

03.10.2022

Appellant present through counsel.

Riaz Khan Painsakhel, learned Assistant Advocate General alongwith Ahmad Sher Litigation Officer for respondents present.

Reply on behalf of respondents submitted. Copy of which was handed over to learned counsel for appellant. To come up for rejoinder, if any, and arguments on 05.12.2022 before D.B at Camp Court Swat.




(Rozina Rehman)
Member (J)
Camp Court Swat

04.07.2022

Counsel for the appellant present. Mr. Noor Zaman,
District Attorney present.

Notices be issued to respondents for submission of
written reply/comments. To come up for written
reply/comments on 02.08.2022 before S.B at camp court,
Swat.


(Fareeha Paul)
Member (E)
Camp Court, Swat

21.8.22

*due to hammas vacation the case is
adjourned to 6-9-22 for the same.*




06.09.2022

Learned counsel for the appellant present. Mr. Asif Masood Ali
Shah, Deputy District Attorney for the respondents present.

Reply/comments on behalf of respondents not submitted.
Learned Deputy District Attorney seeks time to contact the
respondents for submission of reply/comments.

Learned counsel for the appellant stated the at the Bar that
the appellant has passed away during pendency of the service appeal.
He submitted an application for impleadment of legal heirs of the
appellant as appellants in the instant appeal. Copy of the application
handed over to learned Deputy District Attorney, who has no objection
on impleadment application. Application is, therefore, allowed and
office is directed to do the needful accordingly. Adjourned. To come up
for reply/comments on 03.10.2022 before S.B at Camp Court, Swat.




(Mian Muhammad)
Member (E)
Camp Court, Swat

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 441 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/03/2022	<p>The appeal of Mr. Fazal Wadood presented today by Mr. Parwanat Khan 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 Single Bench at Swat for preliminary hearing to be put up there on <u>12.5.22</u></p> <p style="text-align: right;">CHAIRMAN</p>
	12.05.2022	<p>Learned counsel for the appellant present. Preliminary arguments heard.</p> <p>Points raised need consideration, hence the appeal is admitted to regular hearing subject to all just and legal objections including the question of limitation. 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 on 04.07.2022 before the S.B at Camp Court Swat.</p> <p style="text-align: right;"> (Salah-Ud-Din) Member (J) Camp Court Swat</p>

Rs-500/-
Appellant Deposited
Security & Process Fee
A. H. H. H. H.
14/5/22

①

BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No. 441 /2022

Fazal WadoodAppellant

VERSUS

Deputy Commissioner and others Respondents

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Appellant
Through Counsel


PARWANAT KHAN
Advocate High Court
Office: District Court Swat.
Cell: 0301-8530213

03018530213

①

BEFORE THE SERVICES TRIBUNAL KHYBER

PAKHTUNKHWA AT PESHAWAR Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 441 /2022

Diary No. 504
Dated 28/3/2022

Fazal Wadood Son of Fazal Wahid Resident of Mohallah Bangladesh, Amankot Tehsil Babozai District Swat, presently at Kharerai Tehsil Matta District Swat. (C/o Bushra Medical Store Beha Road Kharerai Tehsil Matta District Swat).

.....Appellant

VERSUS

- 1) Deputy Commissioner / Commandant Swat Levies Swat.
- 2) Secretary Home and Tribal Affairs Department Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
- 3) District Coordination Officer/ Commandant Swat Levies.

.....Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE SERVICE

TRIBUNAL ACT READ WITH OTHER RELEVANT

PROVISIONS AGAINST THE IMPUGNED ORDER NO.

101/DC/CSL DATED: 07/04/2021 PASSED BY

RESPONDENT NO.1, WHEREBY THE APPELLANT HAS

BEEN REMOVED FROM SERVICE / TERMINATED AND

ORDER DATED: 02/12/2021 PASSED BY RESPONDENT

NO. 2 WHEREBY DEPARTMENTAL APPEAL OF THE

APPELLANT HAS BEEN DISMISSED ILLEGALLY AND

UNLAWFULLY.

Filed to-day
Registrar
28/3/2022

PRAYER:

On acceptance of this service appeal both the impugned orders Dated: 07/04/2021 & 02/12/2021 passed by Respondents No.1&2 may kindly be set aside, and the Appellant be reinstated into service with all service back benefits.

Any other relief, deemed fit in the circumstances may also be awarded in favor of the Appellant against the Respondents.

Respectfully Sheweth:

The appellant submits as under;

1. That the Appellant was appointed as Sepoy in BPS -05 with usual allowances vide appointment order No. 5706/DCO/CSL Dated: 22/03/2012. (Copy of appointment order is attached herewith as annexure "A").
2. That since appointment, the Appellant performed his duties bravely and to the entire satisfaction of his superiors by remaining dutiful and the Appellant has never violated the terms and etiquette of his job.
3. That an enquiry was conducted against the Appellant and resultantly the Respondent No.1 removed the Appellant from

service vide the impugned order Dated: 101/DC/CSL Dated: 07/04/2021 without providing him opportunity of personal hearing. (Copy of the impugned order Dated: 101/DC/CSL Dated: 07/04/2021 is attached herewith as annexure "B").

- 4. That the Appellant being aggrieved, filed a departmental appeal before the Respondent No.2 against the order Dated: 07/04/2021. (Copy of Departmental Appeal is attached herewith as annexure "C").
- 5. That the Respondent No. 2 vide order Dated: 02/12/2021 dismissed departmental appeal of the Appellant vide the impugned order Dated: 02/12/2021. (Copy of the impugned order Dated: 02/12/2021 is attached herewith as annexure "D").
- 6. That now the Appellant being aggrieved from both the impugned orders, is filling the instant service appeal inter alia on the following grounds.

GROUND:-

- i) That the impugned orders passed by Respondents No. 1 &2 are illegal, unlawful, unconstitutional, and based on mala-fide which is very much clear from the record available on case file.



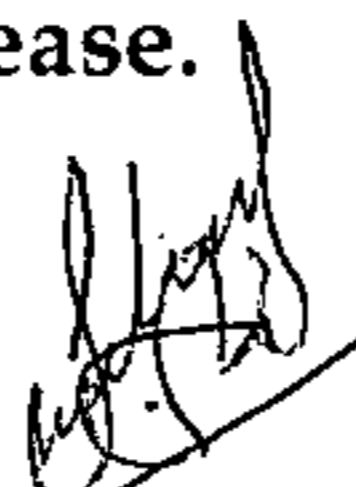
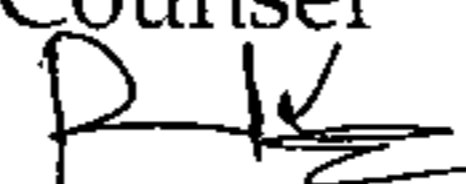
- ii) That the Appellant has never been found guilty of negligence, inefficiency or involved in indiscipline activities whatsoever throughout his service career till the orders of removal from service.
- iii) That the Appellant had shifted his residence to Tehsil Matta Swat from his permanent residence and the enquiry officer, while conducting the alleged enquiry against the Appellant, has never served any sort of summon, thus the enquiry conducted against the Appellant is one sided.
- iv) That the punishment awarded to the Appellant is harsh in nature.
- v) That the Appellant has not been dealt in accordance with law, and rules regulating service of the Appellant.
- vi) That the entire proceeding has been conducted in derogation of law and rules, therefore the termination orders of Appellant are liable to be set aside.
- vii) That the Appellant being the only bread earner of his family, the entire family has been curbed vide impugned orders, as the Appellant has been removed from service and there is no other source of income of the Appellant.

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- viii) That the impugned orders are whimsical, capricious and based on surmises and conjectures.
- ix) That other grounds not specifically raised in the instant appeal will be argued with the permission of this Honorable Court at the time of arguments.
7. That this appeal is being filed against the order of the departmental appellate authority Dated: 27/07/2020, hence this Honorable Tribunal has got the jurisdiction, and this appeal is in time.

It is therefore humbly prayed that on acceptance of this service appeal both the impugned orders Dated: 07/04/2021 & 02/12/2021 passed by Respondents No.1&2 may kindly be set aside, and the Appellant be reinstated into service with all service back benefits.

Any other remedy which is just, appropriate and efficacious may also be awarded in favor of the Appellant please.


Appellant
Fazal Wadood
Through Counsel


PARWANAT KHAN
Advocate High Court

03018530213

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BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No. _____/2022

Fazal WadoodAppellant

VERSUS

Deputy Commissioner and others Respondents

AFFIDAVIT

I, Fazal Wadood (Appellant in person), do hereby solemnly affirm and declare on oath that all the contents of this Service Appeal are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Honorable Court.

Identified by,

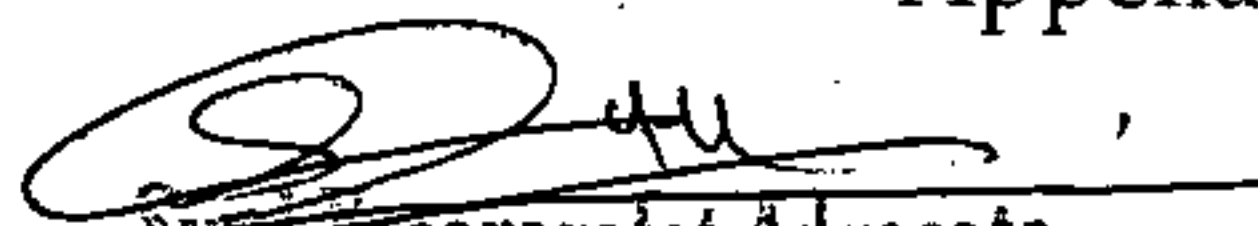


Parwanat Khan
Advocate Supreme Court
of Pakistan

DEPONENT



Fazal Wadood
Appellant in person



Syed Tasarrufat Advocate
NOTARY PUBLIC
L.No.SO(Judl)/HQA-16/2019/34/Vol-I
District Courts, Swat.
No. 72 Date 26.2.22

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BEFORE THE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No. _____/2022

Fazal WadoodAppellant

VERSUS

Deputy Commissioner and others Respondents

ADDRESSES OF THE PARTIES

ADDRESS OF THE APPELLANT

Fazal Wadood Son of Fazal Wahid Resident of Mohallah Bangladesh, Amankot Tehsil Babozai District Swat, presently at Kharerai Tehsil Matta District Swat. (C/o Bushra Medical Store Beha Road Kharerai Tehsil Matta District Swat).

CNIC:

Cell:

ADDRESSES OF THE RESPONDENTS

- 1) Deputy Commissioner / Commandant Swat Levies Swat.
- 2) Secretary Home and Tribal Affairs Department Khyber Pakhtunkhwa at Civil Secretariat Peshawar.
- 3) District Coordination Officer/ Commandant Swat Levies.

Appellant
Through Counsel



PARWANAT KHAN
Advocate High Court



CP



BASIC LEVIES TRG
(11 Jun 12- 12 Dec 12)

PART-I
PERSONAL DATA

Svc No: 661595 Rank: Rect Name: Fazal-e-Wadood

Address: Vill Aman Kot, The Babu Zai, Distt Swat

CNIC NO:

1	5	6	0	2	-	4	9	9	2	2	2	7	-	7
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NOK: Fazal Wahid (Father) DOB : 10 Mar 1986

DOE : 28 Mar 2012 Marital Status : UnMarried

PART-II
INDL PERFORMANCE RECORD

S/No	Events	Total Mks	Obtained Mks	percentage
1.	Academics	275	231.5	84%
2.	Physical Fitness	40	33	82.5%
3.	Firing	20	12	60%
Total		335	276.5	82.53%

Percentage Obtained : 82.53%

COUNTERSIGNED

Minister
BASIC LEVIES

[Signature]
CTC

[Signature]
(SYED WAQAS BIN WAQAS)



(15)

**OFFICE OF THE
DISTRICT COORDINATION OFFICER/
COMMANDANT SWAT LEVIES**

No. 5706 /DCO/CSL

Dated the 22/03 /2012

ORDER

As per recommendations of the Departmental Selection/Recruitment Committee, the District Coordination Officer/Commandant Swat Levies has been pleased to notify the appointment of the following candidates as Sepoy in BPS-05 plus usual allowances against the vacant post with immediate effect:-

S. No	Name	F/Name	D.O.B	Height	Chest	Qualification	Address	Designation
BABOZAI								
1	Noman Khan ✓	Sar Zamin Khan	03-03-1993	5'-10"	33" ½ x 35" ½	10th	Landikas Mingora	Sepoy
2	Bakht Roidar ✓	Bahre Karam	16-03-1991	5'-10"	33" x 35"	F.A	Kokarai.	-do-
3	Said Ali Khan ✓	Sher Afzal	12-01-1989	5'-9"	34" x 35"	B.A	Kokarai	-do-
4	Fazal Hayat ✓	Fazal Khaliq	25-03-1986	5'-9"	32" x 34"	10th	Odigram	-do-
5	Amjad Ali ✓	Bakht Zada	10-03-1984	5'-9"	32" x 34"	10th	Haji Baba Mingora	-do-
6	Asghar Ali	Mian Bashar	14-04-1989	5'-8" ½	33" x 34"	F.A	Guligram Saidu Sharif	-do-
7	Ayaz Ali ✓	Gul Shed	17-03-1986	5'-8" ½	32" x 34"	F.A	Rahimabad	-do-
8	Asmat Ali ✓	Ali Rehman	08-02-1993	5'-8" ½	32" x 34"	10th	Bunr Mingora	-do-
9	Akhtar Hussain ✓	Muhammad Akbar	11-05-1993	5'-8"	35" x 37"	10 th	Saidu Sharif	-do-
10	Abubakar ✓	Zafur Ali	13-08-1993	5'-8"	34" x 36"	10th	Amankot Mingora	-do-
11	Shafiq Ahmad ✓	Mian Said Qamar	02-01-1981	5'-8"	34" ½ x 35" ½	10 th	Khona Cham Saidu Sharif	-do-
12	Amjad Ali ✓	Aziz ur Rehman	09-02-1981	5'-8"	33" x 35"	M.A	Amankot Mingoru	-do-
13	Ihsan Ullah ✓	Abdul Jamil	05-01-1988	5'-8"	33" x 35"	10th	Saidu Sharif	-do-
14	Fazal Akbar ✓	Fazal Akram	05-06-1989	5'-8"	33" x 35"	10th	Saidabad Manglawar	-do-
15	Fazal Wadood ✓	Fazal Wahid	10-03-1986	5'-8"	33" x 34"	B.A	Bangladesh Amankot	-do-
16	Nawaz Khan	Habib ur Rehman	01-01-1990	5'-8"	33" x 34"	10th	Saidu Sharif	-do-
BAHRAIN								
1	Javed Khan ✓	Jehan Zeb	09-06-1986	6'-0"	36" x 37"	10th	Kalam Bahrain	-do-
2	Raza Khan ✓	Rasool Khan	01-01-1988	5'-9"	32" x 34"	10th	Madyan Bahrain	-do-
3	Hayat Muhammad ✓	Muhammad Saboor	08-04-1992	5'-9"	32" x 34"	10th	Jalbur Kalam	-do-
4	Muhammad Niaz	Haji Gul Didar	14-11-1987	5'-8"	33" x 35"	F.A	Kalam Bahrain	-do-
5	Imran Khan ✓	Muhammad Yousaf	01-01-1991	5'-8"	33" x 35"	10th	Ashoran Kalam	-do-
6	Jan Muhammad ✓	Muhammad Saeed	01-01-1985	5'-8"	32" x 34"	B.A	Aryana Bahrain	-do-
7	Momin Khan ✓	Inayat Khan	15-04-1987	5'-7" ½	33" x 35"	10th	Pishnal Kalam	-do-
8	Jehan Sher ✓	Khurshid Ahmad	10-02-1985	5'-7"	31" ½ x 35"	F.A	Changarai Bahrain	-do-
9	Wahid Zada ✓	Gul Rehman	10-04-1982	5'-7"	33" x 35"	10th	Madyan Bahrain	-do-
10	Muhammad Riaz	Abdul Jalal	10-02-1991	5'-6"	35" x 37"	F.A	Kalam Bahrain	-do-
11	Rehmat Gul ✓	Aziz Gul	11-04-1988	5'-6"	34" x 36"	B.A	Madyan Bahrain	-do-
BARIKOT								
1	Ijad Hussain ✓	Bakht Wahab	02-01-1991	5'-8"	33" x 35" ½	F.A	Ghalegay Barikot	-do-
2	Aman Ullah ✓	Muhammad Ilyas	08-01-1981	5'-7"	34" x 36"	10th	Gwrotai Barikot	-do-
3	Muhammad Aleem ✓	Zarninosh Khan	07-04-1990	5'-7"	32" x 34"	10th	Kota Darikot	-do-
4	Ibrahim Khan	Sherin Zada	01-01-1991	5'-6" ½	35" x 36"	F.A	Manyar Barikot	-do-
5	Nazir Muhammad ✓	Niaz Muhammad	27-02-1990	5'-6"	35" x 36"	F.A	Manyar Barikot	-do-
6	Tahir Hussain ✓	Sultani Room	02-01-1988	5'-6"	34" x 36"	B.A	Nawagai Barikot	Sepoy
7	Riaz Ali ✓	Sadiq Muhammad	02-02-1991	5'-5" ½	32" x 34"	B.A	Guratui Barikot	-do-
8	Ubaid Nawab ✓	Muhammad Nawab	30-06-1993	5'-5"	34" x 36"	10 th	Ghalegay Barikot	-do-

C/L

S. No	Name	F/Name	D.O.B	Height	Chest	Qualification	Address	Designation
CHARBAGH								
1	Tariq Mehmood ✓	Shah Dawran	04-03-1979	5'-10"	34"x35"	10th	Dakorak Charbagh	-do-
2	Kishwar Khan ✓	Bakht Biland Khan	08-05-1993	5'-10"	33"x34" ½	10th	Shinkad Charbagh	-do-
3 ✓	Muhammad Kamal ✓	Muhammad Zarin	17-12-1991	5'-9"	34"x36"	10th	Serai Charbagh	-do-
4	Adnan	Anwar ul Haq	01-01-1991	5'-9"	32"x34"	F.A	Kor Maira Charbagh	-do-
5 ✓	Imran Khan ✓	Qamar Zaman	08-04-1992	5'-8" ½	32"x34"	F.A	Gulibagh Charbagh	-do-
6 ✓	Rahim Zada ✓	Sher Zada	01-05-1993	5'-8"	34"x36"	10th	Landay Charbagh	-do-
7	Irfan Ullah ✓	Abdul Aziz	06-05-1990	5'-8"	33"x35"	F.A	Alamganj Charbagh	-do-
8	Imran Ali	Muzafar Khan	14-01-1991	5'-8"	33"x35"	10th	Dakorak Charbagh	-do-
9 ✓	Hamyoon	Bahramand	01-04-1985	5'-8"	32"x34"	10th	Mangar Kot Charbagh	-do-
10	Shah Wali Khan ✓	Gul Nazar	17-04-1981	5'-7"	35"x35"	10th	Asharo Charbagh	-do-
KABAL								
1	Nisar Ali ✓	Muhammad Sher	20-03-1989	5'-11"	32"x34"	F.A	Kotlai Kabal	-do-
2	Bashir Ahmad ✓	Watan Nabi	18-04-1988	5'-10"	36"x38"	F.A	Bara Bandai Kabal	-do-
3	Sajad Ali	Muhammad Sherin	01-03-1988	5'-10"	34"x37"	10th	Chota Hazara Kabal	-do-
4	Naik Amal Khan ✓	Habib ur Rehman	10-04-1993	5'-10"	33"x35"	10th	Hazara Kabal	-do-
5	Khaista Rehman ✓	Fazal Hadi	10-03-1992	5'-9"	34"x35" ½	10th	Bara Bandai Kabal	-do-
6	Irshad Ahmad ✓	Muhammad Rahim	09-03-1990	5'-8"	33"x35"	F.Sc	Moh: Bar Kanju	-do-
7	Akhtar Ali ✓	Umar Wahid	18-03-1987	5'-7"	38"x40"	10th	Bara Bandai Kabal	-do-
8	Rasool Khan	Abdul Matin	23-03-1989	5'-7"	35"x37"	10th	Melagah Kabal	-do-
9	Ajmal Khan ✓	Ghulam Younus	13-03-1989	5'-7"	33"x34" ½	10th	Ningolai Kabal	-do-
10	Shoukat Ali ✓	Khaista	01-05-1987	5'-7"	32"x34"	10th	Bara Bandai Kabal	-do-
11	Amir Aman Khan* ✓	Gul Khan	01-01-1987	5'-6" ½	33"x35"	F.A	Kala Kalay Kabal	-do-
12	Usman Ali ✓	Fazal Hayat	30-07-1986	5'-6"	34"x36"	F.A	Totano Bandai Kabal	-do-
13	Inayat ur Rehman ✓	Habib ur Rehman	22-02-1990	5'-6"	34"x36"	F.A	Bara Bandai Kabal	-do-
14	Anwar Ali ✓	Baghiram Said	01-03-1988	5'-6"	33"x35"	B.A	Dherai Kabal	-do-
15	Ibni Amin	Bakht Amin	02-01-1991	5'-6"	33"x35"	F.A	Kanju Kabal	-do-
KIWAZAKHELA ✓								
1	Sultan Shah ✓	Ali Shah	05-03-1991	5'-9"	34"x36"	F.A	Mashkomai K.Khela	-do-
2	Zahid Khan ✓	Said Muhammad	01-03-1991	5'-8"	34"x35"	F.A	Mashkomai K.Khela	-do-
3	Alam Sher ✓	Hassan Sardar	15-01-1991	5'-8"	33"x35"	10th	Chinkolai K.Khela	-do-
4 ✓	Zaif ul Abideen ✓	Fazal Qadir	08-03-1986	5'-8"	32"x33"	10th	Mashkomai K.Khela	-do-
5	Khalid Ahmad Khan ✓	Muhammad Amroz Khan	05-03-1992	5'-7"	33"x35"	F.Sc	Shalpin K.Khela	-do-
6 ✓	Muhammad Haleem ✓	Umreen	17-03-1989	5'-7"	32"x33" ½	10th	Chamtalai K.Khela	-do-
7	Shah Hussain ✓	Sarfraz Khan	01-01-1983	5'-6" ½	33"x35"	10th	Bihar K.Khela	-do-
8 ✓	Atta Ullah ✓	Kaki	12-05-1993	5'-6" ½	32"x34"	10th	Chamtalai K.Khela	-do-
9	Zafar Ali ✓	Shah Gulambar	06-01-1988	5'-6"	34"x36"	F.A	Irdam K.Khela	-do-
10	Inayat ur Rehman ✓	Amrin	10-04-1990	5'-6"	33"x35"	F.A	Chamtalai K.Khela	-do-
11	Aziz un Nabi ✓	Habib ur Rehman	05-05-1993	5'-6"	33"x35"	10th	Bihar K.Khela	-do-
12	Imran Ali ✓	Sher Bahadar Khan	04-02-1984	5'-5" ½	35"x38"	F.A	Shalpin K.Khela	-do-
MATTA ✓								
1	Rashid Ullah ✓	Gul Muhammad	12-03-1991	5'-7"	33"x35"	F.A	Vill: Biha Matta	-do-
2	Abdullah ✓	Muhammad Qayum	07-07-1991	5'-6" ½	34"x36"	F.A	Vill: Labat Matta	-do-
3	Nisar Qayum ✓	Abdul Jalal	02-02-1986	5'-5" ½	34"x35"	B.A	Rahat Kot Matta	-do-
4	Muhammad Ismail	Bashar	03-04-1988	5'-5"	32"x34"	B.A	Sambat Chum Matta	-do-

TERMS AND CONDITIONS:

- 1- All selected personnels of the Levies Force shall remain on probation for one year extendable by a further period of one year, if no order is issued on the expiry of the 1st year of probation period.

Handwritten signature/initials

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- 2- Their recruitment will be subject to the verification of the credentials/antecedents of the applicant from the concerned agencies.
- 3- The appointees will be allowed to resign the service on one month prior notice and in case of resignation without notice, two months. Pay/allowances if any shall be forfeited in favour of Government.
- 4- Their services can be terminated at any time in case their performance is found unsatisfactory/guilt of misconduct.
- 5- The appointees should join duties within one week of the issue of this order.

[Handwritten Signature]
**DISTRICT COORDINATION OFFICER/
 COMMANDANT SWAT LEVIES.**

No. 57-7-08 /DCO/CSL

Copy forwarded to:-

- 1- The District Accounts Officer, Swat.
- 2- The Officials concerned.

[Handwritten initials/signature]

[Handwritten Signature]
**DISTRICT COORDINATION OFFICER/
 COMMANDANT SWAT LEVIES.**



(9) (13)

**OFFICE OF THE
DEPUTY COMMISSIONER
COMMANDANT SWAT LEVIES SWAT**

No.....101...../DC/CSL
Dated07/04...../2021

ORDER:

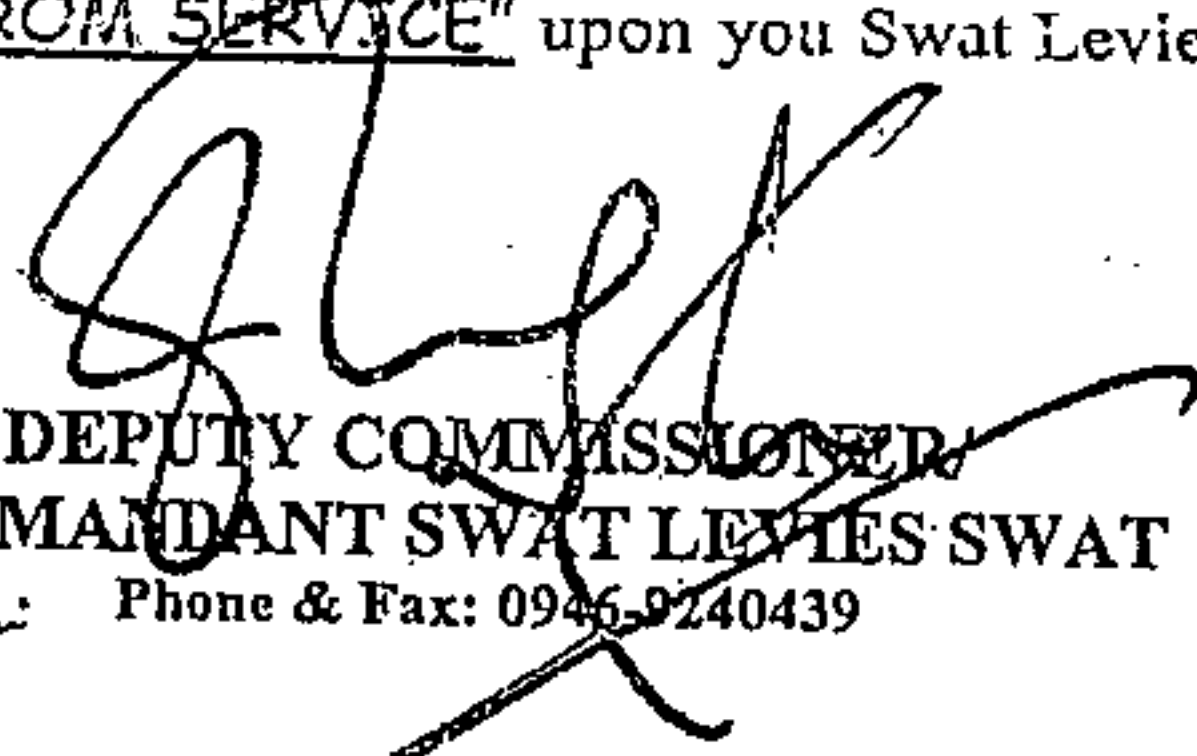
WHEREAS, inquiry conducted against you Sepoy Fazal Wadood S/O Fazal Wahid [P.No.661595] in pursuance of this office Disciplinary Action Notice No.324-27/DC/CSL dated 24/09/2020, with allegations leveled as under;

You Sepoy Fazal Wadood S/O Fazal Wahid remained willfully absent since 01/06/2019 from Swat Levies Line and Suspended, Charge Sheeted as well as Disciplinary Action/Inquiry conducted against you. Consequent upon punishment awarded to you vide No.461/DC/CSL dated 08/11/2019 and Re-Instated in service vide Order No.462/DC/CSL dated 08/11/2019. But you remained absent for almost a month and joined duty on 09/12/2019 to 12/12/2019 and then since 13/12/2019 onward till date remained absent without prior approval/permission of the competent authority, which manifest your habitual character of committing to the violation of rules & regulations as well as discipline code of the force and thereby guilty of misconduct.

WHEREAS, the inquiry officer [Mr. Shauzab Abbas, AC-Babozai Swat] has forwarded the inquiry report vide letter No.92/S-III/AC(B) dated 11/01/2021, wherein conveyed that, three summons have been issued to you Sepoy Fazal Wadood, but not responded. This reflects, that you have no interest/no defence in the matter and through ex-party action, major penalty under Schedule-IV S#09 of the "Service Rules for Federal Levies Force in PATA (amended) 2013", has been recommended by the Inquiry Officer i.e "Removal from Service".

WHEREAS, Final Show Cause Notice bearing No.24/DC/CSL dated 08/02/2021 has been issued and you appeared on 15/02/2021 for final hearing and your explanation is found unsatisfactory to justify the acts/omissions you have committed.

NOW THEREFORE, the undersigned being Competent Authority in exercise of powers delegated through Rule-10 Schedule-IV S.No.9 of the "Service Rules for Federal Levies Force in PATA (amended) 2013" hereby impose major penalty of **"REMOVAL FROM SERVICE"** upon you Swat Levies Sepoy namely Fazal Wadood S/O Fazal Wahid.


DEPUTY COMMISSIONER/
COMMANDANT SWAT LEVIES SWAT
Phone & Fax: 0946-9240439

Endst. No. & Date even.

Copy forwarded to:

1. The Section Officer (Courts) Home & TAs Deptt: Govt: of Khyber Pakhtunkhwa, Peshawar.
2. The Section Officer (Police-II) Home & TAs Deptt: Govt: of Khyber Pakhtunkhwa, Peshawar.
3. Mr. Shauzab Abbas, Inquiry Officer/AC- Babozai Swat.
4. The District Comptroller of Accounts Swat.

For information w/r to the above please.

5. The Subedar Major Swat Levies.
6. The Incharge Swat Levies Line.

For information w/r to the above with further directions, to recover Govt: physical assets if any issued to the convicted Swat Levies Personnel [Fazal Wadood] in the form of arms/ammunition, charpoy, box and other articles etc.

7. Fazal Wadood S/O Fazal Wahid, R/O Moh: Bangladesh, Amankot Tehsil Babozai District Swat, for information w/r to the above.




DEPUTY COMMISSIONER/
COMMANDANT SWAT LEVIES SWAT
Phone & Fax: 0946-9240439

①

**Before the Worthy Secretary Home and Tribal affairs
Department at Khyber Pakhtun Khwa Secretariat, Peshawar**

Fazal Wadood (Sepoy Swat Levies) S/O Fazal Wahid R/O Masoom
Shaheed Colony Matta..... Applicant/Appellant

*Departmental appeal against the order of removal from service of the
applicant/ appellant dated: 07/04/2021 passed by the Worthy Deputy
Commissioner/Commandant Swat Levies Swat.*

Respectfully Sheweth!

The applicant/Appellant Submits as follows:

1. That applicant/appellant is a law abiding citizen and dutiful Sepoy of Swat Levies and has never violated the terms and etiquette of his job till date.
2. That the applicant/appellant has never found guilty of negligence, inefficiency or involved in indiscipline activities, whatsoever throughout his services till the order of removal from service.
3. That after the appointment in Swat Levies, the applicant/Appellant has always performed his duties and obligations and treated his seniors, staff with great respect and affection.
4. That the applicant/appellant shifted his resident to Tehsil Matta Swat from his permanent resident and the inquiry officer, while conducting the alleged inquiry against the Applicant/Appellant, has never served any sort of summon, thus the inquiry conducted is one sided and is liable to be set aside.
5. That no opportunity of personal hearing has given to the applicant/Appellant by the inquiry officer which is a sine qua non of fair and impartial inquiry. Which effect the applicant/Appellant and his family due to financial crises.

CTC
[Handwritten signature]

6. That the worthy Deputy Commissioner/Commandant Swat Levies, while imposing a harsh punishment of removal from service, has not given any opportunity to the applicant/Appellant for filing a reply to the final show cause notice.

7. That despite one sided inquiry conducted against the applicant/appellant and the order of removal from service basis there upon, the Applicant/Appellant tenders his apology before your esteemed office.

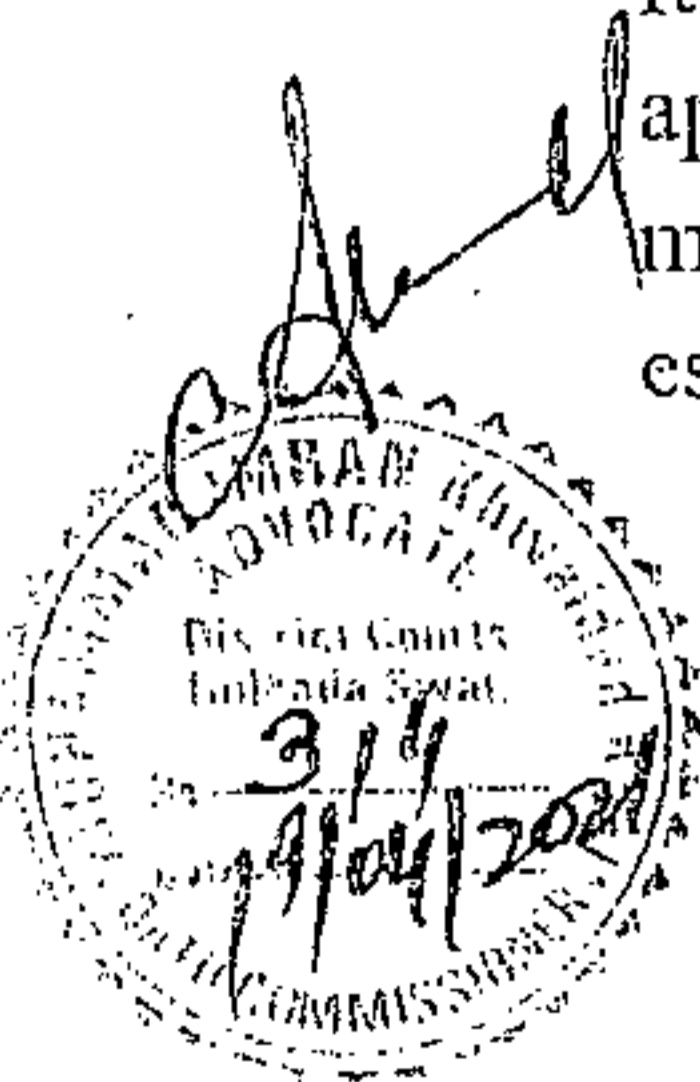
8. That further grounds may be reside at the time of oral submission, if your esteemed office may very graciously allow the applicant/appellant reinstate.

It is there for, most humbly prayed, that on acceptance of the instant application/Departmental Appeal, the Applicant/Appellant may very graciously be allowed to rejoin his duty with all back benefits since the order of removal dated 07/04/2021 and the one sided inquiry report may very kindly be set aside.

Fazal Wadood (Sepoy Swat Levies)

Affidavit:

It is solemnly stated on oath that all the contents of the instant application/Departmental appeal are true and correct to the best of my knowledge and belief and nothing has kept concealed from your esteemed office.



Fazal Wadood (Sepoy Swat Levies)

Bushra Maternity Home Biha Road
Kharerrai Matta Swat
Cell: 0346-9478078

Dated: 20/04/2021

A handwritten signature in black ink, appearing to be "Fazal Wadood".



CASE TITLE:

**IN THE COURT OF SECRETARY HOME
KHYBER PAKHTUNKHWA**

(APPELLATE AUTHORITY)

APPELLANT: FAZAL WADOOD S/O FAZAL WAHID

VERSUS

COMMANDANT LEVIES SWAT.

ORDER:-

Whereas, the Departmental Appeal of Fazal Wadood S/O Fazal Wahid Levy personnel, District Swat against removal from service vide Swat order No.101/DC/CSL/ dated 07-04-2021 was taken up and later on, called for personal hearing on 05-10-2021.

Whereas, the appellant was heard in detail and in this regard his written statement was also obtained. The appellant stated that he was absent from duty due to pressing domestic problems and life threats.

Whereas, The Representative of DC office Swat narrated details about his overall performance in Levies Force. He further explained that "The appellant has not performed his duties efficiently and most of the time remained absent. The appellant was suspended from service and an inquiry was conducted against him. The inquiry officer submitted report and recommended that a major penalty of "Removal from Service" be imposed upon the appellant. However taking a lenient view, minor penalties were imposed upon the appellant by DC Swat/ Commandant Swat Levies and was reinstated in services.

Whereas, after reinstatement in service the appellant did not joined his duties in time and was again directed to join duties through notice. As per report of incharge Swat line the appellant resumed duties on 09-12-2019 after lapse of 01 month. After rendering 04-days service the appellant again left his duties without prior permission/ intimation on 13-12-2019, hence he was again suspended from service and Assistant Commissioner Babozai(Swat) was appointed as inquiry officer to probe into the matter and submit report within 15-days. The inquiry officer summoned the appellant time and again but he did not bother to appear before the inquiry officer. The inquiry officer submitted report in his absentia with the recommendation that major penalty of "Removal from Service" be imposed upon him."

Whereas, the appellant was given opportunity of personal hearing and show cause notice, was served on him through registered post acknowledgment due card as well as through special messenger. But the appellant did not turn up to answer the allegation hence removed from service. Moreover, all the notice/ summons have been received by the appellant, through given address which is evident from the acknowledgment due card (registered) Pakistan post.

Decision

All above manifest his habitual absentee from duty and violation of Rules & Regulations as well as discipline of the force. Thereby, the appellant is found guilty of misconduct. The departmental appeal of Mr. Fazal Wadood is hereby rejected.

The appellant may be informed accordingly.

Announced

Dated 02.12.2021

(Ikram Ullah Khan) / 2/21
Secretary Home

بعدالت جناب بریزا کنڈا ایڈووکیٹ
سرپرستی میں سرکل عدالت فیصلہ

مورخہ 28 فروری 2029ء منجانب
مقدمہ فضل و دودر بنام ڈی ایس گلشن فیروزہ
دعویٰ سرپرستی ایس
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنے طرف سے واسطے پیروی و جواب دہی وکل کارروائی
متعلقہ آن مقام سیکور ہیرورٹس خاتا ایڈووکیٹ مسوئیا کو مکمل
تقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ
و تقرر ثالث و فیصلہ بر حلف دینے جواب دہیا اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار
ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف اپیل کی برآمدگی اور منسوخ مذکور کے مکمل یا جزویا کارروائی کے واسطے اور وکیل یا
عشار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور
اسکا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل
صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو
وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رس ہے

20

ماہ

المرقوم

العبد

گواہ شہید

العبد

العبد

گواہ شہید

العبد

PKL

کیلے منظور ہے۔

سرپرستی کا نام
ایس ایس

03018530213

فضل و دودر

cell = 0346947

8078

wie 15602-4992227-7

"B"

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

No. *Regd*

TB Swat

Appeal No. *441* of 20 *22*

Fazal Wadood Appellant/Petitioner

Versus

DC/Commandant Livies Respondent

Respondent No. *3*

Notice to: — *DIST Coordination officer Swat*
Livies

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 *4-7-22* 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 *8*.....

Day of *6* 20 *22*

at camp court

Swat

[Signature]

[Signature]
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. *Rag*

TB Swat

Appeal No. *441* of *20 22*

Fazal Wadood Appellant/Petitioner

Versus

DC/Commandant Livies Swat Respondent

Respondent No. *1*

Notice to: *Deputy Commissioner/Commandant Swat Livies Swat*

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 *4-7-22* 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.

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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 *8*

Day of *6* *20 22*

at camp Court Swat



Registrar,

Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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“B”

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

TB Swat

No.

441

Appeal No. *Fazal Wadood* of 20 *22*
 Appellant/Petitioner

Versus *DC/Commandant Livies Swat*
 Respondent

Respondent No. *2*

Notice to: *Secretary Home and Tribal affairs*
Dept 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 *4-7-22* 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.

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

8

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

Day of *at camp court* *6* 20 *22*

Swat *19.6.2022*

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.