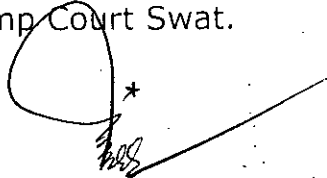


05.09.2022

Appellant in person present. Mr. Asif Masood Ali Shah,
Deputy District Attorney for the respondents present:

Appellant requested for adjournment on the ground that
his counsel is not available today due to strike of lawyers.
Adjourned. To come up for arguments on 04.10.2022 before the
D.B at Camp Court Swat.



(Mian Muhammad)
Member (Executive)
Camp Court Swat



(Salah-Ud-Din)
Member (Judicial)
Camp Court Swat

04.10.2022

Appellant in person present. Mr. Muhammad Jan, District
Attorney for the respondents present.

Appellant requested for adjournment on the ground that
his counsel is busy in the august Peshawar High Court, Mingora
Bench (Dar-ul-Qaza), Swat. Adjourned. To come up for
arguments on 07.11.2022 before the D.B at Camp Court Swat:



(Rozina Rehman)
Member (J)
Camp Court Swat




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

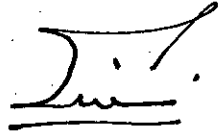
12.05.2022

Nemo for the appellant. Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for arguments on 04.07.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)
Member (E)
Camp Court Swat



(Salah-ud-Din)
Member (J)
Camp Court Swat

05.07.2022

Junior to counsel for appellant present.

Noor Zaman Khattak, learned District Attorney for respondents present.

Former made a request for adjournment as senior counsel is not in attendance today. Adjourned. To come up for arguments on 01.08.2022 before D.B at Camp Court, Swat.



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



(Rozina Rehman)
Member (J)
Camp Court, Swat

1-8-22

Due to Sammar vacation the case is adjourned to 5.9.22 for the same.



07.02.2022 Tour is hereby canceled .Therefore, the case is adjourned to 04.04.2022 for the same as before at Camp Court Swat.

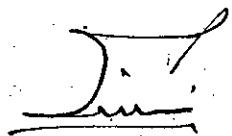
Reader

04.04.2022 Nemo for the appellant. Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Previous date was changed on Reader Note, therefore, notice for prosecution of the appeal be issued to the appellant as well as his counsel through registered post and to come up for arguments on 09.05.2022 before the D.B at Camp Court Swat.



(Rozina Rehman)
Member (J)
Camp Court Swat



(Salah-ud-Din)
Member (J)
Camp Court Swat

09.05.2022 Due to non-availability of the Bench, the case is adjourned to 12.05.2022 for the same as before.



Reader

07/04/2021


Due to COVID-19, the case is adjourned to

09/06/2021 for the same.


READER

09.06.2021

Due to unavailability of the bench, the case is adjourned to 06/12/2021

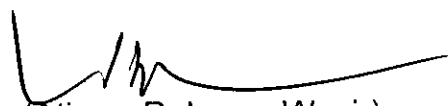

Reader


06.12.2021

Junior to counsel for appellant present.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present.

Former made a request for adjournment as senior counsel is not available today. Request is accorded. To come up for arguments on 07.02.2022 before D.B at Camp Court, Swat.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, Swat.



(Rozina Rehman)
Member (J)
Camp Court, Swat

03.02.2021

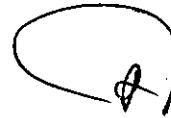
Appellant present through counsel.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

A request for adjournment was made as issue involved in the instant case is pending before Larger Bench of this Tribunal. Adjourned. To come up for arguments on 07.04.2021 before D.B at Camp Court Swat.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line and a diagonal stroke.

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

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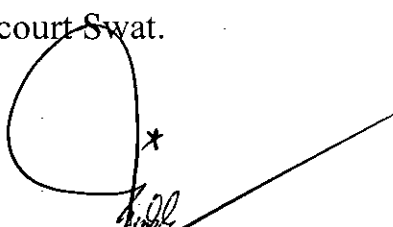
(Rozina Rehman)
Member (J)
Camp Court, Swat

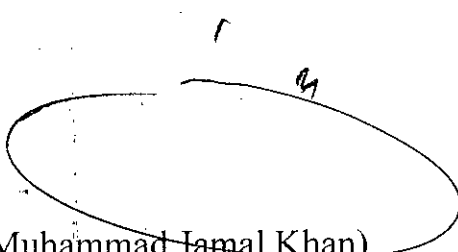
07.10.2020

Appellant is present in person. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for respondents present.

The learned Asst: AG invited attention of the bench to the impugned order dated 18.08.2016 on the strength of which retrospective effect has been given to the dismissal order of the appellant and since the issue of retrospectivity is pending adjudication before the Larger bench of this Tribunal constituted for the purpose, therefore, let this appeal be kept pending till decision of the Larger bench.

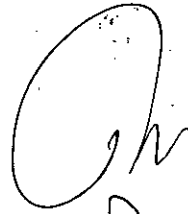
Adjourned to 09.12.2020 for arguments before D.B at camp court Swat.


(Mian Muhammad)
Member(E)


(Muhammad Jamal Khan)
Member
Camp Court Swat

09-12-2020

Due to COVID, 19 case is
adjourned to 03-02-2021


Reader

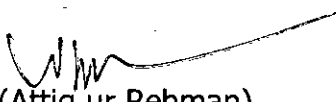
07.07.2020 Bench is incomplete. Therefore, the case is adjourned.
To come up for the same on 08.09.2020, at camp court
Swat.



Reader

08.09.2020 Nemo for appellant.

Mr. Muhammad Jan learned Deputy District Attorney for
respondents present.

Junior counsel for appellant requested for adjournment as
senior counsel is not available; granted. To come up for arguments
on 07.10.2020 before D.B at Camp Court, Swat.


(Attiq ur Rehman)
Member (E)
Camp Court, Swat


(Rozina Rehman)
Member (J)
Camp Court, Swat

03.03.2020

Appellant in person present. Mr. Usman Ghani learned District Attorney for the respondents present. Appellant submitted application for adjournment on the ground that his counsel is not available today. Application is placed on file. Adjourn. To come up for arguments on 07.04.2020 before D.B at Camp Court Swat.


Member


Member
Camp Court Swat

Due to corona virus
tour to camp court swat
has been cancelled. To come
up for the same on -
2/6/20 -


Reader

02.06.2020


Due to Covid-19, the case is adjourned. To come up for the same on 07.07.2020, at camp court Swat.


Reader

04.12.2019


Lawyers are on strike on the call of Bar Association. Adjourn. To come up for further proceedings/arguments on 07.01.2020 before D.B at Camp Court, Swat.



Member


Member
Camp Court, Swat

07.01.2020

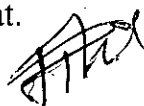
Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 04.02.2020 for further proceedings/arguments before D.B at Camp Court Swat.


(Hussain Shah)
Member
Camp Court Swat


(M. Amin Khan Kundi)
Member
Camp Court Swat

04.02.2020

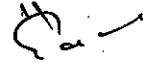
Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Lawyers are not attending the courts today on the call of Khyber Pakhtunkhwa Bar Council. Adjourn. To come up for further proceedings/arguments on 03.03.2020 before D.B at Camp Court Swat.


Member


Member
at Camp Court Swat

01.07.2019

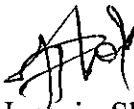
Appellant with counsel present. Mr. Mian Amir Qadir learned District Attorney alongwith Rizwan Junior Clerk present. Written reply submitted on behalf of respondents. Adjourn. To come up for rejoinder if any and arguments on 07.10.2019 before D.B at Camp Court, Swat.



Member
Camp Court, Swat.

07.10.2019

Counsel for the appellant and Mr. Anwar-ul-Haq, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 05.11.2019 for rejoinder if any and arguments before D.B at Camp Court Swat.



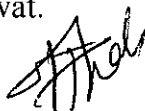
(Hussain Shah)
Member
Camp Court Swat



(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

05.11.2019

Appellant in person and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Shahid, ADO (Litigation) for the respondents present. Appellant requested for adjournment on the ground that his counsel is busy before the Hon'ble Dar-ul-Qaza Swat and cannot attend the Tribunal today. Adjourned to 04.12.2019 for rejoinder and arguments before D.B at Camp Court Swat.



(Hussain Shah)
Member
Camp Court Swat



(M. Amin Khan Kundi)
Member
Camp Court Swat

S.A no.420/2018


04.03.2019

Appellant in person present. Mian Amir Qadir, District Attorney alongwith Mr. Shahid Ali, SDO for respondents present. Written reply on behalf of respondents no.1 and 2 already submitted. Written reply on behalf of respondent no.3 not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments of respondent no.3 on 02.04.2019 before S.B at camp court Swat.


Member
Camp Court, Swat


02.04.2019

Appellant in person present. Written reply on behalf of respondent No.3 is still awaited. Notice be issued to respondents ~~No.3~~ with direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 07,05.2019 before S.B at Camp Court Swat.


Member
Camp Court, Swat.

07.05.2019

Appellant in person present. Written reply on behalf of respondent No.3 is still awaited. Shahid Ali SDO representative of respondent No.3 present and requested for adjournment to file written reply. Adjourn. To come up for reply/comments on behalf of respondent No.3 on 01.07.2019 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.

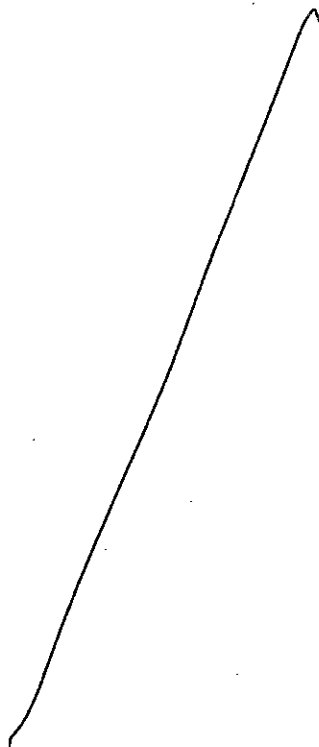
08.11.2018

Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 07.01.2019 at camp court Swat.

07.01.2019

Appellant in person present. Syed Suleman, SDO alongwith Mr. Mian Amir Qadir, District Attorney on behalf of respondents no.1 and 2 present and submitted written reply. Learned counsel for the appellant stated at the bar that address of respondent no.3 is incorrect, therefore, he requested for time for submission of correct address of respondent no.3. Adjourned. Case to come up for further proceedings on ~~04.03~~ 07.03.2019 before S.B at camp court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat



08.08.2018

Appellant in person and Mr. Syed Sulaiman S.D.O. for the respondents present. Due to summer vacations, the case is adjourned. To come up for the same on 06.09.2018 at camp court Swat.


Reader

06.09.2018

Appellant in person present. Mr. Syed Suleman, SDO alongwith Mr. Usman Ghani, District Attorney for respondents present. Written reply not submitted. Requested for adjournment. Granted. Case to come up for written reply/comments on 03.10.2018 before S.B at camp court Swat.


Member
Camp Court Swat

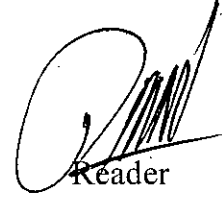
03.10.2018

Appellant Muhammad Daud in person present. Syed Suleman, SDO alongwith Mr. Usman Ghani, District Attorney for the respondents present. Written reply not submitted. The above named representatives requested for adjournment. Last opportunity granted. To come up for written reply/comments on 08.11.2018 before the S.B at camp court, Swat.


Member
Camp Court Swat

09.05.2018

The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 08.06.2018 before the S.B at camp court, Swat.



Reader

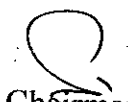
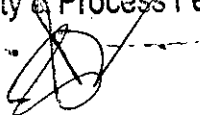
08.06.2018

Appellant Muhammad Daud in person alongwith his counsel Mr. Muhammad Nabi Advocate present and heard.

Contends that the appellant has been dismissed by the respondents verbally on 18.08.2016 when he filed a contempt of court petition against the respondents before this Tribunal. Further contended that major penalty of dismissal has been imposed upon the appellant in utter violation of the law.

Points raised need consideration. The appeal is admitted to regular hearing subject to all legal objections if raised by the respondents. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 5.07.2018 before S.B at camp court, Swat.


Appellant Deposited
Security & Process Fee



Chairman
Camp Court, Swat

06.07.2018



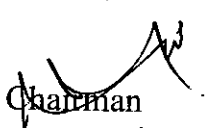
Appellant Muhammad Daud in person present Mr Shahid Ali, SDO alongwith Mr. Muhammad Jan, DDA present. The above named representative of the respondents made a request for adjournment. Granted. To come up for written reply/comments on 08.08.2018 before S.B at camp court, Swat.



Chairman
Camp court, Swat.

Form-A
FORM OF ORDERSHEET

Court of _____
Case No. 420/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	29/03/2018	<p>The appeal of Mr. Muhammad Daud resubmitted today by Mr. Muhammad Nabi 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 29/3/18</p>
2-	29.3-18	<p>This case is entrusted to Touring S. Bench at Swat for preliminary hearing to be put up there on <u>06-04-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>
06.04.2018		<p>Appellant present in person and requested for adjournment as his counsel is not in attendance. To come up for preliminary hearing on 11.05.2018 before S.B at camp court, Swat.</p> <p style="text-align: right;"> Chairman Camp court, Swat</p>

Before The Registrar Service Tribunal

Khyber Pakhtunkhwa Peshawar.

Resp / Six,

- 1) That Appellant Submitted Application before The active engineer at Tanjra Dist Dir lower.
- 2) That Appellant want dismissal order dated 18/8/2016.
- 3) That The department Can no give The dismissal order dated 18-8-2016.
- 4) That This honorable court want to file dismissal order dated 18/8/2016, but The department not give positive Response of The above attached application.

It is therefore kindly The case put before The court along with The above objection.

Appellant Muhammad Dawood Through
Council Muhammad Nabil Advocate


28/03/2018

The appeal of Mr. Muhammad Daud son of Mian Bakht Jan resident of Village Katan Payeen Distt. Dir Upper received today by i.e. on 20.03.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal be got signed by the appellant.
- 2- Affidavit be attested by the Oath Commissioner.
- 3- Annexures of the appeal may be attested.
- 4- Annexures of the appeal may be flagged.
- 5- Copy of dismissal order dated 18.8.2016 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 6- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 603 /S.T,

Dt. 20/03 /2018


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Muhammad Nabi Adv. Swat.

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No 42018 of 2018

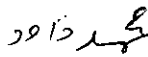
Muhammad DaudAppellant

VERSUS

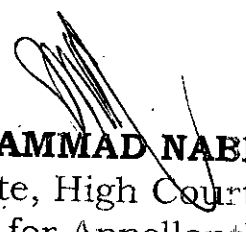
Executive Engineer Irrigation & others
.....Respondents

INDEX

S #	Description	Annexure	Pages #
1.	Appeal with certificate	---	1-7
2.	Addresses of the parties	---	8
3.	Affidavit	---	9
4.	Copy of order dated 04-12-2017	A	10
5.	Copy of department appeal	B	11-16
6.	Copies of relevant record		17-37
7.	Wakalatnama		38

Appellant 

Muhammad Daud


MUHAMMAD NABI
Advocate, High Court
(Counsel for Appellant)

C/o: District Courts Dir Lower
Cell No: 0312-9992347

(1)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No. 420 of 2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 427

Dated 20/3/2018

Muhammad Daud son of Mian Bakht Jan
Resident of Village Katan Payeen, P.O Darora, District
Dir Upper.

.....Appellant

VERSUS

1. Executive Engineer Irrigation Division District Dir Lower.
2. The Superintendent Engineer Irrigation department Malakand Division, at Swat.
3. The Secretary C & W Khyber Pakhtunkhwa Peshawar.

.....Respondents

SERVICE APPEAL UNDER SECTION 4,
OF THE KPK SERVICE TRIBUNAL ACT,
1974, AGAINST THE ORDER DATED 18-
08-2016, WHEREBY the appellant has
been dismissed removed from service
and Department Appeal filed by the
appellant on 06-12-2017, which is still
pending before the Respondent No. 2,
hence, the instant appeal.

Filed to Registrar
20/3/18

Re-submitted to Registrar
and filed.

Registrar
29/3/2018

PRAYER IN APPEAL

On acceptance of this appeal the order passed by Respondent No. 1 be declared as illegal, against law, void ab-initio by setting aside the same and the appellant may be reinstated on service with all back benefits.

Any other relief which are proper in the instant circumstances of the may also be granted.

Respectfully Sheweth,

- 1) That, the appellant was serving as Bilder in BPS-1 in the office of Sub Division Officer Dir Irrigation Sub Division Dir Upper by respondent No. 1 vide his order dated 09-07-2011.
- 2) That it is to be mentioned here that the appellant is appointed as son quota through high court order, and the appellant has performed his duties with great zeal, zest, devotion and dedication at his best level to the entire satisfaction of their senior officials. There is no complaint against the appellant, but the respondent is not releasing his

salary despite the fact that the appellant is entitled to the same.

- 3) That the appellant feeling aggrieved from the act of respondent, so he filed ~~department~~ appeal in the Service Tribunal, which was accepted but even then the respondent is not releasing the salary.
- 4) That after the appellant filed COC petition before this Tribunal, and during the proceedings the respondent releasing the salary of appellant but the respondent No. 1 verbally says that the appellant is dismissed from his service on 18-08-2016, which evident from order dated 04-12-2017, and the appellant known from his dismissal order. (Copy of order dated 04-12-2017 is attached as annexure "A")
- 5) That the appellant preferred Department appeal before the respondent No. 2 on 06-12-2017, which is still pending before the forum after lapse of 90 days period, hence the instant appeal. (Copy of department appeal is attached as annexure "B")

GROUND:-

- a. That the impugned order is illegal, against the law, void ab-initio, without lawful authority.

4

- b. That the major penalty awarded by the respondent No. 1 is gross violation of law & rules on the subject, hence liable to be set aside.
- c. That, the impugned order, passed by the respondent No. 1 is illegal, against the service law, rules and shariah, hence liable to be set aside.
- d. That the appellant was not informed of the order/ show cause, and no opportunity of hearing has been provided to the appellant.
- e. That the dismissal order is too harsh, inappropriate, which the concerned law do not warrant.
- f. That the impugned order passed by the respondent offends the provisions of law, applicable to the civil service.
- g. That the impugned order passed by the respondent offends the provisions of law, applicable to the civil service.

- h. That the impugned order is worst example of colorable exercise of power by the respondent and also against the principle of natural justice, fair play and equity.
- i. That, the appellant was not informed from any proceeding (if any) against him therefore all the proceedings (if any) and termination order was made in the absentia of the appellant, therefore void ab-initio and liable to be set aside.
- j. That, the appellant served the Department for long time, with unblemished record so could not be compulsorily retired by awarding such a major penalty without providing the opportunity of being heard.
- k. That the appellant is the sole bread earner of his family, and hardly survive on the salary attached to the office / employment.
- l. That the impugned order has caused chaos and difficulty resulted in starvation of appellant and his family/ dependents.
- m. That, the appellant was not informed from any proceeding (if any) against him therefore all the

(6)

proceedings (if any) and dismissal order was made in the absentia of the appellant, therefore void ab-initio and liable to be set aside.

- n. That, the appellant served the Department for a considerable time but was awarded major penalty which could not be awarded while ignoring the service of the appellant.
- o. That the appellant has not been given an opportunity personal hearing before passing the impugned office order.
- p. That the impugned office order is arbitrary, unilateral, and whimsical.
- q. That some other grounds may be argued at the time of arguments with the prior permission of this Honorable Tribunal.

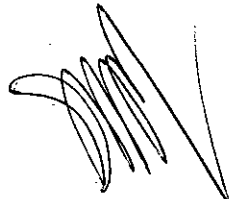
Therefore in view of the above submissions, it is most humbly prayed that on acceptance of this appeal the order passed by Respondent No. 1 be

7

declared as illegal, against law, void ab-
initio by setting aside the same and the
appellant may be reinstated in service
with all back benefits.. Any other relief
which is proper in the instant
circumstances of the may also be
granted.

Appellant ۲۹۱۲

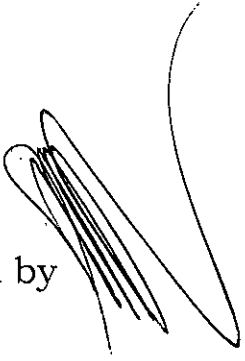
Muhammad Daud



MUHAMMAD NABI
Advocate, High Court
(Counsel for Appellant)

CERTIFICATE:

It is certified that no such like Appeal earlier has been filed by
the appellant on the subject matter before this Honorable
Court.



Identified by

MUHAMMAD NABI
Advocate, High Court
(Counsel for Appellant)

Appellant

۲۹۱۲

Muhammad Daud

8

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No _____ -M of 2018

Muhammad DaudAppellant

VERSUS

Executive Engineer Irrigation & others
.....Respondents

ADDRESSES OF THE PARTIES


APPELLANT

Muhammad Daud son of Mian Bakht Jan Resident of
Village Katan Payeen, P.O Darora, District Dir Upper.
CNIC No: Cell No:

RESPONDENTS

1. Executive Engineer Irrigation Division District Dir Lower.
2. The Superintendent Engineer Irrigation department Malakand Division, at Swat.
3. The Secretary C & W Khyber Pakhtunkhwa Peshawar.

Appellant
Through Counsel



MUHAMMAD NABI
Advocate, High Court

(9)

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR

Service Appeal No _____ -M of 2018

Muhammad DaudAppellant

VERSUS

Executive Engineer Irrigation & others
.....Respondents

AFFIDAVIT

I, Muhammad Daud (appellant), do hereby solemnly affirm and declare on oath that the contents of the above titled Appeal is true and correct to the best of my knowledge and belief.

محمد داود

DEPONENT

ATTESTED
Taqi Aziz Advocate
OATH COMMISSIONER
District Courts Swat.
Licence No-2455
No. 170 Date 26/03/2018

Amriza 'A'

(10)

EP 95/16

04.12.2017

Petitioner alongwith counsel and Addl. AG alongwith Shahid Ali, SDO for the respondents present.

The learned counsel for the petitioner argued that the respondents have not released the pay to the petitioner as per judgment of this Tribunal dated 02.02.2016.

The learned Addl. AG argued that the petitioner has already received pay upto 02.02. 2016. This fact has been admitted by the petitioner before this Tribunal today. The learned AAG informed the court that the petitioner has been dismissed from service on 18.08.2016 w.e.f. 3.2.2016. The learned counsel for the petitioner states that copy of order dated 18.08.2016 has not been received by the petitioner.

In view of payment made to the petitioner upto 02.02.2016, the present execution petition has become infructuous and is disposed of, however, the petitioner is at liberty to seek his legal remedy against the order dated 18.08.2016, if so advised. File be consigned to the record room.

*Self Chairman
Camp Court, Swat*

ANNOUNCED
04.12.2017

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[Signature]
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Camp Court, Swat

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Annex B

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BEFORE THE SUPERINTENDENT ENGINEER
IRRIGATION DEPARTMENT, MALAKAND DIVISION,
AT SWAT.

Department Appeal No 6-12 of 2017

Muhammad Daud son of Mian Bakht Jan
Resident of Village Katan Payeen, P.O Darora,
District Dir Upper.
.....Appellant

VERSUS

Executive Engineer Irrigation Division District
Dir Lower.
.....Respondent

DEPARTMENTAL APPEAL AGAINST THE
ORDER DATED 18-08-2016 PASSED BY

no. 300/36-00, dt. 15/12/17
GEN D.D. Timergara

THE RESPONDENT, WHERE BY THE
APPELLANT HAS BEEN DISMISSED FORM
HIS SERVICE.

The applicant
may be
considered for
appointment on
of vacant post
in the division
subject to otherwise
eligible keeping
in the
court proceeding

Prayer of appeal
On acceptance of this
Departmental appeal the order
dated 18-08-2016 passed by

[Signature]
Superintending Engineer
Swat Irrigation Circle
Swat.

[Signature]
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26/3/18

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respondent may kindly be set-
aside and the appellant may
kindly be reinstated with all
back benefits. Any other remedy
not specifically asked for in the
appeal and the appellant is
entitled, therefore may kindly be
granted.

Respectfully Sheweth:

BRIEF FACTS

- 1) That, the appellant was serving as Bilder in BPS-1 in the office of Sub Division Officer Dir Irrigation Sub Division Dir Upper by respondent No. 1 vide his order dated 09-07-2011.

- 2) That it is to be mentioned here that the appellant is appointed as son quota through high court order, and the appellant has performed his duties with great zeal, zest, devotion and dedication at his best level to the entire satisfaction of their senior officials. There is no complaint against the appellant, but the respondent is not

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releasing his salary despite the fact that the appellant is entitled to the same.

- 3) That the appellant feeling aggrieved from the act of respondent, so he filed department appeal in the Service Tribunal, which was accepted but even then the respondent is not releasing the salary.

- 4) That after the appellant filed COC petition before the Service Tribunal, and during the proceedings the respondent releasing the salary of appellant but the respondent verbally says that the appellant is dismissed from his service on 18-08-2016, which evident from order dated 04-12-2017, and the appellant known from his dismissal order. (Copy of order dated 04-12-2017 is attached)

- 5) That the appellant is mortally aggrieved of the impugned order, and seeks its setting aside on the following amongst other grounds.

Grounds of Appeal:-

- i) That, the impugned order, passed by the respondent is illegal, against the service law, rules and shariah, hence liable to be set aside.

Dr.
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Dr.
Attested
24/3/18

ii) That the appellant was not informed of the order / show cause, and no opportunity of hearing has been provided to the appellant.

iii) That the dismissal order is too harsh, inappropriate, which the concerned law do not warrant.

iv) That the impugned order passed by the respondent offends the provisions of law, applicable to the civil service.

v) That the impugned order is worst example of colorable exercise of power by the respondent and also against the principle of natural justice, fair play and equity.

vi) That, the appellant was not informed from any proceeding (if any) against him therefore all the proceedings (if any) and termination order was made in the absentia of the appellant, therefore void ab-initio and liable to be set aside.

vii) That, the appellant served the Department for long time, with

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unblemished record so could not be compulsorily retired by awarding such a major penalty without providing the opportunity of being heard.

viii) That the appellant is the sole bread earner of his family, and hardly survive on the salary attached to the office / employment.

ix) That the impugned order has caused chaos and difficulty resulted in starvation of appellant and his family / dependents.

x) That, the appellant was not informed from any proceeding (if any) against him therefore all the proceedings (if any) and dismissal order was made in the absentia of the appellant, therefore void ab-initio and liable to be set aside.

xi) That, the appellant served the Department for a considerable time but

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was awarded major penalty which could not be awarded while ignoring the service of the appellant.

PRAYER

On acceptance of this
Departmental appeal the order dated
18-08-2016 passed by respondent may
kindly be set-aside and the
appellant may kindly (be reinstated
with all back benefits.)
Any other remedy not
specifically asked for in the
appeal and the appellant is
entitled, therefore may kindly be
granted.

Appellant

Muhammad Daud

Muhammad Daud

Belder BPS-1

Ghandigar Scheme Dir Upper

Cell No: 0311-9457397

Date: 06th December, 2017

[Signature]
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[Signature]
Attested
26/8/18

Relevant Record

(27)

(17)

BEFORE THE SERVICE TRIBUNAL, KPK, PESHAWAR

CAMP COURT AT SWAT.

Execution petition no. 95/2016

COC No _____ of 2016.

In

Appeal No. 899/2012.

W.F. Provincial
Service Tribunal
Diary No. 290
Dated 19-5-16

Muhammad Daud son of Mian Bakht Jan

r/o Village Katan Payeen, PO Darora,

District Dir.....Appellant/ Petitioner.

Versus

Ghulam Ishaq,

Executive Engineer, Irrigation Division Dir Lower.....

..... Respondent.

EXECUTION PETITION FOR
DIRECTING THE RESPONDENTS TO
IMPLEMENT THE JUDGEMENT DATED
2/2/16 OF THIS HONOURBLE TRIBUNAL
IN LETTER AND SPIRIT.

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Respectfully Sheweth:-

1. That the petitioner filed a Service appeal under section 4 of the NWFP Civil Service Act, 1974 against non-payment of salary to the appellant / petitioner.

2. That this Honorable Court was kind enough passed an order in a limine, thereby directing the respondent decided the appeal of the appellant / petitioner Non-payment of salary in the light of the Direction of this Honorable Court rendered in Service Appeal 899 of 2012 that *the respondents are directed to release pay and other service benefits of the appellant in the prescribed manners within a period of 30 days.* (Copy of order dated 02-02-2016 attached as annexure "A")

3. That in spite of the fact that more than two months have been passed after passing the judgment / order / direction of this honorable Court, but till today no step whatsoever has been taken by the respondents to give practical shape to the order / direction of this Honorable Court.

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2. That petitioner / appellant moved application / appeal to the Respondent, but the respondent till date his no response. (Copy of application is attached as annexure "B")

3. That the petitioner time in again approached the Respondent for implementation of the said order, but the Respondent give no effort to resolved the matter, which is still pending before Respondent.

4. That the Respondent intentionally ignore the order of this Honorable Court.

5. That the Respondent utterly disregard the order of this Honorable Court, this attitude of the Respondent is highly condemnable and liable to be punished according to law, because the respondent making mockery of law this time he again did not dare to comply order of this Honorable Court causing contempt of this Honorable court.

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It is therefore, most humbly prayed, that on acceptance of this petition / application

(A) The Respondent may kindly be punished properly with whom the order of this Honorable Court is pending for the consideration.

(B) To implement the order of this Honorable Court in its true spirits without any further delay.

29/1/18

Petitioner / appellant
through Counsel

M NABI

MUHAMMAD NABI
Advocate High Court

CERTIFICATE:

(As per directions of our client) No such like COC earlier has been filed by the applicant on the subject matter before this Honorable Court.

M NABI
ADVOCATE

Asst
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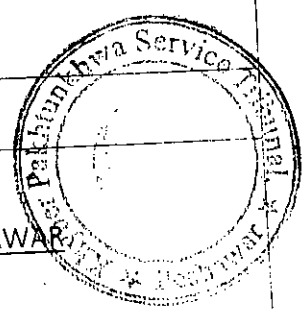
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1	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO.899/2012

(Muhammad Daud -vs-Executive Engineer Irrigation Division Dir Lower and others.)

02.02.2016

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:

Appellant with counsel and Mr. Muhammad Zubair, Senior Govt. Pleader for respondents present. Respondents No. 1,2 and 4 have failed to submit written statement despite repeated opportunities including last opportunities and as such vide order dated 31.03.2015 no further chance was allowed to them for submission of written statement.

2. Arguments of the learned counsel for the appellant and learned Sr. GP heard and record including para-wise comments submitted by respondent No.3 perused.

3. Brief facts of the case of the appellant are that the appellant was appointed as Beldar (BPS-1) vide order dated 09.07.2011 on the basis of judgment of the august Peshawar High Court, Peshawar dated 02.11.2010 where after the appellant joined duty but was not paid the salary constraining him to prefer departmental appeal followed by the instant service appeal.

4. Learned counsel for the appellant argued that the salary of the appellant is withheld despite the fact that the appellant is performing his duty till date. Learned Sr. GP argued that the services of the appellant have been terminated

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Signature
 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

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According to the stance taken by respondent No.3 in his para-wise comments bill whatsoever pertaining to the salary of the appellant was ever submitted to office.

5. According to material placed on record the appellant was appointed Beldar (BPS-01) on the strength of the judgment of the august Peshawar Court, Peshawar dated 02.11.2010 and a proper office order to this effect issued bearing No. 1901-5/2-E dated 07.09.2011. The contesting respondent No.1,2 and 4 have opted not to avail the opportunity of submitting written statements despite repeated opportunities including last opportunities and are, therefore, left with no option but to decide the appeal in hand on the basis of material available on the record which includes the appointment letter of appellant and copy of his service book containing entries including appointment as Beldar vide appointment order referred to above.

6. In the light of the above, the appeal in hand is accepted. The respondents are directed to release pay and other service benefits of the appellant in prescribed manners within a period of 30 days from the date of receipt of copy of this judgment. Parties are, however, left to bear their own costs. File be consigned to the record room.

Certified to be true copy
Khairuddin Khan
Service Tribunal,
Peshawar

Sd
Abdullatif
member

Sd
Muhammad Azim Khan
Afsidi
Chairman

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ANNOUNCED	Date of Disposal	15-2-2016
02.02.2016	Number of Pages	800
	Cost of Printing	6-00
	Value of Property	2-00
	Total	8-00
	Date	15-2-2016

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Part "B"

(1)

محمد من جناب ایگزیکٹو انجینئر ایئر لائنز ڈویژن ریلوے

جناب عالی!

سائل حسب ذیل گزارش ہے۔

۱) کہ سائل محمد داؤد ایئر لائنز محکمہ (BPS-1) پر

تعینات ہے۔

۲) یہ کہ سائل 9 7/2011 کو پشاور ہائی کورٹ پشاور

میں ریٹیشن دائر کیا تھا جو کہ سائل کے حق میں

فیصلہ ہوا تھا۔

۳) یہ کہ اس کے بعد سائل نے سروس ٹریبونل منگورہ

بنج میں اپنے تعلقہ سلیب اپیل نمبر 899/2012 دائر کیا

تھا جو محرمہ 2 3/2016 کو سروس ٹریبونل نے

منتظور کر کے ایگزیکٹو انجینئر کو بھی کافی مافی

بھسی ہے۔

لہذا استدعا ہے کہ سائل محمد داؤد کے

تعلقہ تمام طابقا جات ادا کرے۔

Date: 13/3/2016 محمد داؤد

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BEFORE THE LEARNED SERVICES TRIBUNAL KPK PESHAWAR.

Appeal No. 899/2012

Muhammad Daud S/O Mian Bakht Jan Village Katan Payen PO Darora District Dir Lower.

.....Appellant/ Petitioner

Versus

1. Executive Engineer Irrigation Division Dir Lower
2. Superintending Engineer (SE) Irrigation Circle Swat.
3. DAO Dir Timergara.
- SDO Dir sub division Dir upper.

W.P. No. 982
Date 07-8-12

.....Respondents

APPEAL UNDER SECTION 4 OF THE NWFP CIVIL SERVANTS ACT, 1973 AGAINST NON PAYMENT OF SALARY TO THE APPELLANT.

Respectfully Sheweth;

1. That in pursuance to decision in W.P. No. 918/2009 of the Hon'ble Peshawar High Court, the appellant was appointed as Beldar in BPS-1, in the office of Sub Divisional Officer Dir Irrigation Sub Division Dir Upper by respondent No. 1 vide his order No. 190-5/2-E dated 09-07-2011. (Copies of W.P. No. 918/2009 and order dated 02-11-2010 in the W.P. and order of respondent No. 1 dated 09-07-2011 are Annexed herewith as Annexure A, B and C).

2. That thereafter medical of the appellant was also undertaken and service book prepared.

(Copies of medical and service book are annexed as Annexure D & E).

For Pleadment receipt: No. 4 order sheet No. 3, dt. 5/10/2012. Ex parte 7-5-13 No further opportunity 31/3/15

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co-submitted to and filed.

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3. That despite due appointment of the appellant and performance of his duties regularly, respondents are not releasing his salary despite the fact that the appellant is entitled to the same.
4. That feeling aggrieved from the illegal and malafide act of the respondent No. 1 for not releasing the salary of the appellant, he filed a departmental appeal before respondents No. 2 on 25-04-2012 but no order was made on the same till date. (Copy of departmental appeal dated 25-04-2012 is annexed as Annexure F).
5. That the appellant is entitled to payment of salary and other service benefits and denial of the same by the respondents is illegal, irregular, malafide and ineffective upon the rights of the appellant.

It is therefore, most humbly prayed that on acceptance of this appeal, respondents may kindly be directed to release salary of the appellant alongwith all other service benefits w.e.f. 08-09-2011. He may also be paid all the arrears of salary and other benefits immediately.

محمد داؤد

Appellant

Through

Wiqar Ahmad Khan

&

Inayat ur Rehman
Advocates, High Court,
Peshawar.

Dated. 26-07-2012

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26/3/12

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BEFORE THE HON'ABLE PESHAWAR HIGH COURT,
PESHAWAR

W.P.No. 918 /2009

1. Muhammad Dawood S/O Mian Bakht Jehan R/O Cotton Payan Tehsil and District Dir, Upper.
2. Taimur Khan S/O Qamar Zaman R/O Nasafa Talash Tehsil Timergara District Dir Lower.....Petitioners

Versus

1. Executive Engineer Swat irrigation Division Gulkada, Saidu Sharif, Swat.
2. Superintending Engineer, Malakand irrigation Circle Swat.
3. Shah Jehan S/O Muhammad Akbar village Tormong District Dir Lower(Beldar)
4. Abdul Ghaffar S/O Fazal Rehman village Chakdara Mandi, Tehsil Adanzai, District Dir Lower

.....Respondents

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN, 1973.

=====
Respectfully Sheweth:

On Facts.

FILL

Deputy Registrar
16 APR 2009

[Signature]
Admitted
26/3/18

1. That irrigation Division Saidu Sharif Swat advertised vacancies for Class-IV in the irrigation Division Swat,

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Asserted.

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through a publication in the news paper (Copy of the publication is annexed herewith as annexure "A").

2. That in the said publication criteria for recruitment was also laid down. According to the said criteria the employee's sons and the people residing in proximity were given preference.
3. That the petitioners fulfilling the required criteria applied for the said post, well within time as per the prescribed directions. Petitioner No. 1 applied for the post of "Beldar" while petitioner No.2 for the post of "Chowkidar". (Copies of the applications are annexure B & C).
4. That despite fulfilling all the required qualifications, the petitioners were dropped and respondent No.3 and 4 were taken on the post of "Beldar" and "Chowkidar" respectively by the respondent No.1, vide order dated 06-12-2008. (Order of the appointment of respondent No.4 is annexed herewith as annexure "D" while pay slip of the respondent No.4 is annexed as annexure "E". Appointment order of respondent No.3 could not be procured due to the refusal of respondent No.1 & 2).
5. That these are not the only instances of illegal and irregular appointments but there are numerous other cases where the prescribed criteria for recruitment have completely been side lined and ignored.

ATTESTED
EXAMINER
Peshawar High Court

Attested
26/3/18

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That feeling aggrieved from the order of respondent No. 1 dated 06-12-2008, the petitioner is filing the present constitutional petition on the following ground inter alia

Grounds

1. That the order of the respondent No. 1 is wrong, illegal and without lawful authority, hence liable to be set aside

2. That the order of the respondent No. 1 is against the laid down criteria for the recruitment of the vacancies.

3. That respondent No. 3 was appointed and adjusted on the place of petitioner No. 1 despite the fact that petitioner fulfills the criteria of employee son, as his father Namely Mian Bakht Jehan, is a retired employee of the immigration department. While respondent No. 3 does not fall in the said criteria. Furthermore, respondent No. 3 was appointed on the post of "Beldar" at immigration Scheme Near Gandagar Dir Upper, despite the fact that he is the resident of Dir Lower while petitioner No. 1 is the resident of Dir Upper in the light of the above facts petitioner No. 1 had preference over the respondent No. 3.

That similarly respondent No. 4 was employed as Tube-well "Chowkidar" at Nasrati Talash while ignoring the fact that the said Tube-well is located between the houses of the petitioner No. 2 and even the property for installation of the said tube well was given by the petitioner No. 2. In this respect the prescribed criteria of proximity has altogether been ignored and side lined. It is also worth mentioning

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that the grandfather of petitioner No. 2 was also a retired employee of the irrigation department.

- 5. That the order of the respondent No.1 is also politically motivated and is against the merits.
- 6. That it is also worth mentioning that due to this irregular recruitments by sidelining the criteria of proximity, the respondent No. 3 and 4 are not performing their duties and are getting their salaries without any duty.

It is therefore, most humbly prayed that on acceptance of this petition, order i.e. 06-12-2008 of respondent No. 1 may kindly be set aside and he be directed to appoint petitioners on the said posts.

Interim Relief:

Suspension of order dated 06.12.2008 till the final disposal of instant Writ Petition.

Waqar Ahmad Khan

Petitioners

Through

&

Waqar Ahmad Khan
C. B. L.
 Inayat ur Rehman,
 Advocates, High Court,
 Peshawar.

Dated 16-04-2009

Certificate:

Certified that no such like writ petition has earlier been filed by the petitioners before this Honorable Court as per instructions of my clients.

List of Books

- 1. Constitution of Islamic Republic of Pakistan, 1973.
- 2. Any other law book as per need.

C. B. L.
 Advocate

Asst. Secy
Attestee
 26/3/18

Asst. Secy
Attestee

ATTESTED
 EXAMINER
 Peshawar High Court

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PESHAWAR HIGH COURT, PESHAWAR.

ORDER SHEET

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Date of Order or Proceedings.	Order or other Proceedings with Signature of Judge or that of parties or counsel where necessary.
1	2
2.11.2010	<p><u>W.P NO-918/2009 with I.R.</u></p> <p><u>Present:</u> Mr. Waqar Ahmad Khan, Advocate, alongwith petitioner Muhammad Daud.</p> <p>Mr. Lal Jan Khattak, AAG, alongwith Syed Muhammad Younas, SDO, Irrigation Department, Swat.</p> <p style="text-align: center;">****</p> <p><u>LIAQAT ALI SHAH, J.</u> The SDO namely Syed Muhammad Younas states that one of the petitioner namely Taimoor Khan has been appointed whereas the petitioner No.1, namely Muhammad Daud son of Mian Bakht Jehan will be appointed on or before June, 2011, as according to the said officer by then his turn for appointment would have come, as at present he is at serial No.30 whereas appointments till serial No.25 has already been made.</p> <p>In view of the categorical statement given by the said officer the learned counsel for petitioner does not press the instant petition. We would, however, like to make it clear for the said officer that the writ petition is being not pressed in view of his statement given today to the court which is to be honoured.</p> <p>This petition stands disposed of accordingly.</p> <p>sdl- Liaqat Ali shah - J</p> <p>sdl- syed Sajjad Hassan shah - J</p> <p style="text-align: center;">CERTIFIED TO BE TRUE COPY</p>

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26/3/11

PC
Add'l Registrar
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No. 1901-5
To,

/2-E,

Dated 07/09/2011.

Mr. Muhammad Dawood,
S/O Mr. Main Bakht Jan Village Katan Payeen,
P/O Darora District Dir Lower.

Subject:-

APPOINTMENT AS BELDAR IN GANDIGAR SECTION (BPS-01).

Consequent upon Court decision of Peshawar High Court Peshawar dated 2-11-2010, you are offered a post of Beldar (BPS-01)4800-150-9330/- purely on temporarily basis against the vacant post under the initial recruitment in Dir Irrigation Division Dir lower.

If you accept the post on the following terms and conditions, you should report for duty to the Sub Divisional Officer Dir Irrigation Sub Division Dir Upper as soon as possible for further posting.

- Your appointment is purely on temporarily basis according to the Govt. of Khyber Pakhtunkhwa, policy/instructions and services can be terminated at 2 months notice at any time without any reasons being assigned, irrespective of the facts that you are holding a post other than one on which you were originally appointed or on payment of 2 months pay in lieu of the notice.
- Your service would be on probation for a period of 6 months and would be strictly monitored by the Engineer in charge.
- You will have to produce a Medical Certificate of fitness, Domicile Certificate, Character Certificate & Blank Service Book while reporting for duty to the stated office.
- You will have to serve any where in the jurisdiction of Dir Irrigation Division Dir Lower.
- In case if any un-warranted/non-solution situation arises, which affect your appointment the Department will not be responsible for any claim.
- You shall join your duty on your own expenses.
- Deductions from the salary on account of benevolent fund @ 5% of the minimum of the pay on account of Contributory provident Fund will be made.
- As per Government rules and being temporarily employee, you will not to contribute G.P. Fund and will not be entitled to pension & gratuity benefits.
- This offer is valid up to 15 days from the date of issue.

cd
Executive Engineer,
Dir Irrigation Division,
Dir Lower.

- Copy to:-
1. Superintendent Engineer, Swat Irrigation Circle Swat with reference to his letter No.2112/36-M, dt: 18/8/2011 for information please.
 2. Executive Engineer Swat Irrigation Division Gulkada Saidu Sharif with reference to his letter No. 1123/W/Court Cases/47-M, dt: 07/07/2011 for information please.
 3. Sub Divisional Officer, Dir Irrigation Sub Division Dir Upper for information and necessary action. He should strictly monitor the duties of the official during the probation period.
 4. District Accounts Officer Dir Timergara, for information and necessary action.
 5. Divisional Accounts Officer (Local).
 6. District Accounts Officer Swat Saidu Sharif, for information and necessary action.
 - 7.

Executive Engineer,
Dir Irrigation Division,
Dir Lower.

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26/3/18

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MEDICAL CERTIFICATE

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Name of official Mr. Mohammad Dawood
 Caste or race Muslim
 Father's name Mr. Mian Bakht Said
 Residence Village Katten P.O. Darera Tehsil Dir District Dir Upper.

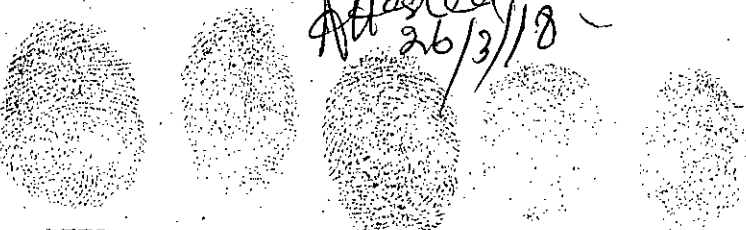
Date of birth 6/4/1981
 Exact height by measurement 5'-6"
 Personal mark of identification Marks on R/L Side Jaw
 Signature of the official 28/12/8
 Signature of head of office _____

Executive Engineer
Dir Irrigation Division
Timargara

Seal of office _____

I do hereby certify that I have examined Mr. Mohammad Dawood a candidate for employment in the Office of the Irrigation Department and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except Nil

I do not consider this as disqualification for employment in the office of the Irrigation
 His age according to his own statement 30 year and by appearance about Thirty years year.



LEFT HAND THUMB AND FINGER IMPRESSIONS

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 26/3/11

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MEDICAL SUPERINTENDENT,
CIVIL HOSPITAL
 Medical Superintendent
 D.H.Q. Hospital Timargara
 Dir (Lower)

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 Advocate

Dated 9/9/2011.

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Note: The entries in this page should be renewed or re-attested at least every five years and the Signature to lines 9 and 10 should be dated.

1. Name: MUHAMMAD DAWOOD

2. Race: Muslim

3. Residence: Village Cotton Chak Kay Katon
Payean P/O Dayasa Teksid Dey

4. Father's name and residence: Mam Bakht Saad de

5. Date of birth by Christian era as nearly as can be ascertained: 06-04-1981

6. Exact height by measurement: 5'6"

7. Personal marks for identification: Mole on R.P. Side face

8. Left hand thumb and Finger Impression of (Non-Gazetted) Officer.

Little Finger



Ring Finger



Middle Finger



Fore Finger



Thumb



9. Signature of Government Servant

[Handwritten signature]

10. Signature and Designation of the Head of the Office, or other attesting Officer.

[Handwritten signature]

[Handwritten signatures: J.T.C., O.P.N., Advocate]

Executive Engineer
Irrigation Division
Timargara

[Handwritten note: Attested 26/3/18]

[Handwritten note: Attested]

(45)

36

کھو چکا ہے۔ سپرنٹنڈنٹ انچارج سروسز سیکرٹریٹ ڈیپارٹمنٹ ڈیپوٹنٹ جج کراچی
تیسرے ڈیپوٹنٹ ڈیپوٹنٹ جج کراچی

منا عالی

حکومت سندھ ہائی کورٹ کے
حکومت کے مطابق سپرنٹنڈنٹ انچارج سروسز سیکرٹریٹ ڈیپارٹمنٹ ڈیپوٹنٹ جج کراچی
سین کوٹہ میں دورانہ 7/9/2011 کو بھرتی ہوا۔ سیشن جج کراچی 7/9/2011
سے ناچل اینڈ فالو اپ انجام دیا ہے۔ سیشن جج کراچی کو ناچل اینڈ فالو اپ
سے دیا گیا جو کہ سیشن جج کراچی کے سامنے ظہور ظلم ہے۔

سیشن جج کراچی کو لوگ بھرتی ہوئے ہیں انکو بروقت تنخواہیں
ملنے ہیں۔ لیکن سیشن جج کراچی کے سامنے اسکا ظلم ہوا ہے کہ
سیشن جج کراچی نے اپنے حق کے لیے عدالت عالیہ کا دروازہ کھٹکا کھٹایا تھا۔

بذریعہ درخواست پنا آد صاحبان سے التجا ہے کہ سیشن جج کراچی
کو ناچل اینڈ فالو اپ کو تنخواہ دی دی جائے اور بھرتی نہ کیا جائے
اور سیشن جج کراچی کو دوبارہ عدالت جانے پر مجبور نہ کیا جائے۔

Receipt

25/4/12

محمد داؤد بیلدار سپرنٹنڈنٹ انچارج سروسز سیکرٹریٹ ڈیپارٹمنٹ ڈیپوٹنٹ جج کراچی
25-4-2012

Advocate

Attested
26/3/12

Attested

25

(98)

(37)

خدمت جناب S.D.O صاحب ایڈیشن سب ڈویژن دیر

حاضری رپورٹ

جناب عالی!
مردبانہ گزارش بجائی ہے آپ صاحبان

کی صفحہ نمبر 7/9/2011 dt: 5/2-4-1901 No.

کے مطابق میں ڈیوٹی کیے حاضری خدمت ہوں

محمد داؤد
آداب
ایڈیشن
Date 08/09/2011

الحارثہ: محمد داؤد بیلدار، گندپیار، سلیم دیر بال

S.D.O Dirupper
For action.

A. J. C

J. Advocate

Be
Attested

Be
Attested
26/3/18

Recd
8/9/11

بمخضو ر جناب ايكسيكلو انجينئر بمقام تيمر گرہ ضلع دير پائين

محمد اوو اولء بخت جان سکنه سکنه کلتن پائين ضلع دير اپر ----- سائل

درخواست بدين مراد که سائل کی درخواست پر همداروانه غور فرمايا جا کر سائل کو بمورخه 18/08/2016 کی

ڈيسميڈ آرڈر کی مصدقه نقولات دينے کے احکامات صادر فرمائے جائے۔

جناب عالی! درخواست سائل حسب ذيل عرض ہے۔

- ۱- یہ کہ سائل محمد اوو اولء بخت جان سکنه کلتن پائين ضلع دير اپر کار ہائشي ہے۔
- ۲- یہ کہ سائل کا کيس چل رہا تھا جو کہ بمورخه 18/08/2016 کو ڈيسميڈ آرڈر صادر فرمايا جسکی نقولات کی سائل کو اشد ضرورت ہے۔
- ۳- یہ کہ سائل کو مصدقه نقولات دينے کے احکامات صادر فرمائی جائے۔

لهذا استدعا ہے کہ بمظنوري درخواست ہذا حسب عنوان درخواست

احکامات صادر فرمائے جائے۔ المرقوم: 27/03/2018

محمد اوو اولء

عريض

محمد اوو اولء بخت جان ----- سائل

Rs 0/-

بار کونسل نمبر: 16.6911K

بار ایسوسی ایشن نمبر: 4350

رابطہ نمبر: 0312 999 2347

33810

ڈسٹرکٹ بار ایسوسی ایشن سوات

بعدالت جناب: سر سوسن شریونل لکھنؤ کے مقام مسوات

منجانب: محمد داؤد

ایڈووکیٹ

دعویٰ اور خواست: سر سوسن اے ایل

علت نمبر:

مورخہ:

جرم:

تھانہ:

بابت تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

آن مقام گلاڈا کیلئے محمد نبی انڈسٹریل اینڈ کانسٹریکشن کو مقرر کر کے اقرار کیا جاتا ہے، کہ صاحب موصوف کو مقدمہ کی کل کارروائی کو مکمل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث کرنے، دعویٰ جواب دعویٰ، اقبال دعویٰ، اور درخواست برائے سرسبزی مقدمہ، منسوخی ڈگری یکطرفہ، اجراء و پیروی کرنے کا مختار ہوگا نیز ذمہ دار کرنے اپیل نگرانی، نظر ثانی و پیروی کرنے کا مختار ہوگا۔ اور مقدمہ مذکورہ کیلئے کل وقتی یا جزوی کارروائی کیلئے کسی دیگر وکیل یا مختار قانون کو اپنے ہمرازہ یا اپنے بجائے تقریر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی جملہ مذکورہ اختیارات حاصل ہوں گے، اور اس کا ساختہ ذمہ دار اختیار منظور قبول ہوگا، بدوران مقدمہ جو خرچہ دہر جانہ کسی بھی نسبت سے حاصل ہوگا، وہ وکیل موصوف وصول کرنے کا حقدار ہوگا، کوئی تاریخ پیشی مقام مذکورہ بالا سے باہر ہو، تو وکیل صاحب پیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کسی عدالت میں بعدم پیروی خارج ہونے یا ڈگری یکطرفہ ہونے کے صورت میں وکیل صاحب ذمہ دار نہیں ہوں گے، لہذا وکالت نامہ لکھ دیا کہ سند ہے

مقام گلاڈا سوات

کے لئے منظور ہے۔

محمد داؤد

Attested & Accepted by Muhammed Nabi Adv.

ایڈووکیٹ دستخط: Samam Farzed Adv.

التقوم: 20/03/2018

"B"

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

No.

420
Appeal No. of 20/18
muhammad Daud Appellant/Petitioner

Executive Engineer Irrigation Div
..... Respondent

Respondent No. 1
Executive Engineer Irrigation Division
Distt Dir Lower.

Notice to: -

Recd

5

WHEREAS an appeal/petition under the provision of the North-West Frontier 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 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.....

Day of.....20

at camp court Swat

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.

Appeal No. 420 of 20 18
Muhammad Daud

Appellant/Petitioner

Executive Engineer Irrigation DII
Respondent

Respondent No. 2

Notice to: —

The Superintendent Engineer Irrigation
Department Malakand Division
at Swat

WHEREAS an appeal/petition under the provision of the North-West Frontier 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 issued to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....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 on 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 statement/along with any other documents upon which you rely. Please also taken statement/default of your appearance on the date fixed and in the manner aforesaid that in appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition given to you by registered post. You should inform the Registrar of any change of address. If you fail to furnish such address your address contained in this notice or address given in the appeal/petition will be deemed to be your correct address, and any 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 by office Notice No.....dated.....

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

Day of.....20

(at camp court Swat)

Registrar
Khyber Pakhtunkhwa
Peshawar

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

"B"

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

No.

Appeal No. 420 of 20 18

Muhammad Daud Appellant/Petitioner

Versus

Executive Engineer Irrigation Div Respondent

Respondent No. 1

Executive Engineer Irrigation Division
DIST Dir Lower

Notice to: —

Reg

5

WHEREAS an appeal/petition under the provision of the North-West Frontier 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 7/7/2018 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.....

Day of.....20

(out camp court Smart)

Registrar,
Khyber Pakhtunkhwa Service Tribunal
Peshawar.

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

"B"

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

TB

No.

Appeal No.....420..... of 20 14

.....Mr. David.....Appellant/Petitioner

Versus

.....E.E. Irrigation Div. Swat.....Respondent

Respondent No.....2.....

Notice to: —

the Superintendent Engineer Irrigation
Deptt. Malakand Division at Swat.

WHEREAS an appeal/petition under the provision of the North-West Frontier 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.....7-5-2014.....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.....10/4.....

Day of.....April.....20 14

at Camp Court Swat

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.**

713

No.

Appeal No.....420..... of 20 78

.....Appellant/Petitioner
M. Daud Versus

.....E.E. Irrigation Div Respondent
Respondent No.....I.....

Notice to: — Executive Engineer Irrigation Division
Distt. Div Lower

WHEREAS an appeal/petition under the provision of the North-West Frontier 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.....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.....10/11.....

Day of.....April.....20 19

at Camp Court of Swat

[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.**

FB

No.

Appeal No. 421 of 20 13

M. Daud Appellant/Petitioner

Versus

E. E. Immigration Dir Lower Respondent

Respondent No. 3

Notice to: -

The Secy. C & W Dept. of KPK
Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier 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 7-5-2014 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 10th

Day of April 20 14

at Camp Court Swat

[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.



OFFICE OF THE EXECUTIVE ENGINEER DIR IRRIGATION DIVISION DIR LOWER.
Ph # 09459250068, E-Mail dirirrigation@hotmail.com.

No. 1104

^{12-M}
~~37~~M Dated Timergara the

6 /05/2019.

To,

✓
The Registrar
Service Tribunal Khyber Pukhtunkhwa
Mingora Bench

Subject:- APPEAL NO. 420/2018 MUHAMMAD DAWOOD V/S IRR:DEPTT:

Reference:- this office letter No. 2183/12-M Dated 18-09-2018.

The Para wise reply in respect of respondent No. 1 , 2 & 3 in respect of the subject noted Appeal are submitted herewith for necessary action please.

Executive Engineer
Dir Irrigation Division
Dir Lower.

Copy of the above is forwarded to the:-

- 1- Superintending Engineer Swat Irrigation Circle Swat for information & necessary action please.

✓
Executive Engineer
Dir Irrigation Division
Dir Lower

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR CAME COURT AT SWAT.

Apeal No. 420/2018.

Mr. Muhammad Dawood S/O Mian Bakht Jehan R/o Kattan Payeen Dir Upper.
.....Appellant/Petitioner.

VERSUS


- 1- Executive Engineer Dir Irrigation Division Dir Lower.
- 2- Superintending Engineer Swat Irrigation Circle Swat.
- 3- Secretary to Govt: of Khyber Pukhtunkhwa Irr: Deptt: Peshawar.

..... Respondent No. 1 to 3.

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DEPONENT


Executive Engineer
Dir Irrigation Division
Dir Lower

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BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR CAME COURT AT SWAT.

Appeal No. 420/2018.

Mr. Muhammad Dawood S/O Mian Bakht Jehan R/o Kattan Payeen Dir Upper.
.....Appellant/Petitioner.

VERSUS

1. Executive Engineer Dir Irrigation Division Dir Lower .
2. The Superintending Engineer Irrigation department Swat.
3. Secretary to Govt: of Khyber Pukhtunkhwa Irr: Deptt: Peshawar.

PARA WISE COMMENTS OF RESPONDENTS NO. 1 to 3.
RESPECTFULLY SHWETH.

PRELIMINARY OBJECTION.

- 1- That the appellant has not come to this tribunal with clean hands and has suppressed material.
- 2- That the Appeal is time barred.
- 3- That the Appeal is bad in the eyes of law in its present form.

ON FACTS:-

- 1- The appellant was appointed as Beldar BPS-01 on 07-09-2011 and not 09-07-2011, seemingly Clerical mistake committed by the appellant, in compliance of the Honorable Peshawar High Court Peshawar's judgment dated 02-11-2010.
- 2- That the appellant was appointed on initial recruitment vide office order No. 1901-5/2-E Dated 07-09-2011 and not on son quota. The appellant often remained absent from duty and the immediate officer & in-charge Sub Engineer always complained against him, therefore warned again and again orally to be punctual. Finally on the report of Sub Engineer and Sub Divisional Officer the appellant was dismissed from service being willful absentee. Therefore this Para is not correct as alleged (Copies attached).
- 3- Denied. Actually the release and payment of salary was in process but the appellant did not show patience and filed COC.
- 4- This Para is not correct in its true prospects. The salary released was paid to the appellant but the appellant did not bother to perform his duties which is a separate matter and chapter, because the Sub Engineer and Sub Divisional Officer (Immediate officer) made reports against him and he

was warned times and again but the appellant did not mend his behavior and there was no course left open except to dismiss him.

5- The Para is self speaking that the appeal was hopelessly time barred and could not be considered under the law.

ON GROUNDS:-

- a. Incorrect hence Denied.
- b. Incorrect hence Denied.
- c. Denied. .
- (d.) Denied. Not admitted. The appellatant was warned time and again but he did not mend, so was dismissed.
- e. Not admitted, denied.
- f. Not correct.
- g. Just repetition. Denied.
- h. Not correct, hence denied.
- i. Not correct. As already submitted and explained in the above Para (d) as well as the preliminary.
- j. Not correct, so denied.
- k. Not legal point.
- l. Not legal point.
- m. Just repetition of Para (i).
- n. Pertains to record.
- o. The appellatant went into hiding and did not bother to come to the office nor for duty, so denied.
- p. This Para is not correct.
- q. Just formal.

PRAYERS

In light of the above submission, It is therefore prayed that the petition may graciously be dismissed with costs.

- 1- Superintending Engineer Swat Irrigation Circle Swat-----
- 2- Executive Engineer Dir Irrigation Division Dir lower-----
- 3- Secretary to Govt: of Khyber Pukhtunkhwa Irr: Deptt: Peshawar-----

Verified

[Signature]

DISTRICT ATTORNEY,
SWAT.

27-6-19

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Apeal No. 420/2018.

Mr. Muhammad Dawood S/O Mian Bakht Jehan R/o Kattan Payeen Dir Upper.
.....Appellant/Petitioner.

VERSUS

Executive. Engineer Dir Irrigation Division Dir Lower Respondent No. 1.

AFFIDAVIT

I Engr: Muhammad Jawad Khan Executive Engineer Dir Irrigation Division Dir Lower do, solemnly affirm and declare that all the contents of the accompanying Para wise comments are true & correct to the best of my knowledge & belief & nothing has been concealed from this Honorable Court.



Deponent

To,



OFFICE OF THE EXECUTIVE ENGINEER DIR IRRIGATION DIVISION DIR LOWER.

Ph # 09459250068, E-Mail dirirrigation@hotmail.com.

No. ^{12-M,} 2183 /3-M Dated Timergara the 18 /09/2018.

To,

The Registrar
Service Tribunal Khyber Pukhtunkhwa
Mingora Bench

Subject:- APPEAL NO. 420/2018 MUHAMMAD DAWOOD V/S IRR:DEPTT:

Reference:- Your letter No. 2129/Judicial Dated 14-09-2017.

The Para wise reply in respect of respondent No. 1-2 in respect of the subject noted Appeal are submitted herewith for necessary action please.

Executive Engineer
Dir Irrigation Division
Dir Lower.

Copy of the above is forwarded to:-

- 1- Superintending Engineer Swat Irrigation Circle Swat for information & necessary action please.

Executive Engineer
Dir Irrigation Division
Dir Lower



OFFICE OF THE EXECUTIVE ENGINEER DIR IRRIGATION DIVISION DIR LOWER.
Ph # 09459250068, E-Mail dirirrigation@hotmail.com.

No. /3-M Dated Timergara the /10/2018.

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR CAME COURT AT SWAT.

Apeal No. 420/2018.

Mr. Muhammad Dawood S/O Mian Bakht Jehan R/o Kattan Payeen Dir Upper.
.....Appellant/Petitioner.


VERSUS

- 1- Executive Engineer Dir Irrigation Division Dir Lower.
- 2- Superintending Engineer Swat Irrigation Circle Swat
..... Respondent No. 1 & 2.

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DEPONENT


Executive Engineer
Dir Irrigation Division
Dir Lower



IRRIGATION DEPARTMENT

OFFICE OF THE EXECUTIVE ENGINEER DIR IRRIGATION DIVISION DIR LOWER.
Ph # 09459250068, E-Mail dirirrigation@hotmail.com.

No. /3-M Dated Timergara the /10/2018.

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR CAME COURT AT SWAT.

Apel No. 420/2018.

Mr. Muhammad Dawood S/O Mian Bakht Jehan R/o Kattan Payeen Dir Upper.
.....Appellant/Petitioner.

VERSUS

1. Executive Engineer Dir Irrigation Division Dir Lower .
2. The Superintending Engineer Irrigation department Swat.

PARA WISE COMMENTS OF RESPONDENTS NO. 1 to 2.
RESPECTFULLY SHWETH.

PRELIMINARY OBJECTION.

- 1- That the appellant has not come to this tribunal with clean hands and has suppressed material.
- 2- That the Appeal is time barred.
- 3- That the Appeal is bad in the eyes of law in its present form.

ON FACTS:-

- 1- The appellant was appointed as Beldar BPS-01 on 07-09-2011 and not 09-07-2011, seemingly Clerical mistake committed by the appellant, in compliance of the Honorable Peshawar High Court Peshawar's judgment dated 02-11-2010.
- 2- That the appellant was appointed on initial recruitment vide office order No. 1901-5/2-E Dated 07-09-2011 and not on son quota. The appellant after remained absent from duty and the immediate officer & in-charge Sub Engineer always complained against him, therefore warned again and again orally to be punctual. Finally on the report of Sub Engineer and Sub Divisional Officer the appellant was dismissed from service being willful absentee. Therefore this Para is not correct as alleged. *(Copies Attached)*
- 3- Denied. Actually the release and payment of salary was in process but the appellant did not show patience and filed COC.
- 4- This Para is not correct in its true prospects. The salary released was paid to the appellant but the appellant did not bother to perform his duties which is a separate matter and chapter, because the Sub Engineer and Sub Divisional Officer (Immediate officer) made reports against him and he



OFFICE OF THE EXECUTIVE ENGINEER DIR IRRIGATION DIVISION DIR LOWER.
Ph # 09459250068, E-Mail dirirrigation@hotmail.com.

No. /3-M Dated Timergara the /10/2018.

IRRIGATION DEPARTMENT

was warned times and again but the appellant did not mend his behavior and there was no course left open except to dismiss him.

- 5- The Para is self speaking that the appeal was hopelessly time barred and could not be considered under the law.

ON GROUNDS:-

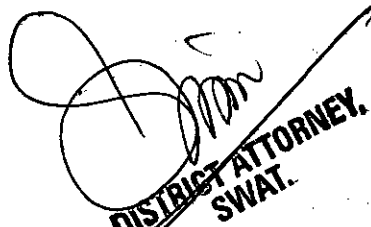
- a. Incorrect hence Denied.
- b. Incorrect hence Denied.
- c. Denied.
- d. Denied. Not admitted. The appellant was warned time and again but he did not mend, so was dismissed.
- e. Not admitted, denied.
- f. Not correct.
- g. Just repetition. Denied.
- h. Not correct, hence denied.
- i. Not correct. As already submitted and explained in the above Para (d) as well as the preliminary.
- j. Not correct, so denied.
- k. Not legal point.
- l. Not legal point.
- m. Just repetition of Para (i).
- n. Pertains to record.
- o. The appellant went into hiding and did not bother to come to the office nor for duty, so denied.
- p. This Para is not correct.
- q. Just formal.

PRAYERS

In light of the above submission, It is therefore prayed that the petition may graciously be dismissed with costs.

1- Superintending Engineer Swat Irrigation Circle Swat-----

2- Executive Engineer Dir Irrigation Division Dir lower-----


**DISTRICT ATTORNEY,
SWAT.**

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA PESHAWAR CAME COURT AT SWAT.

Apeal No. 420/2018.

Mr. Muhammad Dawood S/O Mian Bakht Jehan R/o Kattan Payeen Dir Upper.
.....Appellant/Petitioner.

VERSUS

Executive Engineer Dir Irrigation Division Dir Lower Respondent No. 1.

AFFIDAVIT

I Engr: Muhammad Jawad Khan Executive Engineer Dir Irrigation Division Dir Lower do, solemnly affirm and declare that all the contents of the accompanying Para wise comments are true & correct to the best of my knowledge & belief & nothing has been concealed from this Honorable Court.



Deponent



OFFICE OF THE EXECUTIVE ENGINEER
DIR IRRIGATION DIVISION DIR LOWER AT TIMERGARA

Amma-B

No 2256 / 4-E

Dated 18/08/2016

OFFICE ORDER

Consequent upon the reports submitted by Sub Divisional Officer Irrigation Sub Division Dir Upper at Gandigar vide letter No.132/2-E, dated 16-04-2016 and letter 81/2-E, dated 09-08-2016 duly certified by the concerned incharge Sub Engineer, the Competent Authority is pleased to order dismissal of Muhammad Dawood from services with effect from 03-02-2016 in the public interest.

EXECUTIVE ENGINEER

Copy of the above is forwarded to the:

1. Sub Divisional Officer; Irrigation Sub Division Dir Upper at Gandigar with reference to his letter No. quoted above for information.
2. Divisional Accounts Officer (Local) for information & necessary action.
3. Establishment Clerk (Local) for information.
4. Muhammad Dawood S/O Mian Bakht Jehan village Kattan Payeen PO Darora Dir Upper.

EXECUTIVE ENGINEER

No.
To

1901-5

/2-E.

Dated

07/09/2011.

Mr. Muhammad Dawood,
S/O Mr. Main Bakht Jan Village Katan Payeen,
P/O Darora District Dir Lower.


Subject:-

APPOINTMENT AS BELDAR IN GANDIGAR SECTION (BPS-01).

Consequent upon Court decision of Peshawar High Court Peshawar dated 2-11-2010, you are offered a post of Beldar (BPS-01)4800-150-9330/- purely on temporarily basis against the vacant post under the initial recruitment in Dir Irrigation Division Dir Lower.

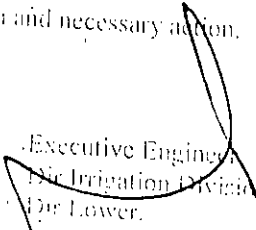
If you accept the post on the following terms and conditions, you should report for duty to the Sub Divisional Officer Dir Irrigation Sub Division Dir Upper as soon as possible for further posting.

- Your appointment is purely on temporarily basis according to the Govt. of Khyber Pakhtunkhwa, policy/instructions and services can be terminated at 2 months notice at any time without any reasons being assigned, irrespective of the facts that you are holding a post other than one on which you were originally appointed or on payment of 2 months pay in lieu of the notice.
- Your service would be on probation for a period of 6 months and would be strictly monitored by the Engineer in charge.
- You will have to produce a Medical Certificate of fitness, Domicile Certificate, Character Certificate & Blank Service Book while reporting for duty to the stated office.
- You will have to serve any where in the jurisdiction of Dir Irrigation Division Dir Lower.
- In case if any un-warranted/non-solution situation arises, which affect your appointment the Department will not be responsible for any claim.
- You shall join your duty on your own expenses.
- Deductions from the salary on account of benevolent fund @ 5% of the minimum of the pay on account of Contributory provident Fund will be made.
- As per Government rules and being temporarily employee, you will not to contribute G.P. Fund and will not be entitled to pension & gratuity benefits.
- This offer is valid up to 15 days from the date of issue.


Executive Engineer,
Dir Irrigation Division,
Dir Lower.

Copy to:-

1. Superintending Engineer, Swat Irrigation Circle Swat with reference to his letter No.2112/36-M, dt: 18/8/2011 for information please.
2. Executive Engineer Swat Irrigation Division Gulkada Saidu Sharif with reference to his letter No. 1123/W/Court Cases/47-M, dt: 07/07/2011 for information please.
3. Sub Divisional Officer, Dir Irrigation Sub Division Dir Upper for information and necessary action. He should strictly monitor the duties of the official during the probation period.
4. District Accounts Officer Dir Timergara, for information and necessary action.
5. Divisional Accounts Officer (Local).
6. District Accounts Officer Swat Saidu Sharif, for information and necessary action.


Executive Engineer,
Dir Irrigation Division,
Dir Lower.

Annex - E/1 (6)
C/1



IRRIGATION DEPARTMENT

OFFICE OF THE SUB DIVISIONAL OFFICER

DIR IRRIGATION SUB DIVISION DIR UPPER

NO. 81 /2-E

6

Dated the Gandigar : 09 / 8/2016.

To,

The Executive Engineer
Dir Irrigation Division
At Timergara

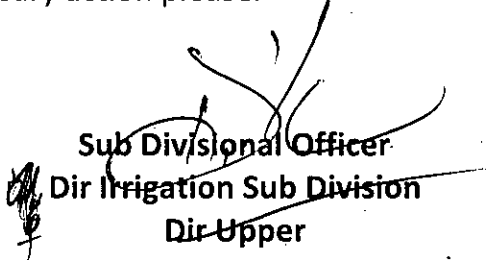
SUBJECT: PERFORMANCE OF DUTIES

Reference: your Office letter No. 2147/4-E Dated: 08/08/2016

Reference to above it is stated that right from taking over charge of this sub division since 21-09-2015, the undersigned has neither found Mr. Muhammad Dawood on duty nor he is performing any duty. Even his name is not present in the list of staff available with this office.

The concerned sub engineer Mr. Tayab Said has also confirmed that since his taking charge as sub engineer, he has not seen Mr. Muhammad Dawood on duty.

In light of the above the service record of the applicant could not be verified. Report submitted for your kind perusal and necessary action please.

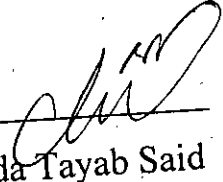

Sub Divisional Officer
Dir Irrigation Sub Division
Dir Upper

- Annex - C/2

CERTIFICATE

⑦

Certified that I have not seen Mr. Muhammad Dawood on duty since my taking charge as Sub Engineer (Local) of Gandigar Irrigation Scheme, w.e.f from creation of Gandigar Sub Division i.e. 13-02-2012


Akhunzada Tayab Said
Sub Engineer,
Irrigation Sub Division,
Gandigar, Dir Upper

"A"

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

No.
Resd

APPEAL No..... *TB Swat*

420

18

Mohammad Davd

Appellant/Petitioner

Versus

Executive Engineer Irrigation Division Dir Lower **RESPONDENT(S)**

Notice to Appellant/Petitioner.....

Counsel *Mohammad Nabi*
(Advocate)

Distt Court Dir Lower

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *4-7-22* at.....

[Signature]

8:00 AM

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

At Camp Court
Swat

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

بعدالت جناب سروس ٹریبونل کورٹ بمقام گل لکڑہ سوات

مقدمہ عنوان: محمد داؤد نام راجہ گلشن دربار لکڑہ

درخواست بمراد تبدیلی تاریخ پیشی

جناب عالی! درخواست ذیل عرض ہے۔

(۱) یہ کہ مقدمہ عنوان بالا عدالت حضور میں زیر سماعت ہے جس میں آج تاریخ پیشی مقرر ہے۔

(۲) یہ کہ وکیل محمد نسیم پشاور ہائی کورٹ مینگورہ بیچ ضلع سوات میں مصروف ہے اور مقدمہ عنوان بالا میں پیش ہونے سے قاصر ہے۔ نقل کاز لسٹ لف ہے۔

لہذا استدعا ہے کہ بمنظوری درخواست ہذا، مقدمہ عنوان بالا میں تاریخ پیشی تبدیل کرنے کا حکم صادر فرمایا جائے۔

عریضہ محمد داؤد رقم ۲۷-۱۵-۶۱

سائل راجہ گلشن

PESHAWAR HIGH COURT, MINGORA BENCH, SWAT

D.B CAUSE LIST FOR TUESDAY, THE 4th OCTOBER, 2022

BEFORE Mr. JUSTICE MUHAMMAD NAEEM ANWAR

Mr. JUSTICE Dr. KHURSHID IQBAL

MOTION CASES

1. **Cr.A 154-M/2018**
(Against Acquittal)
{u/s 302,201,202,34-PPC} Aman Khan
(Amir Gulab Khan & Fayaz M. Qazi) Vs The State & 1 other
2. **Cr.A 155-M/2018**
(Against Acquittal)
{u/s 302,201,202,34-PPC} Aman Khan
(Amir Gulab Khan & Fayaz M. Qazi) Vs The State & 1 other
3. **Cr.A 67-M/2020**
(Against Acquittal)
{u/s 302/34-PPC} The State
(A.A.G) Vs Abbas Ali
4. **Cr.A 129-M/2021**
(Against Acquittal)
{u/s 302/34-PPC, 15-AA} Anwar Shah
(Badi uz Zaman & Qaisar Ali) Vs Sikandar Ali & 1 other
5. **Cr.A 156-M/2021**
Against Acquittal)
{u/s 302/34-PPC} The State
(A.A.G) Vs Sikandar Ali
6. **Cr.A 325-M/2020**
(Against Acquittal)
{u/s 302-PPC} Rehmat Gul
(Saminullah) Vs The State & 1 other
{Through Video Link}
7. **Cr.A 34-M/2021**
(Against Acquittal)
{u/s 302-PPC}
(Model Court Criminal Case) Niaz Muhammad
(Muhammad Nabi) Vs Zamin & 1 other
8. **C.M 12 (2) 18-M/2017**
with C.M 1618/2022
In W.P 275-P/1982 Miangul Adnan Aurangzeb
& others
(Asghar Ali) Vs Mst. Sham Bibi & others
(Date by Court)

- relief,
M 1273/2022
C.M 1732/2022
{Service/Appointment}
- Akhtar Khan**
(Asghar Ali)
- Vs Govt. of Khyber Pakhtunkhwa**
through Chief Secy. & others
(A.A.G)
- (Date by Court)
19. **W.P 711-M/2022**
With Interim Relief
{Other }
- Umar Shad**
(Khurshaid Ali Walikhail)
- Vs Govt. of Khyber Pakhtunkhwa**
through Chief Secy & others
20. **W.P 761-M/2022**
With Interim Relief
{Other/Schedule IV}
- Muhammad Tariq Shah**
(Muhammad Karim)
- Vs Govt. of Khyber Pakhtunkhwa**
through Home Secy. & others
{Through Video Link}
21. **W.P 823-M/2022**
{General/Shuhada
Package}
- Mst.Azmat Parveen**
(Dr. Barrister Adnan Khan)
- Vs Federation of Pakistan through**
Secy. Ministry Finance & others
22. **W.P 860-M/2022**
With Interim Relief
{Service/PSC Merit}
- Syed Imtiaz Ali & 01 other**
(Hafiz Ashfaq Ahamd)
- Vs Govt. of Khyber Pakhtunkhwa**
through Chief Secy. & others
23. **W.P 935-M/2022**
With Interim Relief (N)
{Service-Pension}
- Naik Ali Shah**
(Muhammad Ikram Khan)
- Vs University of Malakand through**
Vice Chancellor & others
(_____)
- (Date by Court)
24. **W.P 880-M/2022**
With Interim Relief
& With C.M 1511/2022
{Service/ Appointment
DSC (Merit) }
- Gulam Akber**
(Bahre Karam)
- Vs Govt. of Khyber Pakhtunkhwa**
through Chief Secy. & others
25. **W.P 950-M/2022**
With Interim Relief
{General/Contract, Lease}
- Said Islam Shah & 01 other**
(Abdul Salam Buneri)
- Vs Govt. of Khyber Pakhtunkhwa**
Secy. Mines & Minerals & others
26. **W.P 1041-M/2022**
With Interim Relief
{Service/Appointment}
- Laiq Badshah**
(Muhammad Nabi)
- Vs Govt. of Khyber Pakhtunkhwa**
through Secy. E&SE & others

"A"

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

Ragg

No.

APPEAL No. *420* of 20 *18*

Mohammad Daud

Appellant/Petitioner-

Versus

Executive Engineer Irrigation Dir Lower

RESPONDENT(S)

Mohammad Daud

Notice to Appellant/Petitioner

*S/O Mian Bakht Jan R/O Village
Kutan Payeen P.O Darora Dir Upper*

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on *4-7-22* at *8.00 AM*

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

at court house

Swat

S

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.