired from the appellant regarding implementation and dispatching of letter No.1875 dated 25/07/2019 and then after further confirmed from despatcher on mobile, the despatcher satisfied the officer concerned and then he signed offer letter on 28/08/2019 token No.1317/MDW/MA/PL-Granite (444)/2017

- 4 That in the meanwhile the appellant posted/transferred from ADM office Mansehra to Assistant Director Mineral Development Mardan. Departure report was submitted on 03/09/2019.
- 5 That After passing of about three (3) months the appellant along with others officials and officers of the A D Mineral office Mansehra telephonically called to appear before the Inquiry Committee on 04/12/2019 at HQ, Peshawar.
- 6 That the appellant along with other officials and officers appeared before the inquiry committee. The Inquiry committee was properly satisfied regarding implementation of Mineral Title Committee decision and issuance of cancellation letter No.1875/MDW/MA/PL-Feldspar (532)/2005 dated 25/07/2019 and submitted written statement explaining all facts for their satisfaction. Copy of written statement dated 04/12/2019 annexed "A"
- 7 That thereafter the Assistant Director (Admin) Peshawar issued charge sheet through letter No.4923-24/DGMM/Admin (Hazara Division) dated 04/03/2020 alleging the charge that the appellant failed to perform official duty according to rules and regulation and involved in creating/tempered decision of Mineral Titles Committee and involvement in concealing the appeal period of the lessee i.e. M/S

Muhammad Arshad Khan Tan Advocate High Court Office No.: 33 Adjacent Oistt Bar Abbottabas

Advocate High Court Office No. 33 Adjacent

Disti Bar Abbottch

Hamid and Co .file No. MDW/MA/PL-Feldspar (532)/2005. Copy annexed "B"

- That after examining the charge sheet the appellant astonished that how wonder the decision of Mineral Titles Committee had been replaced from the file record bearing token No. No.1317/MDW/MA/PL-Granite (444)/2017 and the decision in the file, which is neither placed/carrying handwriting of the appellant nor signed by any member of the committee, which is fake/malafide and changed by somebody else/ official stealthily, after just three months posting from AD Mineral office Manschra to AD Mineral Office Mardan, while the appellant submitted detail reply carrying facts of the case is annexed "C".
- That the appellant worked efficiently throughout his tenure and served the department to the entire satisfaction of his superiors and also showed all the relevant documents to the inquiry committee but the committee did not examine the reply properly and imposed all the charges upon the appellant instead of others official/officer, while at the time of inquiry the appellant was not present in the AD Mineral Office Mansehra and was performing his duty at AD Mineral Office Mardan.
- 10 That the previous record of the appellant is neat and clean and nothing has been enquired during entire service except which is solid proof for satisfaction and faithfulness as the appellant had never involved in Muhammad Arshad Khan Janoli such male practice.
- 11 The Appellant along with Taqi Shah Dealing Assistant issued letter No.10635-36/DGMM/Admin (Hazara Division) dated 16/07/2010 to appeal before the Competent Authority for personal hearing. The Appellant along with Taqi Shah appeared before the Competent

MESTE

Disti Bar Abbottabad

Authority and identified all aspects of the case and innocency of the appellant but in vain .

12 In this regard your kind attention is invited to the cancellation of prospecting license bearing No. MDW/MA/PL-Granite (190)/2001 dated 15/12/2007 wherein the inspection of the area regarding feasibility of area for auction or otherwise as the same was earlier carried out by the nominated team on 14/07/2017 while the condition of inspection was re-inserted to create embarrassing position for unfair means which shows their negligence as the inquiry committee did not examine the case and imposed the charge of involvement in concealment of appeal time and change of decision which shows that the inquiry committee was earlier in picture/informed by someone as they have seen/noticed the tempered decision which is just one line but failed to examine the inspection report conducted during the year july-2017 as well as several pages corresponded in file NO.MDW/MA/PL-Granite (190)/2001. Copy of inspection report annexed "D".

13 That the impugned office order No. 11763/DG/Admin/Hazara Advocate High Court Division, dated 28/07/2020 has been passed without any show cause advocation. Office No. 33 Adjacent notice. Besides, the appellant was never provided the documents on which the inquiry was conducted. The impugned compulsory retirement order is malafide and against the recommendation of the inquiry committee. It is further submitted that the real accused officers/ officials have neither been awarded punishment nor have been awarded minor punishment which is discriminatory and against the principle of equality. It is not out of placed to mention here that no opportunity has been provided to the appellant to cross examine the witnesses who leveled allegations against the appellant. Copy Annexal FE,

In view of the above it is humbly prayed to see the impugned office order No. 11763/DG/Admin/Hazara Division, dated 28/07/2020 may be set-aside and the appellant may be ordered to be re-instated in the service with all back benefits.

Emele A-E-10-pages

MUHAMMAD ARIF SENIOR CLERK

Directorate General Mines and Minerals Peshawar (Postal Address) C/O Shahzad General Store Shahzada Masjid jail road Abbottabad Cell No.0334-9654372

Copy forwarded to;-

The Directorate General Mines and Minerals Khyber road Peshawar for further necessary action with the request to stop further action till the decision please.

Muhammad Arshad Khan Land Advocate High Court
Office No.: 33 Adjacent:
Distt: Bar Abbottabad

F 60

Annex- E



DIRECTORATE GENERAL OF MINES AND MINERALS KHYBER PAKHTUNKHWA

Attached Departments Complex Khyber Road Peshawar

No. 4923-74/DGMM/Admin/(Hazara Division)

Dated: <u>o 4</u>/03/2020.

To

- Taqi Shah Assistant C/O Assistant Director Mineral Abbottabad
- Muhammad Arif Senior Clerk HO Office Peshawar.

Subject -

CHARGE SHEET

I am directed to refer to the subject noted above and to enclose herewith "Charge Sheet". You are, therefore, directed to submit your written defense/reply within seven days of the receipt of this letter positively.

Encl As above.

Assistant Director (Administration)
HO Office Peshawar

Endst: No. ____/DGMM/Admin/ (Hazara Division)

Dated: ____/03/2020.

Copy forwarded to: -

- 1. PA to Director General Mines and Minerals, Khyber Pakhtunkhwa, Peshawar.
- 2. Assistant Director Mineral Abbottabad with advice to handover the letter to the official concerned.
- 3. The P/F of Officials.
- 4. Master File/DGMM/Admin/2019.

Mulammed Agestad Xhan Tanoh Advocate High Court Office No 33 Adjacent to Office No 33 Adjacent to

Assistant Director (Administration)
HO Office Peshawar

CHARGE SHEET

I Hameedullah Shah, Director General, Mines and Minerals, Khyber Pakhtunkhwa, as Competent Authority, hereby charge you, Mr. Muhammad Arif Senior Clerk (BPS-14) Office of the Assistant Director Mineral Mansehra, as follows:

That you, while posted as Senior Clerk at the Office of Assistant Director Mineral, Mansehra committed the following irregularities:

- (a) that you have failed to perform official duties according to the Rules and Regulation.
- That you are involved in processing and creating tempered decision of Mineral Title Committee and due to your involvement in concealing the appeal period of the lessee Mr. Hameed & Co under file No. MDW/MA/PL-(532)/2005.
- 2. By reason of the above, you appear to be guilty under rule 4(b) (i) of the Khyber Pakhtunkhwa Government Servants (Efficiency and 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 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. Intimate whether you desire to be heard in person.

(COMPETENT AUTHORITY)

Muhammad Arshad Khan Cour Advocate 33 Advace

Annex-F P-62

Limestone over an area of 99.596 acres near village Arif Shah khel, District Kohat.

MDW/KT/PL-Limestone (184)/2018 (T-No.3379)

Decision Dated 08/07/2019-to 12/07/2019 Limestone over applied for area subject to conditions that the applicant:

- i. is not defaulter in Government dues;
- ii. will Strictly comply with Section, 35, of the Khyber Pakhtunkhwa Minerals Governance Act, 2017,
- iii. will submit fresh Property certificate from concern Authority before issuance of offer/allotment letter;
- iv. will retain only 03 mineral titles and
- v. will work in accordance with the Provisions of the said Act, the area does not worked previously and are not involved in any litigation nor falls in any forest land.

Working paper for grant of Prospecting License for Granite in District Mardan.

Granted Area

36.

A. M/S Hamid & Co: MDW/MA/PL-Feldspar (532)/2005

Before Ban

- a: Mr. Aurang ZEb Khan
 MDW/MA/PL-Granite (320)/2008
- b. M/S Hamid & Co: MDW/MA/PL-Granite (367)/2012

Online Application

Application from Mr. Liaqat, Ali Sultan of District Abbottabad for grant of Prospecting License for Granite over an area of 198 acres near village Kangali Distirct Mansehra.

3n 3n⁰MDW/MA/PL-Granite (444)/2017 (T.No.

Application from Muhammad Ayub of District Mansehra for grant of Prospecting License for Granite over an area of 199.94 acres near village Makila Tehsil Oghi Distirct Mansehra.

MDW/MA/PL-Granite (531)/2017 (T.No.

 Working paper rejection of application for grant of Prospecting License for Granite over an area of 199.984 acres near village Nortale Distirct Mansehra in resepect of Mr. Aurang Zeb Khan of District Abbottabad.

The committee decided to:

- Cancel the Prospecting License at S.No. A
 on account of keeping area idle, failure of
 party to submit MPRs and failure to won
 mineral as per Section, 6 (f) of Khyber
 Pakhtunkhwa Minerals Governance Act,
 2017.
- 2. Application before ban at S.No. a,b already filed by Govt. vide Notification dated 09-05-2017
- 3. Grant 05 years Prospecting License to the applicant having Token No. 1317 over free available area subject to condition that offer/Allotment letter shall be issued after expiry of appeal period under Section, 102 of the said Act for S.No, A and subject to compliance of letter No. 8403/MDW/HQ/MA/PL-Granite (190)/2001 dated 20-07-2016.
- Grant 05 years Prospecting License to the applicant having Token No. 2649 after avoiding overlapping with Token No. 1317 and declining 3 acres Protected Forest.
- 5. Reject online application having Token No. 2863 due to non-availability of free area.

The above grants shall be subject to the conditions that the applicants:

- i. are not defaulter in Government dues;
- will comply with Section, 35 and Section, 26 of the Khyber Pakhtunkhwa Minerals Governance Act, 2017;

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- 1	near village Bai District Mansehra. 7. Grant 05 years Prospecting License to the available are available as
- 1	4. Working paper for rejection of application for an area of 200.
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1	an area of 200 acres near village Sukal District Mansehra in respect of Syed Malik Stall District Mansel. Orant 05 years Prospecting License to the available area. Reject only
-	District 9 Point and District 9 Point 9
.	Mansehra in respect of Syed Malik Shah of District Mansehra District Mansehra Working Working Working Working Oranife over available area. Applicant having Token No. 2383 over free available area. Reject online application having Token No. 3706 due to non-availability of area. area.
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an area of 200 acres near village Babrial District Mansehra in respect of Simra Gems of (11 Granite (478)/2017 (T.No. 2010)

iii. will submit fresh Property certificate from concern Authority before issuance of offer/allotment letter;

iv. will retain only 03 mineral titles and

v. will work in accordance with the Provisions of the said Act, the area does not worked previously and are not

Muhammad Arshad Khan Tar Advocate High Court Office No 33 Adjacc Disti Sarte.

V-69 Annex 5

COMMITTEE MEETING HELD WEE TITLES 08/07/2019 TO 12/07/2019 AT 09:00 AM UNDER THE CHAIRMANSHIP OF DIRECTOR GENERAL MINES & MINERALS KHYBER PAKHTUNKHWA, PESHAWAR

A meeting of the Mineral Titles Committee was held w.e.f 8/07/2019 to 12/07/2019 at 09:00 a AM under the Chairmanship of the Director General Mines & Minerals Khyber Pakhtunkhwa, Peshawar. The following attended the meeting: -

01. Mr. Fazal Hussain,

Director General Mines & Minerals, Directorate General Mines & Minerals, Khyber Paklihinkhwa, Peshawar.

Chairman

02. Muhammad Bilal,

Representative of Deputy Secretary. Law Parliamentary Affairs, & Human Rights Deptt:, Govt, of Khyber Pakhtunkhwa, Peshawar.

Member

03. Mr.

Deputy Secretary, Forestry, Environment, & Wild Life Department, Govt. of Khyber Pakhttinkhwa, Peshawar.

Member

04. Syed Muhjahid Ali Shah, Representative of Commissioner Mines, Commissionerate of Mines, Labour Welfare,

Member

Khyber Pakhtunkhwa, Peshawar

Member

05. Mr. Fazli Raziq Representative of Chief Inspector of Mines. Inspectorate of Mines, Khyher Pakhtunkhwa, Peshawar.

Member- cum- Secretary

od Arshan Court Director Director Licensing-South / Secretary Minerals, No. 33 Adjacon Khyber Pakhanthan Director Licensing-South / Secretary MTC, Jocale High Count

Regular agenda items circulated vide Letter No. 12772-78/MDD/DGMM/MTC/2019/Vol-II dated 27-06-2019 were thoroughly discussed in the meeting and the following decisions were taken:

S.No Agenda Item No.	
Mineral Titles Committee Me	eting Dated: 11-07-2019
1. Application from Haji Muhammad Iqbal Rabbani of District Abbottabad for Renewal of Mining Lease for Soapstone over an area of 48,990 acres near village Chilitar District Abbottabad. MDW/AD/PL-Soapstone (31)/88	The committee decided to renew the Mining Lease as per Section, 11 of the Khyber

Application from Mr. Junaid Ali of District Kohistan for grant of Prospecting License for Limestone over an area of 99.596 acres near village Arif Shah khel, District Kohat.

MDW/KT/PL- Limestone (184)/2018 (T-No.3379)

The committee decided to grant 5 years Prospecting License to the applicant for Limestone over applied for area subject to conditions that the applicant: 🦠

is not defaulter in Government dues;

will Strictly comply with Section, 35, of the Minerals Pakhtunkhwa Governance Act, 2017,

will submit fresh Property certificate from concern Authority before issuance of offer/allotment letter;

will retain only 03 nuneral titles and -

will work in accordance with the Provisions of the said Act, the area does not worked previously and are not involved in any litigation nor falls in any forest land.

MIC 8/7/2019 To 12/7/19

Working paper for grant of Prospecting License 36. for Granite in District Mardan.

Granted Area

A. M/S Hamid & Co: MDW/MA/PL-Feldspar (532)/2005

Before Ban'

Mr. Aurang ZEb Khan MDW/MA/PL-Granite (320)/2008

M/S Hamid & Co: MDW/MA/PL-Granite (367)/2012

Online Application

'Application from Mr. Liaqat Ali Sultan of grant of for Abbottabad Prospecting License for Granite over an area of 198 acres near village Kangali Adjac cont. Distirct Mansehra.

MDW/MA/PL-Granite (444)/2017 (T.No. 1317)

Application from Muhammad Ayub of District Mansehra for grant of Prospecting License for Granite over an area of 199.94 acres near village Makila Tehsil Oghi Distirct Mansehra.

MDW/MA/PL-Granite (531)/2017 (T.No. 2649)

Working paper rejection of application for 3. grant of Prospecting License for Granite over an area of 199,984 acres near village

The committee decided to:

- Cancel the Prospecting License at S.No. A on account of keeping area idle, failure of party to submit MPRs and failure to won mineral as per Section, 6 (f) of Khyber Pakhtunkhwa Minerals Governance Act,
- 2. Application before ban at S.No. a,b already filed by Govi, vide Notification dated 09-05-2017
- 3. Grant 05 years Prospecting License to the applicant having Token No. 1317 over free available area subject to condition that offer/Allotment letter will be issued after expiry of appeal period under Section, 102 of the said Act for at S.No. A.
- 4. Grant 05 years Prospecting License to the applicant having Token No. 2649 after avoiding overlapping with Token No. 1317 and declining 3 acres Protected
- 5. Reject online application having Token No. 2863 due to non-availability of free

The above grants shall be subject to the conditions that the applicants:

are not defaulter in Government dues;

ii. will comply with Section, 35 and Section, 26 of the Khyber Pakhtunkhwa Minerals Governance Act, 2017;

iii. will submit fresh Property certificate from concern Authority before issuance of offer/allotment letter;

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Noriala Distirct Mansehra in resepect of Mr. Aurang Zeb Khan of District Abbottabad. MDW/MA/PL-Granite (544)/2018 (T.No. 2863)

Working paper for grant of Prospecting License for Granite in District Mansehra.

Before ban Applied Area

- A. M/S Sherbandi International Quarries Samal
- Industrial State

MDW/MA/PL-Granite (299)/2009

Online Applications

1. Application from Mr. Asif Rafique for M/S Ismail Minerals of District Abbottabad for grant of Prospecting License for Granite over an area of 74.72 acres near village Pona District Mansehra

MDW/MA/PL-Granite (403)/2017 (T.No. 956)

- 2. Application from Mr. Khan Muhammad of District Mansehra for grant of Prospecting License for Granite over an area of 199,746 acres near village Sukal District Mansehra. MDW/MA/PL-Granite (416)/2017 (T.No. 709)
- 3. Application from Mr. Khan Muhammad of District Mansehra for grant of Prospecting
- License for Granile over an area of 200.21 acres near village Bai District Mansehra.

MDW/MA/PL-Granite(441)/2017 (T.No. 1263)

4. Working paper for rejection of application for grant of Prospecting License for Granite over an area of 200 acres near village Sukal District Mansehra in respect of Syed Malik Shali of District Mansehra:

MDW/MA/PL-Granite(454)/2017 (T.No. 1454)

5. Working paper for rejection of application for grant of Prospecting License for Granite over an area of 200 acres near village Bai District Mansehra in respect of Niaz Muhammad Tanoli of District Mansehra.

MDW/MA/PL-Granite(468)/2017 (T.No. 1782)

6. Working paper for rejection of application for grant of Prospecting License for Granite over an area of 200 acres near village Babrial District Mansehra in respect of Simra Gems of District Buner.

MDW/MA/PL-Granite(478)/2017 (T.No. 2010)

7. Application from Malik Akhtar Mahmood of District Mansehra for grant-of Prospecting

iv. will retain only 03 mineral titles and

v. will work in accordance with the Provisions of the said Act, the area does not worked previously and are notinvolved in any litigation nor falls in any forest land.

The committee decided to:

- 1. Grant 05 years Prospecting License to the applicant having Token No. 596 over applied for area.
- 2. Grant 05 years Prospecting License to the applicant having Token No. 709 over free available area after declining 24 acres Protected Forest.
- 3. Grant 05 years Prospecting License to the applicant having Token No. 1263 over applied for area.
- 4. Reject online application having Token No. 1454 due to non-availability of free
- 5. Reject online application having Token No. 1782 due to non-availability of free
- Reject online application having Token No. 2010 due to non-availability of free
- 7. Grant 05 years Prospecting License to the applicant having Token No. 2175 over free available area.
- 8. Grant 05 years Prospecting License to the applicant having Token No. 2383 over free available area.
- Reject online application having Token No. 3706 due to non-availability of free

The above grants shall be subject to the conditions that the applicants:

- are not defaulter in Government dues;
- will comply with Section, 35 and Section, 26 of the Khyber Pakhtunkhwa Minerals Governance Act, 2017;
- iii. will submit fresh Property certificate from concern Authority before issuance of offer/allotment létter;
- iv. will retain only 03 mineral titles and
- v. will work in accordance with the Provisions of the said Act, the area does not worked previously and are not involved in any litigation nor falls in any forest land.

Annex- H

MANUTES OF THE DEPARTMENTAL PROMOTION COMMITTEE MEETING HELD ON 08/07/2020 AT 1100 HOURS, IN THE OFFICE OF SECRETARY MINERALS DEVELOPMENT DEPARTMENT, KHYBER PAKHTUNKHWA.

A meeting of the Departmental Promotion Committee (DPC) was held on 08/07/2020 at 1100 hours, under the Chairmanship of Secretary, Minerals Development Department, in his office. The following attended: -

 Syed Nazar Hussain Shah, Secretary Minerals Development Department, Khyber Pakhtunkhwa. In-Chair

 Syed Hameed Ullah Shah, Director General, Mines & Minerals, Kliyber Pakhtunkhwa. Member

Hafiz Javed Iqbal,
 Deputy Secretary (Admn:),
 Minerals Development Department,
 Khyber Pakhtunkhwa.

Secretary / Member

Mst. Wardah Latif,
 Deputy Secretary (Policy),
 Establishment Department.

Member

 Mr. Naimat Khan, Section Officer (SR-I), Finance Department. Member

2. The Departmental Promotion Committee examined //scrutinized all the documents required for promotion as per the relevant rules / policy and took decisions as reflected hereunder against each case:-

I) <u>PROMOTION OF ASSISTANT (BS-16) TO THE POST OF SUPERINTENDENT (BPS-17)</u>

3. The Departmental Promotion Committee was informed, that there are 13-regular sanctioned posts of Superintendents (BS-17) in Directorate General of Mines & Minerals, Khyber Pakhtunkhwa against which ten (10) Superintendents (BS-17) are working in the Department and three (03) posts are vacant due to retirement of M/S. Abdur Rashid, Mir Zaman Khan and Muhammad Ayub, Superintendents (BS-17) from service on medical/ pre-mature and attaining the age 60-years w.e.f 05.12.2019, 31.12.2019 and 11.01.2020 respectively. As per the existing Service Rules, method of recruitment to the post of Superintendent (BPS-17) is "by promotion on the basis of seniority-cumfitness amongst the Assistants / Senior Scale Stenographers with at least five years' service as such".

Advocate High Court
Office No. 33 Adjacent to
Distt. Bar Abbottabad

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4. The Representative of Establishment Department pointed out that retirement order of Muhammad Ayub, Superintendent (BS-17) has been issued in light of Peshawar High Court judgment dated 19.02.2020 and Provincial Government filed CPLA in the Apex Court against the said decision. As the case subjudice in the Supreme Court of Pakistan, therefore, promotion on the third vacancy cannot be made at this stage. The Chair agreed with the viewpoint of Establishment Department.

After examining the service record of the senior most Assistants (BPS-16) for promotion to the post of Superintendents (BPS-17), the Departmental Promotion Committee considered promotion of the following Assistants (BPS-16) to the post of Superintendents (BPS-17) and took the following decisions:-

Ī	S.No.	Name & designation of the official	Eligibility for promotion
t	1-	Obaid-ur-Rehman,	His date of birth is 15-06-1961. He joined
. 1		Sr. Scale Stenographer (BS-16)	Government Service on 13-11-1983 as Junior
			Clerk and promoted to the post of Assistant on 16-
			04-2012. He has completed the prescribed length
1	-		of service for promotion to the post of
: 1	Ì	•	Superintendent (BS-17). No inquiry is pending
			against him nor any punishment awarded to him.
17	`.	•	His service record is generally good.
/* <u>-</u>	N_{c}		
¥.)	1		Decision:- The DPC cleared him for promotion
i.	1		to the post of Superintendent (BPS-17) on regular
	VU		basis with immediate effect. He will be on
MZ.	أحمرا		probation for a period of one year extendable for
	, //		further one year as per rules.
11	2-	Naveed Dastageer,	His date of birth is 15-12-1985. He joined
		Assistant (BS-16)	Government Service on 07-06-2012 through
		,	Public Service Commission as Assistant. He has
			completed the prescribed length of service for
			promotion to the post of Superintendent (BS-17).
	İ .	. /	No inquiry is pending against him nor any
		/•	punishment awarded to him. His service record is
			generally good.
			Decision: - The DPC cleared him for promotion to
Λ		1	the post of Superintendent (BPS-17) on regular
\sim		U	basis with immediate effect. He will be on
9			probation for a period of one year extendable for
1/1	. '		further one year as per rules.

II) PROMOTION OF SENIOR CLERKS (BS-14) TO THE POST OF ASSISTANTS (BPS-16)

The Departmental Promotion Committee was informed, that there are 50-regular sanctioned posts of Assistants (BS-16) in Directorate General of Mines & Minerals, Khyber Pakhtunkhwa against which only ninteen (19) Assistants (BS-16) are working, leaving on roll; thirty one (31) posts. As per the existing Service Rules, method of recruitment to the post of Assistant (BPS-16) is "75% by promotion on the basis of seniority-cum-fitness amongst the Senior Clerks with at least five years' service as such and 25% by initial recruitment". As per the relevant service rules, twenty one (21) posts fall under promotion quota and (10) posts under direct quota with following break-up of Assistants (BS-16):-

Miunalomad Arshao Khan Tano Advocate High Court & Office No. 33 Adjacent to Distt. Bar Abbottabad

127/47

Total posts	recruitment	1 1000			Difference		
50	quota 25%		Direct	Promotion	Direct Quota	Promotion Quota	Total Vacancies
50	13	37	03	16	10	21	31

- The Representative of Establishment Department raised objection on the qualification of the panelist Senior Clerk stood at S.No.3, however, the Chair clarified that as per Existing Service Rules, minimum qualification of Graduate is required for appointment by initial recruitment against 25% direct quota while promotion against 75% quota is made on seniority-cum-fitness amongst the Senior Clerks. The Representative of Finance Department also supported the viewpoint of the Chair. The Representative of Establishment Department also perused the relevant notification of the Service Rules and satisfied.
- 8. After examining the service record of the senior most Senior Clerks (BPS-14) for promotion to the post of Assistant (BPS-16), the Departmental Promotion Committee considered promotion of the following Senior Clerks (BPS-14) to the post of Assistants (BPS-16) and took the following decisions:-

S#.	Name & designation of the official	Danasa
1.	Mr. Dad Khan	Recommendations of DPC
	Senior Clerk (Bs-14)	The Committee was informed that the official presently under suspension and an inquiry is pending against him in the Anti-Corruption Establishment on account of malpractices.
2.	Mr. Mohammad Arif	Decision: The Committee deferred him for promotion to the post of Assistant (BS-16) due to the pending inquiry in Anti-Corruption Establishment
	Senior Clerk	The Committee was informed that an inquiry under Khyber Pakhtunkhwa, Government Servants, E&D Rules, 2011 is pending against him.
3.	Mr. Sali. va	Decision: The Committee deferred him for promotion to the post of Assistant (BS-16) due to the pending inquiry against him.
1	ı	His date of birth is 05-06-1964. He joined Government Service on 16-12-1989 as Junior Clerk. He was promoted to the post of Senior Clerk on 04-08-2014. He has completed the prescribed length of service for promotion to the post of Assistant (BS-16). No inquiry is pending
		His service record is generally good.
	KATESTED	Decision: - The DPC cleared him for promotion to the post of Assistant (BPS-16) on regular passis with immediate effect. He will be on probation for a period of one year extendable for urther one year as per rules.

Muhammad Arshad Arshad Court M Advocate High Court to Office No 33 Adjacent to Office No 33 Abbottabad

By of

The meeting ended with a vote of thanks to and from the Chair.

Syed Hameed Ullah Shah,

Director General, Mines & Minerals, KPK.

(Member)

Mst. Wardah Latif,

Deputy Secretary (Policy), Establishment Department.

(Member)

Mr. Naimat Khan,

Section Officer (SR-I),

Finance Department.

(Member)

Hafiz Javed Iqbal,

Deputy Secretary (Admn:),

Minerals Dev: Deptt.

(Member)

(Syed Nazar Hussain Shah),

Secretary, Minerals Development Department

Khyber Pakhtunkhwa.

(Chairman)

Advocate High Court to Office No 33 Adjacent to Distr Bar Abbottabad

P-71

بیان مجمه عارف ایکس بینترکلرک دفتر اسشنط دار یکشرمعد نیات مانسمره

بحواله انكوائري مورخه 04/12/2019 مراه افسران والمكاران

بیان ذیل ہے!

حسب الحكم ميں نے Ex.AD(M) مانسمرہ (قاسم جمال) كومنرل ٹائنٹل كين كے فيصله مورده 12/07/2019 تا 12/07/2019 ، ویگر فاکلوں کے ساتھ 2005/2005 تا 12/07/2019 ، ویگر فاکلوں کے ساتھ بھی تھی کو کمیٹی نے بذریعہ ایجنڈا 18 Item No. 36 کینسل کر دیا تھا اور Cancellation Letter ڈیلنگ اسٹنٹ کو Putup کیا جو کہ قاسم جمال AD نے مورخہ 25/07/2019 کو دستخط کیا اور دستخط کرنے کے بعد ڈیلنگ اسٹنٹ نے M/S کنے کے لئے دے دیا جس نے کمیٹی کے فیصلہ کے مطابق Despatcher Hamid & Co کو کیٹر تمبر 1875MDW/MA/PL-Feldspar 532/2005 موریتہ 25/07/2019 جاری کر دیا اور اس کے بعد قاسم جمال A.D معطل/Suspend کر دیا۔ ڈپٹی ڈائز بکٹر منرل ہزارہ ڈویژن محن علی خان نے تھم دیا کہ منرل ٹائیٹل کمیٹی کے دیگرتمام فیصلہ جات کو (Implement) کرنے کے لئے Process کیا جائے جس کی تغیل میں دفتر کے جملہ طاف نے ہمراہ میرے فیصلہ جات Implementation کے لئے فائلیں Process کیں جو کہ میں ویخطی کے لئے دفتر ڈپٹی ڈائر کیٹرمنرل ڈویلپمنٹ ہزارہ ڈویژن ایبٹ آباد لے آیا جن میں لیافت علی سلطان کی فائل ٹوکن نمبر 1317 MDW/MA/PL Feldspar بی تی جس میں نائل نبر MDW/MA/PL Granite (444)/ 2017 532/2005 ك فيصلدوالى كاني جوكدتوكن نمبر 1317 سے نسلك تفى كا فيصلد ذين ذائر يكثر في ملاحظه (Examine) كرنے کے بعد لیٹر نمبر 1875 مورخہ 25/07/20019 کے Dispatch کے متعلق معلومات کیں تو میں نے کہا کہ لیٹر Dispatcher نے مورخہ 25/07/2019 کو Dispatch کر دیا تھا اور افر موسوف نے مزید تیل کے لئے Dispatcher (انعام الحق) سے شکیفونک رابطہ کر کے کنسلیشن (Cancellation) 1875/MDW/MA/PL Feldspar(532)/2005 مورفہ 25/07/2019 کے ماری کرنے کی تیلی کی۔ ایکے بعد ڈیٹی ڈائر کیٹر صاحب نے لیافت علی سلطان کے Offer Letter پر مور ند 28/08/2019 کو دستخط کئے۔ Letter جاری ہونے کے بعد یارٹی نے بعد دیگر کوائف یورے کئے۔ای دوران سائل کی Transfer/ posting مانسمرہ ہے مردان ہوگئ اور (Departure Report) مورخہ 03/09/2019 کوجمع کی تھی اور ای وقت Despatch ر میں Despatcher نے کوئی تحریر نہ کی تھی جو کہ بعد میں کی گئے۔

آج مورخه 04/12/2019 کوانعام الحق نے جو بیان دیا ہے اُس کا میر سے ساتھ کوئی تعلق نہیں ہے کوئیہ Despatch کی تیام ذمددار Despatch کی ہے اور ساتھ میں ہو گس تحریر جو کہ Despatch رجٹر رمیں (Black Pen) ہے کسی ہے جس سے صاف ظاہر ہے کہ میتر کر بعد میں کی گئی ہے ۔ جس کا میر سے ساتھ کوئی تعلق نہ ہے ۔ جو کہ الزام تراثی ہے ۔ کیونکہ تملی ڈپی ڈائر کیٹر منزل ہزارہ ڈویژن ایبٹ آباد نے مورخہ 28/08/2019 کوٹوکن بہر 1317 میں Offer Letter سے پہلے Despatcher سے تعلی لینے کے بعد Offer فیل میں گئے ۔ کیونکہ کی اور ٹوکن نمبر 1317 1317 (444)2017 ہیں کیا کہ کے اور مورخہ MDW/MA/PL-Granite میں گئے ۔ کینی کا فیصلہ میں گئے ۔ کینی کا فیصلہ میں دفیا میں دونہ 20/09/2019 تا 12/07/2019 ایجنڈ انمبر 36 جو کہ دنہ تو میر سے ہاتھ کی تحریر والا فیصلہ ہے ۔ اور مورخہ 20/09/2019 کینی کی میں ہے۔

و (ایم ارا اور محمد عارف (سینئرکلرک)

Muhammad Arshad Khak Tancii
Advocate High Court Vi
Office No. 33 Adjacent to
Distt: Bar Abbottabad

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بخدمت جناب ڈائر میٹر جنرل مائنزاینڈ منرلز خیبر پختونخو اوپشاور

طارح شيث (Charge Sheet)

4923-24/DGMM/Admin/(Hazara Division) بحواله انگریزی چیچی نمبری مور ند 04/03/2020 جو كهمور ند 04/03/2020 كووصول بإلى جواباعرض خدمت ہے۔

سائل نے منرل ٹائٹل کمیٹی کا فیصلہ حسب ایخکم (Ex AD Mineral Qasim jamal) کودیگر 36 جس کو کیٹی نے بذر لیدا تھی File No. MD/PL-Feldspar(532)/2005 جس کو کیٹی نے بذر لیدا بھیٹڈ آئم نمبر 36 کینسل کر دیا تھا کے اور Cancellation Letter ڈیلگ اسٹینٹ کو Putup کیا جو کہ قاسم جمال اے ڈی نے Letter MS Hamid&Co کے کے لئے دے دیا تھا۔ جس نے کمیٹی کے فیصلہ کے مطابق Despatch No. 1875MDW/MA/PL-Feldspar(532)/2005 مورخه 25/07/2019 كوجارى كرديا اوراس کے بعد قاسم جمال AD کومنطل Suspend کر دیا اس کے بعد AD کومنطل AD کے بعد Develpment Hazra Division محن على خان نے حکم دیا کے منرل Committe Tittle کے دیگر تمام نیصلہ جات کو Implement کرنے کے لئے Procees کیا جائے جس کا تعیل میں وفتر کے جملہ ٹاف نے ہمراہ میرے فیصلہ جات Implementation کے فائلیں procees کیں جس کی تعمیل میں دیگر فائلوں کے ساتھ Token No.1317/MDW/MA/PL-Granite (444)/2017 נى تى كى نائل 70ken No.1317/MDW/MA/PL-Granite (444)/2017 دى تى اور اس میں File No.MDW/MA/PL-Feldspar(532)2005 والا فیصلہ ڈپٹی ڈائز یکٹرصاحب نے ملاحظہ کرنے کے بعد 1875مور نہ 25/07/2019 کو ملاحظہ کرنے کے ساتھ Dispatcher انعام الحق سے ٹیلی فون رابطہ کرکے 25/07/2019 Cancellation Letter No. 1875 کی جاری کرنے کی تملی کو آور اس کے بعد لیا ت سلطان کی File No.1317/MDW/MA/PL/Granite (444)2017 Offer Letter پر مور ند 28/08/2019 کور شخط کیے جس کے بعد پارٹی نے دگیرکواکف پورے کئے ا اسی دوران سائل کی ٹرانسفر/ بیسٹنگ مانسمرہ ہے مردان کردی گئی اور ڈیپار چرر بورٹ مور ند 03/09/2019 کوجمع

Distt Bar Abbottabad

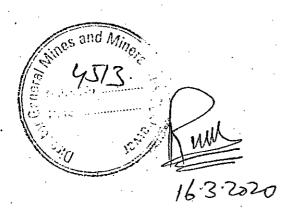
P-74

تقی اور فاکل میں گئے Mineral Title Committe کا فیصلہ مورخہ 108/07/2019 کی ہے اور نہ ہی یہ فیصلہ ساکل کی 12/07/2019 کی ہے اور نہ ہی یہ فیصلہ ساکل کی 12/07/2019 کی ہے اور نہ ہی یہ فیصلہ ساکل کے کوئی (Tempring) کی ہے اور نہ ہی یہ فیصلہ ساکل نے ہمیشہ اپنے فرائض ویانت داری سے سرانجام دیتے ہیں اور ساکل کی فعلی بیان جو کہ انگوائری ہی گئی کودیا تھا اس کی کا پی برائے ملاحظہ لف ثبوت ہے۔

یک من سائل ہے گناہ ہے اور من سائل نہ تو منرل ٹائیل سمین کے فیصلہ میں ٹیم رگ (Tempring) کے فیصلہ میں ٹیم رگ کی اور شرائ کا مرتکب ہوا ہے۔ مزید برآ س گزارش کا مرتکب ہوا ہے اور نہ بی Appeal Period Concealed کرنے کا مرتکب ہوا ہے۔ اور نہ بی کا مرتکب ہوا ہے اور نہ بی کا مرتکب ہوا ہے اور نہ بی کا جملہ ریکارڈ ملا خطہ فر مایا جاوے چونکہ بورے مرصہ ملازمت کے دوران نہ تو ہے کہ سائل کی تقریباً کی تقریباً کی منہ بول ہوگ سال کا نہ بی کوئی سالا نہ سائل کی کوئی انکوائری ہوئی ہے نہ بی جا رج شیٹ (Charege Sheet) اور ای طرح نہ بی کوئی سالا نہ کوئی انکوائری ہوئی ہے۔ جو کہ سائل کی دیا نت داری اور اما نداری کا منہ بولنا ثبوت ہے۔

مندرجہ و بالا حقائق کی روثنی میں سائل التماس کرتا ہے کہ چارج شیث (Charge 'Sheet) محررہ مور نہ 04/03/2020 کو برخلاف من سائل نہ ید کوئی کا ورائی کیے داخل دفتر فر مایا جاوے ۔اور سائل کی زاتی طور پر شنوائی کا موقع دیا جاوے ۔

مرا المرام المر



MIESTED MANUEL

Advocate High Court & Office Nor33 Adjacent to Distr. Bar Abbottabad



OFFICE OF THE ASSISTANT DIRECTOR MINERAL DEVVELOPMENT

Near Judicial Compiex Safida road Nogazi Mansehra

	•			
No: 1875	_MDW/MA/PL-Feldspar (532)/2005	,	Datea: 25	<u>/</u>
4			,	,

Тo

M/S Hamid and Co; c/o

Hamid Laboratory, Opposite Ayub Medical Complex

Mansehra road District Abbottabad

P-75

Subject:

THE MINERALS TITLES COMMITTEE DECISION DATED 08/07/2019 TO 12/07/2019 AGENDAITEM NO.36 (A)

Reference is made to the above captioned subject.

Since the Mineral Title Committee in its decision dated referred to above decided to cancel the subject prospecting license on account of keeping the area idle, to submit monthly production returns and to won mineral as per Section-16 (f) of the Khyber Pakhtunkhwa Mineral Governance Act-2017. Security forfeited in favor of government.

You are therefore advised to handover the possession of area in good order to this office and return used/un-used transit challan book to this office and also deposit Rs.20000/- as renewal fee, Rs.96000/- as annual rent w.e.from 17/11/2009 to 16/11/18, submit original treasury challan to this office positively, otherwise the same shall be recovered as per land revenue act.

> ASSISTANT DIRECTOR (TECHNICA MINERAL DEVELOPMENT MANSEHR

/MDW/MA/PL-Feldspar (532)/2005 Dated 25 Copy forwarded to

The Director General Mines and Minerals Khyber Pakhtunkhwa Peshawar w/r to decision referred to above please.

The Chief Inspector of Mines Khyber Pakhtunkhwa Peshawar.

3 The Commissioner Mines Labour Welfare Commissioner Peshawar.

The Deputy Commissioner Manselfra. 4

The Statistical Division Federal Bureau of statistic state life building 5 No.5 F/6 Blue area Islamabad

In charge GIS Section H/Qrs office Peshawar to update the record please

The Assistant Commissioner (Revenue) Mansebra

Me

Misc file (1)/2019

ASSISTANT DIRECTOR (TECHN

MINERAL DEVELOPMENT MANSEHR

Juhammad Arshad Khan Tener

STATEMENT OF MUHAMMMAD QASIM JAMAL REGARDING COMPLAINT OF ATTAULLAH ABBASI IN FILE NO MDW/MA/PL-FELDSPAR(532)/2005.

It is stated that the decision of mineral title committee dated 08/07/2019 to 12/07/19 was putted up to me by Dealing Assistant for approval and signature of cancellation letter in the subject file on account of keeping the area idle, failure to submit MPRs and failure to won mineral as per section 16(f) (inadvertently written in MTC decision as 06-f) of KP Mineral Governance act 2017. The copy of the MTC decision placed in file was original copy and was signed by members of MTC.

Accordingly the letter was signed by me on 25/07/19 and was marked back to dealing Assistant with directions on note part to issue please.

I was holding additional charge of District Mansehra while being Assistant Director Mineral development Abbottabad. I do official work of Mansehra on Tuesday and Thursday, on the very next day i.e. Friday I attended the Abbottabad office and on the same day i.e. 26/07/19 the undersigned was suspended from service, so thereafter I was unable to do any official work.

Munammad Qasim Jamal
Ex-Assistant Director Mineral
Development Mansehra

07/12/19



بخدمت جناب ڈائر یکٹر جنرل مائنز اینڈ منرلز خیبر پختونخواہ پیٹاور

_Charge Sheet (Personal Hearing)

بحواله انگریزی چٹھی نمبری 10635-36/DGMM/Admin/(Hazara (Division مورخہ 16/07/2020 کو وصول پائی جس کے لئے ذیل گزارشات جن کو Hearing consider کیاجائے عرض خدمت ہے۔

سائل نے منرل ٹائٹل کمیٹی کا فیصلہ حسب انتخام (Ex AD Mineral Qasim jamal) کودیگر فائلوں کے ساتھ File No. MD/PL-Feldspar (532)/2005 جس کو کمیٹی نے بذریعہ ا يحييند آثم نمبر 36 كينسل كرديا تفا-اور Cancellation Letter ويلنگ اسشنت كو

Putup کیانے اصل Decision جس پرسائل کی ہاتھ والی تحریث شدہ ہے ملاحظہ کرنے کے بعد Ex-Assistant Director کیا جو کہ قاسم جمال کا ویلیمنٹ مانسم وہ کو Forward کیا جو کہ قاسم جمال میں اسلام کی الحو کہ قاسم جمال میں الم

Advocate High Cour Office No. اعترا المستناث كو مارك كالمارك
نے Despatcher انعام الحق کو Despatch کرنے کے لئے دے دیا جس نے کمیٹی کے افیصلہ کے مطابق Letter No. MS Hamid&Co

گوماری 1875MDW/MA/PL-Feldspar(532)/2005 کوماری

کردیااوراس کے بعدقاسم جمال AD کومعطل Suspend کردیااس کے بعد Deputy Director Mineral Develpment Hazra Division محن على خان نے تھم دیا کے منرل Committe Tittle کے دیگرتمام فیصلہ جات کو Implement کرنے کے لئے Procees کیاجائے جس کی تغیل میں دفتر کے جملہ سٹاف نے ہمراہ میرے فیصلہ جات Implementation کے لئے فائلیں procees کیں جس کی تعمیل میں دیگر فائلوں کے ساتھ لياقت على كى فاكل 70ken No.1317/MDW/MA/PL-Granite (444)/2017 تقى مين File No.MDW/MA/PL-Feldspar(532)2005والا فيصله دُّ يِنْ

Mesi

عنوان؛

ڈائر یکٹرصاحب نے ملاحظہ کرنے کے بعد Letter No. 1875 مور نیہ 25/07/2019 کوملاحظہ کرنے کے ساتھ Dispatcher انعام الحق سے ٹیلی نون رابطہ کرکے Cancellation Letter No. 1875مورخہ 25/07/2019 کی جاری کرنے کی تبلی کی اوراس کے بعدلیافت سلطان کی File No.1317/MDW/MA/PL/Granite Offer Letter کے جس کے بعد 28/08/2019 کودستخط کیے جس کے بعد یارٹی نے دیگرکوا نف یورے کئے اور اسی دوران سائل کی ٹرانسفر/ پوسٹنگ مانسپرہ سے مردان کر دی گئی اورڈ یمیار چرر پورٹ مورخہ 03/09/2019 کوجع کی تھی۔اسکے بعد سائل کوکوئی علم نہ ہے۔

سائل کی ٹرانسفراسٹینٹ ڈائر بکٹرمنرل ڈویلیمنٹ مردان ہونے کے تین ماہ بعدمور خہ 04/12/2019 كوسائل اور ديگر جمله سٹاف دفتر اسسٹنٹ ڈائر يکٹر منرل ڈويلېمنٹ مانسهرہ اور ڈپٹی ڈائزیکٹرصاحب ہزارہ ڈویژن وEx-Assistant Director منرل ڈویلپمنٹ مانسمرہ کویشاور دفتر طلب کیا گیادوران انگوائری سائل اور دیگر جمله شاف ہے کنسلیشن لیٹر، لیافت علی سلطان کی فائل آبر File No.1317/MDW/MA/PL/Granite (444)2017 يس گ

Mineral Title Committe کا فیصله مورخه 08/07/2019 کا

حصہ حذف شدہ تھا جس کے بارہ میں مجھے کوئی علم نہ ہے اور نہ ہی بیہ فیصلہ سائل نے Putup کیا ہے کیونکہ مذکورہ فیصلہ پر ثبت شدہ ہاتھ کی تحریر بھی کسی دوسرے کی ہے اور سائل نے جو MTC کا اصل فيصله جو كه فائل نمبر MDW/MA/PL-Feldspar(532)/2005 مين Put up كيا تھاوہی فیصلہ لیافت علی سلطان کی فائل میں Put up کیا گیا جس پرسائل کی ہاتھ کی تحریر ثبت شدہ ہے۔ جبکہ دوسرے فیصلے پرکسی اور نے ہاتھ سے تحریر کی ہے اور نہ ہی تمینٹی ممبران کا دستخط شدہ ہے۔

چونکہ انگوائری سائل کی ٹرانسفر کے تین ماہ بعد کی گئی ہے اور اس دور ان سائل کا دفتر اسٹینٹ ڈائر پکٹر معد نیات مانسمرہ کے ساتھ کو کی تعلق واسطہ نہ تھا نہ ہے اس دوران اصل فیصلہ میں اگر تبدیلی کی گئی ہے تو اُس کا ذ مہدار دیگر جملہ ساف جو کہ وہاں تعینات تھاہے۔ کیونکہ حذف شدہ فیصلہ کی تسلی اس بات سے عمال ہوجاتی ہے کہ سائل نے MTC کا جو فیصلہ فائل نمبر

MDW/MA/PL-Feldspar(532)/2005 میں Put up کیا تھا جس پر سائل کی ہاتھ کی تح ریر موجود ہے اور لیافت سلطان والی فائل نمبر File

No.1317/MDW/MA/PL/Granite (444)2017 میں گے فیصلہ پر نہ تو MTC میں گے فیصلہ پر نہ تو MTC میں گے فیصلہ پر نہ تو کےممبران کا دستخط ہے اور نہ ہی سائل کاتحریر شدہ فیصلہ ہے۔ جس کا میر بے ساتھ کوئی تعلق واسطہ نہ ہے۔

۔ بیکمن سائل بے گناہ ہے اور من سائل نہ تو منرل ٹائیٹل کمیٹی کے فیصلہ میں تبدیلی میں میں میں جوا ہے اور نہ ہی Appeal Period Concealed کی مرتکب ہوا ہے اور نہ ہی Tempring) کا مرتکب ہوا ہے اور نہ ہی کہ سائل کی تقریباً 22 سالہ محکما نہ سروس کا جملہ ریکار ڈ کر نے کا مرتکب ہوا ہے ۔ مزید برآس گزارش ہے کہ سائل کی تقریباً 22 سالہ محکما نہ ہوئی ہوئی ہے نہ ہے ملاحظہ فر مایا جاوے چونکہ پورے عرصہ ملازمت کے دوران نہ تو سائل کی کوئی انکوائری ہوئی ہے نہ ہے جارج شیٹ (Charege Sheet) اوراس طرح نہ ہی کوئی سالانہ (Adverse ACR) ہے ۔ جو کہ سائل کی دیانت داری اور امانداری کا منہ بولٹا شوت ہے۔

مندرجہ و بالاحقائق کی روشیٰ میں سائل التماس کرتا ہے کہ چارج شیٹ (Charge Sheet) محررہ مور خہ 16/07/2020 کو برخلاف من سائل نہ بیرکوئی کا درائی کیے داخل دفتر فرمایا جادے۔

الرقوم:20/07/2020

سیم کی کارف (سینترکلرک) محکمه معدنیات هیڈکواٹر آفس پیثاور Allesled

Mlle

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

وكالثام

كورك فيير

Preshause Service Tribunal 10PK Muhammad Arif 16 Fort of 1091c elije Appellant نوعيت مقدمه

باعث تحريرآ نكه

مقدمه مندرجه میں اپنی طرف سے واسے پیروی وجواب دہی کل کاروائی متعلقه آں مقام

کووکیل مقرر کر کے اقر ارکرتا ہوں کہ صنا تعلقہ موجود کے مقادر جی آئی کا کامل اختیار ہوگا نیز وکیل صاحب Distt Bar Abbottabad موصوف کو کرنے راضی نامہ وتقرر ثالث و فیصلہ برحلف ودینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیه وعرضی دعوی کی تقدیق اوراس پر وستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمه فد کور کی کل ماکسی جزوی کاروائی کے لئے کسی اور وکیل یا مخارصاحب قانونی کوایئے ہمراہ اپنی بجائے تقرر کا اختابر بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں سے اور اس کا ساختہ پر داختہ مجھ کومنظور و قبول ہوگا۔ دوران مقدمہ جوخرچہ و ہرجاندالتوائے مقدمہ کے سبب ہوگا اس کے ستحق وکیل صاحب ہوں گے۔ : نیز بقایارتم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہویا حدہ باہر ہوتو وکیل صاحب موصوف یا بند ہوں گے کہ پیروی مقدمہ ندکورہ کریں اور اگر مخار مقرر کردہ میں کوئی جزو بقایا ہوتو وکیل صاحب موصوف مقدمہ کی پیروی کے یابندنہ ہوں مے۔ نیز درخواست بمراداستجارت نالش بصیغمفلس کے دائر کرنے اوراس کے پیروی کا بھی صاحب موصوف کواختیار ہوگا۔

> لبذا وكالت نامة تحرير كردباتا كهندرب_ Audock

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

,	1 2011	. v v/ \i \.	•
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Muk	ammed Asi	of 20 Appella	nt/Petitioner
•	Vorsu		
	· .	Respondent No	
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	ppeal/petition under the nal Act, 1974, has been etitioner in this Court at the said appeal/petitioner at 8.00 A.M. are at liberty to do so oned either in personed by your power of Attendays before the dat ocuments upon which ance on the date fixe	he provision of the K n presented/registered and notice has been ord on is fixed for hearing . If you wish to urge a on the date fixed, or an or by authorised representation. You are, therefore the of hearing 4 copies of you rely. Please also d and in the manner	hyber Pakhtunkhwa for consideration, in ered to issue. You are before the Tribunal mything against the ny other day to which esentative or by any ore, required to file in of written statement take notice that in
Notice of any alt given to you by registe address. If you fail to fu address given in the app notice posted to this add this appeal/petition.	red post. You should i rnish such address you peal/petition will be dec	r address contained in emed to be your correct	f any change in your this notice which the address, and further
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office Notice No	da	ted	******
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1: The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

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2. Always quote Case No. While making any correspondence.

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

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	(Versus	. 1)	11 etc,
	through Sey	Mineral L	respon	dent
	•	Respon	dent No	
Notice to: —		· ·	Mine 6	Mineral
	KPK	Peshawa	× •	•
Province Ser the above cas hereby information with a spellant/pet the case may Advocate, duthis Court at alongwith an default of you appeal/petiti Notice given to you address given	eAS an appeal/petitivice Tribunal Act, 19 e by the petitioner in med that the said appeal that the said appear are at lib be postponed either your least seven days be an appearance on the appearance on the on will be heard and of any alteration in by registered post. You fail to furnish such in the appeal/petitic to this address by receition.	of this Court and note this Court and note that 8.00 A.M. If you erty to do so on the rin person or by power of Attorney fore the date of he upon which you he date fixed and decided in your abstract the date fixed for You should inform address your address your address will be deemed to the date of the date of the same address your address your address your address your address will be deemed to the date of the date of the date of the same address your your your your your your your your	ented/registered for cice has been ordered and hearing being wish to urge any ordered authorised representations of the caring of the manner aforement. The manner aforement is the manner aforement and the manner aforement	consideration d to issue. You fore the Tributhing against ther day to what ther day to what to fill written staten ke notice that rementioned, al/petition wing change in your sand fur
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The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays. Always quote Case No. While making any correspondence.

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

NT ₀	
No.	
Appeal No. 15612 of 20 ² Muhammad Arih Appellant/Petitioner	
Muhammad Arih	
Appellant/Petitioner	
Versus	
Through Secy Mineral Development Depth: atc., Respondent No.	
3	
Respondent No	•••••
Notice to: _ Deputy Director Mineral Develop	Price
Hazara Division. Abbottabad.	
WHEREAS an appeal/petition under the provision of the Khyber Pakhtunk	hwa
Province Service Tribunal Act, 1974, has been presented/registered for consideration	n, in
the above case by the petitioner in this Court and notice has been ordered to issue. You hereby informed that the said appeal/petition is fixed for hearing before the Tribu	
*onat 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 wl	hich
the case may be postponed either in person or by authorised representative or by	
Advocate, duly supported by your power of Attorney. You are, therefore, required to fil this Court at least seven days before the date of hearing 4 copies of written staten	
alongwith any other documents upon which you rely. Please also take notice that	
default of your appearance on the date fixed and in the manner aforementioned,	
appeal/petition will be heard and decided in your absence.	•
Notice of any alteration in the date fixed for bearing of this annual/notition will	, (1) L.
Notice of any alteration in the date fixed for hearing of this appeal/petition will given to you by registered post. You should inform the Registrar of any change in y	
address. If you fail to furnish such address your address contained in this notice which	the
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notice posted to this address by registered post will be deemed sufficient for the purpos this appeal/petition.	se of
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Copy of appeal is attached. Copy of appeal has already been sent to you vide	this
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Registrar,	
Khyber Pakhtunkhwa Service Tribu	nal.

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.

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

15615
Appeal No. 15612 of 202?
Muhammad Arib Appellant/Petitioner
- Krough Secy Mineral Development Respondent
Respondent No
Notice 10: - Assistant Director Mineral Develop Mohallah Mogazi Safida road Mi
Mohallah Nogazi Safida road Mi
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
Copy of appeal is attached. Copy of appeal has already been sent to you vide this
office Notice Nodated
Given under my hand and the seal of this Court, at Peshawar this
Day of
For Reply)
- HA
Registrar,
Khyber Pakhtunkhwa Service Tribunal, Peshawar.

The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

Always quote Case No. While making any correspondence.

Note:

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, D.6 PESHAWAR.

No.
1561
Appeal No. 156/2 of 20 20
Muhawmad Arib Appellant/Petitioner
Through Secy Mineral Drelopment Depth of,
Respondent No.
Notice to: _ Govt. of KPK Through Secretary Mineral
Development Deptt Poshawar.
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
Copy of appeal is attached. Copy of appeal has already been sent to you vide this
office Notice Nodateddated
Given under my hand and the seal of this Court, at Peshawar this
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Peshawar.

2. Always quote Case No. While making any correspondence.

Note:

The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

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

,	No. Appeal No
Ra	Muhammad Arif Appellant/Petitioner
	Through Seeg Mineral Pest: Respondent
	$\mathcal{L}_{\mathbf{I}}$
	Notice to: - Assistant Director Mineral Develop
	Notice to: - Assistant Director Mineral Develop Mohallah Nogazi Safida Road Mans
	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
	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.
	Gopy of appeal is attached. Copy of appeal has already been sent to you vide this
	office Notice Nodated
·.	Given under my hand and the seal of this Court, at Peshawar this
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Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

2. Always quote Case No. While making any correspondence.

The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

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

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	Deputy	ra 12	ivision	- HodelA	ibad.
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*on	ngththat the said a	.at <u>8.00 A.M.</u> If	you wish to	o urge anything	g against the
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appear/petiti	on will be near a and	decided in your	abscirce.		
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The hours of attendance in the court are the same that of the High Court except Sunday and Gazette Holidays. Always quote Case No. While making any correspondence.

Khyber Pakhtunkhwa\ Service Tribunal,

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

No.			15612	20	
exp	Appeal	Commode	Dr: F	of 20Appellant/Peti	itioner
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Notice to:	Govt	· J KP	Respondent	vo 18h Secr Kp Posh	ctary Mi
Province the above hereby if *on	e Service Tribung e case by the peting informed that the t/petitioner you may be postponed, duly supported rt at least seven th any other door	al Act, 1974, ha tioner in this C e said appeal/g	s been presented ourt and notice he betition is fixed of A.M. If you will do so on the date erson or by author of Attorney. You he date of hearing which you rely.	on of the Khyber l/registered for considered for hearing befores to urge anythe fixed, or any other corised representare, therefore, reas 4 copies of wrelease also take the manner afores.	onsideration, in to issue. You are re the Tribunal ing against the ner day to which ative or by any equired to file in itten statement on notice that in
given to address address a notice po	you by registere If you fail to furi given in the appe	ed post. You sh iish such addre al/petition will	ould inform the ess your address o be deemed to be	ing of this appeal Registrár of any ontained in this r your correct addr emed sæfficient fo	change in your notice which the ress, and further
Co	opy of appeal is	attached. Copy	of appeal has al	ready been sent	to you vide this
office No	otice No		dated		as m
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Day of			Oct	20 21	

Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar

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

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

No.	
Appeal No. 1561	of 20 ² °.
Mulanined Hoit	
Versus	\mathcal{I}
Through Song Mil	Respondent
	Pespondent No
11551	tor Holministration
1100000 001	Eneral Mine and Minerals
	e provision of the Khyber Pakhtunkhwa
Province Service Tribunal Act, 1974, has been the above case by the petitioner in this Court at hereby informed that the said appeal/petition*on	and notice has been ordered to issue. You are is fixed for hearing before the Tribunal If you wish to urge anything against the on the date fixed, or any other day to which or by authorised representative or by any orney. You are, therefore, required to file in of hearing 4 copies of written statement you rely. Please also take notice that in and in the manner aforementioned, the ir absence.
Notice of any alteration in the date fixed given to you by registered post. You should in address. If you fail to furnish such address your address given in the appeal/petition will be deen notice posted to this address by registered post this appeal/petition.	address contained in this notice which the med to be your correct address, and further
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Copy of appeal is attached. Copy of app	eal has already been sent to you vide this
office Notice Nodat	e d
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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.

Peshawar.

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

PESI	HAWAR.
No.	
140.	15612
Appeal No	5612 of 2020
A Louisia March	Appellant/Petitioner
W.W.11	Appeauni/Felatoner
V	ersus
Mrough Jecg	Mineral Test Respondent
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	Respondent No
The state of the s	1 21- 0212
Notice to: - Director	DENERAL LITTLE & LITTLES
KOK	Peshowar.
WHEREAS an appeal/petition under the services Tribunal Act, 1974, has been	er the provision of the Knyber Pakhtunkhwa
the above case by the petitioner in this Cou	ırt and notice has been ordered to issue. You are
hereby informed that the said appeal/pet	ition is fixed for hearing before the Tribunal
*on $\frac{3}{2}$ at 8.00 A	A.M. If you wish to urge anything against the
appellant/petitioner you are at liberty to de	o so on the date fixed, or any other day to which
the case may be postponed either in pers	Son or by authorised representative or by any
this Court at least seven days before the	date of hearing 4 copies of written statement
along with any other documents upon w	hich you rely. Please also take notice that in
default of your appearance on the date	fixed and in the manner aforementioned, the
Nation of any alteration in the date	fixed for hearing of this anneal/natition will be
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address given in the appeal/petition will be	deemed to be your correct address, and further
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this appeal/petition.	
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Take notice that you	r appeal has been	n lixeu loi	Lafono this Tribunal	
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You may, therefore, app	ear before the Trib	unal on the sa	id date and at the said	l -
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	Versus	•	- 4
- Moragh Beay Tr	lineral 12	evelopment.	di,
		RESP	ONDENT(S)
•			
(counce) M	whammed	Arshad K	Now
Notice to Appellant/Petitioner			
INNOV H			,
Abbo	Habad.	·	
· · · · · · · · · · · · · · · · · · ·	5	92.00 mm 64 m	· <u>:</u>
	•		
Take notice that your ap	ngal has been f	ixed for Prelimin	ary hearing,
replication affiliavity dounter affig	loʻzit/record/argun	nents/order before	this Tribunal
replication affiliam/counter and	ia vo o o o JFW o	•	9 3
on at		• .	
			-/ -:
		on the said date	ınd at the said
You may, therefore, appear be place either personally or through	efore the Tribuna on advocate for	presentation of you	ır case, failing
which your appeal shall be liable to	be dismissed in d	efault.	
at Camp Court A Abad			
an comp costs.	•	2	
		MPle	
	·	Damidenan	
	YThh.	Registrax, er Pakhtunkhwa Se	rvice Tribunal,
		Peshawar.	
·		•	• •

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

No.
Appeal No
Muhammad Ari Appellant/Petitioner Versus
Versits Versits Respondent No. 19.
Respondent No
Notice to: - Assistant Director Mineral Develope
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 *onq.,,,,
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
ofilise Notice Nodated
Given under my hand and the seal of this Court, at Peshawar this
Day of
14 should 21/12/2021
at Comp Court A/Abad M. D.
Khyber Pakhtunkhwa Service Tribunal, Peshawar.

2. Always quote Case No. While making any correspondence.

Note:

^{1.} The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

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

No.	
Appeal No. 156/2 of 2020 Appellant/Petitioner	
Muhamma & Aril	
·	
Wrough Decy Wineral Doydopart etc, Respondent	
Respondent No	
Notice to: - Deputy Director Mineral Developme Hazara Division Abboltabad.	tn
Hazara Division Abbottabad.	
WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkl Province Service Tribunal Act, 1974, has been presented/registered for consideration the above case by the petitioner in this Court and notice has been ordered to issue. You hereby informed that the said appeal/petition is fixed for hearing before the Tributon	n, in are unal the nich any e in the lbe our the her
this appeal/petition.	e of
Copy of appeal is attached. Copy of appeal has already been sent to you vide t	his
ofice Notice Nodateddated	
Given under my hand and the seal of this Court, at Peshawar this	••••
Day of	
14 Shound of 21/12/2021	
at Camp court A/Abad N. A	
Registrar	,
Khyber Pakhtunkhwa Service Tribun	ıal,

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

Note:

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

No.	
Appeal No	
Muhammad Axi Appellant/Petitioner Versus	
Respondent No. 5	
Notice to: - Assistant Director Administration Directoral	ìe
(Jeneral Mine and Minerals Kpk, Peshan	
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	
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 Nodateddated	
Given under my hand and the seal of this Court, at Peshawar this	
Day of Dec20 x1 [Neteral of 21/12/2021] at carp (ourt A/Alpad) Registrary	
Registrar, Byber 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.	

Always quote Case No. While making any correspondence.

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

.No.	
Appeal No. 156/2_ 0/20 20	
Appellant/Petitioner	
Versus	
Through Deay Mineral Development Respondent	
Respondent No.	• • • • •
Notice to: _ Director General Mine & Minerals K	V (1
- a Inthograms to	۲ "
Pechanar:	
WHEREAS an appeal/petition under the provision of the Khirber Dakker, 11	11475
1 To vince Service Tribunal Act, 1974, has been presented/registered for consideration	•
above case by the pelitioner in this Court and notice has been and a sixty	
hereby informed that the said appeal/petition is fixed for hearing before the Tribu *on	nai the
- appointmy periproner you are at injerty to do so on the date fixed or ony of her decided	
Advocate, duly supported by your power of Attorney. You are, therefore, required to file	
this court at least seven days before the date of hearing 4 copies of written statement	
and any other documents upon which you rely Please also take notice that	
default of your appearance on the date fixed and in the manner aforementioned, appeal/petition will be heard and decided in your absence.	the
Notice of any alteration in the date fixed for hearing of this appeal/petition will given to you by registered post. You should inform the Registrar of any change in your dates. If you fail to family and the little family and the second sec	be
address, if you fall to furnish such address your address contained in this notice which	li ta a c
address given in the appeal/petition will be deemed to be your correct address, and family	
notice posted to this address by registered post will be deemed sufficient for the purpose this appeal/petition.	of
Copy of appeal is attached. Copy of appeal has already been sent to you vide the	his
office Notice Nodated	
$\swarrow \wr \wp$	
Given under my hand and the seal of this Court, at Peshawar this	
Day of20	
Westernel 2/ 12/2021 20	
at Camp Court A/Alad	
Registrar	_
Khyber Pakhtunkhwa Service Tribun Peshawar.	al,
Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.	

Always quote Case No. While making any correspondence.