

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 6728/2021

BEFORE: SALAH UD DIN --- MEMBER(J)
MIAN MUHAMMAD --- MEMBER(E)

Majid Khattak, Ex-Mali (BPS-03) at Peshawar Zoo, Wildlife Department, Khyber Pakhtunkhwa, Peshawar..... (*Appellant*)

VERSUS

1. Chief Conservator, Wildlife Department, Khyber Pakhtunkhwa, Peshawar.
2. Director/Conservator, Peshawar Zoo, Wildlife Department, Khyber Pakhtunkhwa, Peshawar.
3. Administrative Officer, Peshawar Zoo, Wildlife Department Khyber Pakhtunkhwa, Peshawar..... (*Respondents*)

Present:

MUHAMMAD ARSALAN AFRIDI,
Advocate --- For Appellant.

ASIF MASOOD ALI SHAH,
Deputy District Attorney --- For respondents.

Date of Institution.....02.07.2021
Date of Hearing.....01.11.2022
Date of Decision.....01.11.2022

JUDGEMENT.

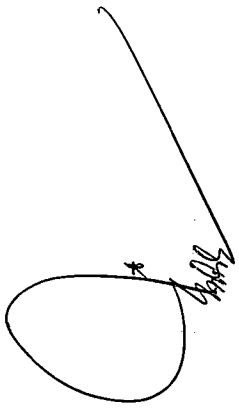
MIAN MUHAMMAD, MEMBER(E):- The instant service appeal has been instituted with the prayer that “on acceptance of this appeal the impugned orders dated 17.06.2021 and 13.04.2021 of the respondents may kindly be set aside and the appellant may be reinstated to his post (Mali BPS-03) with all back benefits admissible under the law and rules”.

02. Brief facts, as averred in the memorandum of service appeal, are that the appellant was appointed in the respondent department as Mali (BPS-03) on 30.08.2019. The appellant was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and he was imposed upon the major penalty of removal from service vide office order dated 13.04.2021. Feeling aggrieved, the appellant filed departmental appeal on 19.04.2021 which was rejected by the appellate authority vide office order dated 17.06.2021, hence the instant service appeal filed on 02.07.2021.

03. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions raised by the appellant in his appeal. We have heard learned counsel for the appellant as well as learned Deputy District Attorney for the respondents and have gone through the record with their valuable assistance.

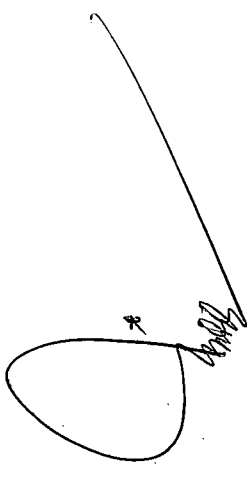
04. Learned counsel for the appellant vehemently contended that the major penalty of removal from service has been imposed upon the appellant on the allegations of willful absence from duty as well as weak performance but the period during which the appellant remained absent from duty has not been specifically mentioned in the impugned order, which is against the law and rules. The absence of appellant was not intentional but it was due to his illness and in this respect he had also submitted medical prescriptions, which were not considered

by the respondents. He further argued that the appellant was issued charge sheet as well as statement of allegations and Show Cause Notice, which he properly replied, denying the allegations leveled against him but the same was not considered by the respondents. Moreover, no opportunity of personal hearing was provided to the appellant before passing the impugned order, rather the impugned orders have been passed in slipshod and whimsical manner and based on one man show who issued the appellant charge sheet/statement of allegations, conducted the inquiry himself and passed the impugned order dated 13.04.2021. Therefore, the original impugned order as well as appellate order are not sustainable in the eye of law and are liable to be set-aside, he concluded.



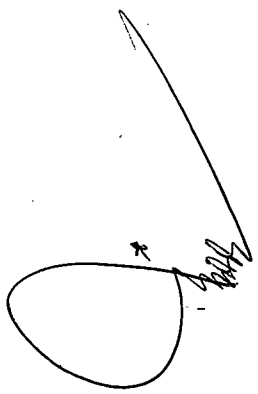
05. Learned Deputy District Attorney controverted the arguments of learned counsel for the appellant and contended that the appellant was appointed as Mali (BPS-03) who was on probation for one year vide order dated 30.08.2019 and his probation period was further extended for one year due to his poor performance vide order dated 25.08.2020. The appellant was reported multiple times for his habitual absence and irresponsible behavior since his first day of joining government service. The appellant was issued several warnings before issuance of charge sheet/statement of allegations to mend his behaviour and focus on his duties. His reply to the charge sheet/statement of allegations as well as Show Cause Notice was

found unsatisfactory. Moreover, formal and regular enquiry was conducted against the appellant and he was provided ample opportunity of personal hearing but neither he could advance convincing arguments nor he provided any documentary proof in his defence to be innocent. The appellant was removed from service on 13.04.2021, after fulfillment of all codal formalities. The appellant was required to file departmental appeal within one month but he filed the department appeal on 01.06.2021 which was barred by time, hence the service appeal is liable to be dismissed with costs, he concluded.



06. Careful perusal of the record reveals that the appellant was appointed as Mali (BS-03) vide office order dated 30.08.2019. He was proceeded against on allegations of inefficiency, misconduct and habitual absenteeism vide charge sheet/statement of allegations issued on 02.11.2020. The inquiry was ordered and conducted vide office order No. 41 dated 13.05.2020 as is evident from introduction in the enquiry report. However, no copy of such office order to have been issued, was produced by the respondents. Astonishingly, the charge sheet issued to the appellant on 02.11.2020 was signed by the Director/Conservator Wildlife Peshawar Zoo (Mr. Ishtiaq ullah) who also conducted enquiry against the appellant as Deputy Director Peshawar Zoo 06 months before issuance of the charge sheet and statement of allegations. The appellant was issued Show Cause Notice by the same person on 23.11.2020 and


finally the impugned order of imposition of major penalty of removal from service was issued by the same officer on 13.04.2021. So much so that when departmental appeal was submitted to the same officer on 19.04.2021 vide Diary No. 870, it was summarily "rejected" the same day instead to have forwarded it to the appellate authority under Rule 4 (2) of the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986. The departmental appeal was therefore, submitted well within the statutory period and no question of limitation arises to hit the instant service appeal before the Service Tribunal. In the entire scenario and circumstances explained before this Bench, only the appellate order dated 17.06.2021 was issued by respondent No. 1(Chief Conservator Wildlife) who rejected departmental appeal of the appellant on 17.06.2021.



07. In view of the preceding Paras, we found that the enquiry proceedings have not been conducted in accordance with laid down procedure and in the prescribed manner under the law and rules. The appellant has been deprived of and negated the fundamental right of fair chance of an impartial enquiry through an independent enquiry officer as well as ample opportunity of self defence to prove himself innocent. The ends of natural justice have therefore, not been met when the appellant was treated in surmise and whimsical manner by the same person in the enquiry proceedings. We are therefore, constrained to remit the case to the respondents with the direction to conduct De-novo

enquiry proceedings against the appellant strictly in accordance with the law and rules providing him the opportunity of personal hearing and cross examination, within one month of receipt of this judgement. Parties are left to bear their own costs. File be consigned to the record room.

08. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 1st day of November, 2022.*



(SALAH UD DIN)
MEMBER (J)



(MIAN MUHAMMAD)
MEMBER (E)

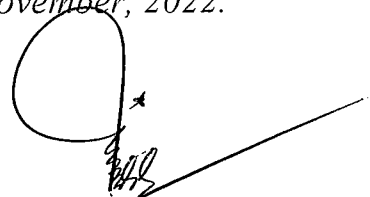
ORDER
01.11.2022

Mr. Muhmmad Arsalan Afridi, Advocate for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

02. Vide our detailed judgement of today separately placed on file consisting (06) pages, we found that the enquiry proceedings have not been conducted in accordance with laid down procedure and in the prescribed manner under the law and rules. The appellant has been deprived of and negated the fundamental right of fair chance of an impartial enquiry through an independent enquiry officer as well as ample opportunity of self defence to prove himself innocent. The ends of natural justice have therefore, not been met when the appellant was treated in surmise and whimsical manner by the same person in the enquiry proceedings. We are therefore, constrained to remit the case to the respondents with the direction to conduct De-novo enquiry proceedings against the appellant strictly in accordance with the law and rules providing him the opportunity of personal hearing and cross examination, within one month of receipt of this judgement. Parties are left to bear their own costs. File be consigned to the record room.

03. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 1st day of November, 2022.*



(SALAH UD DIN)
MEMBER (J)


(MIAN MUHAMMAD)
MEMBER (E)

23.11.2021

Proper D.B is not available, therefore, case is adjourned to 2 / 3 / 2022 for the same as before.

2-3-22

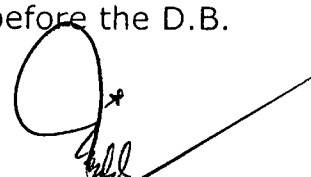

Reader
Due to retirement of the Honorable Chairman
The case is adjourned to come up for the
same as before on 15-6-22



Reader

15.06.2022

Appellant alongwith his counsel present. Mr. Naveed Ahmed, Admin Officer and Mr. Ijaz-ul-Haq, SDFO alongwith Mr. Kabirullah Khattak, Additional Advocate General present.


Reply/comments on behalf of respondents are still awaited. Representatives of the respondents requested for further time for submission of reply/comments. Last chance given. In case the last chance as given is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/- to the appellant. Adjourned. To come up for submission of reply/comments as well as arguments on 01.08.2022 before the D.B.


(Mian Muhammad)
Member (E)


(Salah-ud-Din)
Member (J)

1-8-2022

Proper DB not available the case is
adjourned to 1-11-2022


Reader

11/11/22 R/R
11/11/22 D.S

BEFORE THE COURT OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 6728 of 2021

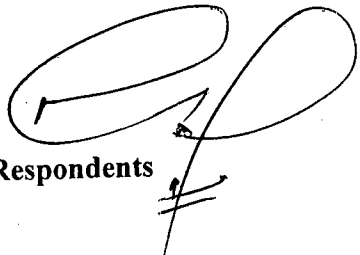
Majid Khattak.....Appellant/ Petitioner

Versus

Chief Conservator Wildlife Khyber Pakhtunkhwa & others.....Respondents

INDEX

S.No	Particulars	Annexure	Page No.
1.	Parawise comments	----	1-3
2.	Explanation Letters	I	4
3.	Nine Months Leave Details	II	15
4.	Probation Period Extension Order	III	16
5.	Inquiry Report	IV	17
6.	Charge Sheet	V(a)	19
7.	Show Cause	V(b)	21
8.	Removal from Service Order	VI	23


Respondents

BEFORE THE COURT OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Appeal No. 6728 of 2021

Majid Khattak.....Appellant/ Petitioner

Versus

Chief Conservator Wildlife Khyber Pakhtunkhwa & others.....Respondents

Joint Parawise Comments on Behalf of Respondents

RESPECTFULLY SHEWETH:

Preliminary Objections:

1. That plaintiff has got no cause of action/ locus standi to file the instant appeal/ petition.
2. That the appeal in hand is barred by law and limitation hence not maintainable.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appellant has not come to the court with clean hands, therefore the instant appeal is liable to be dismissed.

PARA WISE COMMENTS

1. Pertains to record.
2. Incorrect. It is evident from the official record that the Ex-official Mr. Majid Khattak remained a consistent source of concern for the administration of Peshawar Zoo and he was reported multiple times for his habitual absenteeism, unusual and irresponsible behavior since his first day of joining government service (**Annex-I**).
3. Incorrect. The disciplinary action against the appellant was purely based on his prolong record of misconduct, willful absence (**Annex-II**), extremely poor performance and tendency to avoid orders and discipline which led to deterioration and disturbance of the Peshawar Zoo environment as regularly reported by different officers of Peshawar Zoo (**Annex-III**). Mean while, his probation period was also extended due to his poor performance vide Director/Conservator Wildlife Peshawar Zoo office order No. 13 dated 25/08/2020 (**Annex-IV**) whereby also censured him and directed that in case of his similar attitude in future he will be liable to be terminated from service as per Section. 11 (1)(ii) of Khyber Pakhtunkhwa Civil Servant Act 1973.
4. Incorrect. Inquiry was initiated based on his prolong record of misconduct, willful absence, extremely poor performance and tendency to avoid orders and discipline under law and rules (**Annex-V**).
5. Incorrect. Despite repeated warnings and explanations when all the measures to bring the Ex-official on right track were exhausted, a show cause notice and charge sheet was served upon him by the Inquiry Officer (**Annex-VI**) which clearly specified the charges

therein but the said official failed to furnish a satisfactory reply and defend himself and hence was proceeded as per law accordingly.


6. Incorrect. The major penalty of removal from service was imposed by the Inquiry Officer according to law and rules (**Annex-VII**)
7. Incorrect. Departmental appeal was rejected according to law and rules by the respondent No. 2.
8. Incorrect. The appeal submitted on 01/06/2021 was time barred as per E&D Rules 2011, because the said Ex-official have preferred an appeal after a period of thirty (30) days from the date of termination i.e. 13/04/2021. Similarly time barred appeal is liable to be rejected. However, he was given an opportunity of personal hearing on 15/06/2021. But neither he provided convincing arguments nor any documentary proofs in his defense therefore the appeal was rejected and the major penalty of removal from service from the date he was awarded penalty was upheld in the interest of public and maintaining discipline in Peshawar Zoo administration
9. No comments.

GROUND


- A. Incorrect, office orders against the appellant, are based on facts and according the relevant rules.
- B. Incorrect, the disciplinary action against the appellant was purely based on his prolong record of misconduct, willful absence, extremely poor performance and tendency to avoid orders and discipline as regularly reported by different officers of Peshawar Zoo.
- C. Incorrect, inquiry was conducted according to rules and the major penalty of removal from service was imposed by the Inquiry Officer according to law and rules.
- D. Incorrect, the disciplinary proceedings against the appellant have been initiated according to law and rules.
- E. Incorrect, inquiry was conducted according to rules and codal formalities have been observed while conducting the inquiry proceedings.
- F. Incorrect, there are lawful evidence and witness on record to substantiate the misconduct, willful absence, extremely poor performance of the appellant.
- G. Incorrect, the inquiry officer has recommended major penalty to be imposed on the appellant according to law and rules.
- H. Incorrect, the appellant has not done his official duty with honesty and the allegations leveled against the appellant was based on prolong record of misconduct, willful absence and extremely poor performance.
- I. Incorrect, all inquiry proceedings against the appellant have been conducted according to rules.
- J. Incorrect, the major penalty imposed upon the appellant was legally justifiable with facts under the relevant rules.

It is therefore most humbly prayed that on acceptance of instant parawise comments, the appeal of the appellant/ plaintiff may kindly be dismissed with cost.


(Respondent No.1)


Chief Conservator Wildlife
Khyber Pakhtunkhwa Wildlife
Department

(Respondent No.2)

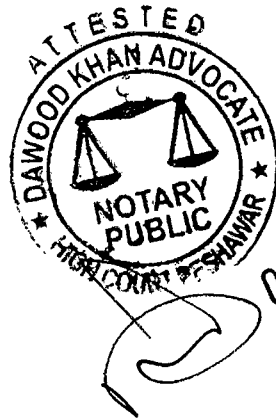

Director/Conservator Wildlife
Peshawar Zoo

(Respondent No.3)


Administrative Officer
Peshawar Zoo

Affidavit: It is verified on oath that all the contents of the instant suit are true and correct to the best of my knowledge and belief and nothing is concealed or withheld from the this Honorable Court.



DEPONENT



01 AUG 2022

PAGE NO (4)

Annex-I

 No. 1613	OFFICE OF THE DEPUTY DIRECTOR/DFO PESHAWAR ZOO, PESHAWAR
	Pakistan Forest Institute, Govt. of Khyber Pakhtunkhwa Peshawar Phone: 091-9221195, Email: zoopeshawar@gmail.com Dated: 08/09/2019

To

Mr. Muhammad Majid (Mali)

Subject; LACK OF INTEREST TOWARDS YOUR OFFICIAL WORK

It is stated that the undersign is keenly observing you from the very first day of your joining at Peshawar Zoo that you are not taking interest in your official duty. When the undersigned is on routine visit, found you many time in gossip with others or using mobile or taking rest.

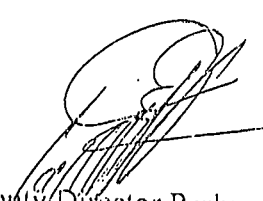
Therefore, these indifferent behaviors towards your official duty are greatly undermined by the undersigned and you are hereby directed to concentrate on your official work otherwise strict disciplinary action will be initiated against you under the Efficiency and Disciplinary rules 2011.

Deputy Director Peshawar
Zoo, Peshawar

SNo- 915 /Zoo

Copy to,

1. Director/ Conservator Wildlife Peshawar Zoo for favor of information.
2. Admin Officer/SDWO Wildlife Peshawar Zoo for favor of information.


Deputy Director Peshawar
Zoo, Peshawar



OFFICE OF THE DEPUTY DIRECTOR/DFO
WILDLIFE PESHAWAR ZOO, PESHAWAR

Ph# 091-9221195

Email: ddirector66@gmail.com

PESHAWAR ZOO

No. 161 /DD/Zoo

Dated Peshawar the 06 / 07 / 2020


To,

Director/Conservator Wildlife
Peshawar Zoo

Subject: WILLFUL ABSENCE/LACK OF INTEREST IN OFFICIAL DUTY


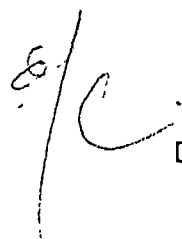
It is submitted that Mr. Asif Masih, Sweeper Peshawar Zoo and Mr. Majid Khattak, Mali Peshawar Zoo are continual source of concern for Peshawar zoo administration. They are taking no or least interest in their official duties. Their willful absenteeism has become a norm. Their absentees, misconduct and lack of interests have been reported several times by the administration officer which have also been corresponded with office of your good self. Explanation and leave without pay have also been served. But despite verbal direction along with explanation and warning in letter, they are least bothered by any directives. All measures to mend their ways and means have proven vain so far.

Your office is therefore requested to kindly take strict legal and logical action against them and suspend them from government service under E&D Rules 2011, in the interest of public please.


Deputy Director/DFO Wildlife
Peshawar Zoo



No. 162 /DD/zoo

Copy for information and necessary action forwarded to Administration Officer Peshawar Zoo with respect to his office reports.



Deputy Director/DFO Wildlife
Peshawar Zoo

Annex-XIII

47

	OFFICE OF THE DEPUTY DIRECTOR/DFO PESHAWAR ZOO		
	Ph# 091-9221195	Email: ddirector66@gmail.com	
No. <u>97</u> /DD/Zoo	Dated Peshawar the <u>06/02/2020</u>		

To,

The Director/Conservator Wildlife
Peshawar zoo

Subject: WILLFUL/UNOFFICIAL ATTENDANCE RECORD OF MR. MAJID KHATAKK,
GARDENER PESHAWAR ZOO

Reference: Admin office letter No. 180/AO-Zoo dated 03/02/2020

It is stated with concern that Mr. Majid Khattak, Gardener in Peshawar zoo is a habitual defaulter in attendance and duty performance. He has become liability for zoo administration. He has to regularly be directed for shouldering his assigned responsibilities as he used to stay inactive unless and until directed by the concerned officer/official.

His attendance record in December 2019 and January 2020 is very poor which has become a norm for the zoo administration.

Your office is requested to kindly take necessary measures against him in the best interests of Zoo management and public at large please.



Deputy Director/DFO Wildlife
Peshawar Zoo

No. 1 / DD/Zoo

Copy for information forwarded to administration office Peshawar zoo.

Deputy Director/DFO Wildlife
Peshawar Zoo

60-3063/Zoo
4-07/02/2020

Call up phone
[Handwritten signature]

D/En



OFFICE OF THE DEPUTY DIRECTOR/DFO
PESHAWAR ZOO

Ph# 091-9221195

Email: ddirector66@gmail.com



No. 6975/DD/Zoo

Dated Peshawar the 02/01/2020

بجانب:

ماجد خٹک مالی
اسد مسیح سویپر
نعمان خان سویپر

نوید خان / وائلڈ لائف واچر
انیل مسیح سویپر
آصف مسیح سویپر
سکندر خان سکیورٹی گارڈ

عنوان: دیر سے آمد وقت سے پہلے جانا اور کمزور کارکردگی

حوالہ نمبر: 135/A0-Zoo dated 02/01/2020

اوپر ظاہر کیے گئے پشاور چیزیا گھر کے سٹاف کو خبردار کیا جاتا ہے کہ سرکاری ذیونی میں وقت کی باندی کا سختی سے خیال رکھا کریں۔ دیر سے آنے اور وقت سے پہلے چھٹی کرنے کو بالکل بھی برداشت نہیں کیا جائے گا۔
لہذا آپ سب کو اور باقی سٹاف کو خبردار کیا جاتا ہے کہ آئندہ دینے گئے ذیونی شیڈول پہ عمل نہ کرے، دیر سے آنے اور وقت سے پہلے چلے جانے کو غیر حاضر تصور کیا جائیگا اور اُس کی اُس دن کی تنخواہ کات دی جائیگی۔ اس کے علاوہ غفلت کرنے والوں کے ساتھ قانونی کارروائی کی جائیگی اور اُن کی کارکردگی سالانہ رپورٹ میں لکھی جائیگی۔

ذہنی ڈائریکٹر پشاور چیزیا گھر

نمبر: 7677 تاریخ 02/01/2020

کاپی برائے اطلاع و ضروری عمل

1- ڈائریکٹر پشاور چیزیا گھر

2- ایڈمنسٹریشن آفیسر پشاور چیزیا گھر

ذہنی ڈائریکٹر پشاور چیزیا گھر

o/c



OFFICE OF THE ADMINISTRATION OFFICER
PESHAWAR ZOO



Phone: 091-5610011 Email: zoocare11@gmail.com

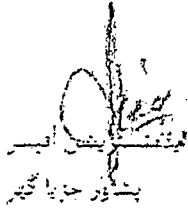
No. 43 /AO-Zoo

Dated Peshawar Zoo the 14/09/2019

مجاہد خٹک
سٹی. پشاور جزیرا گہر

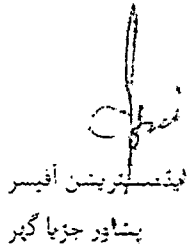
عتوں: سرکاری فرائض میں غفلت

ریپر دستخطی کے مشاہدے میں یہ بات آئی ہے کہ آپ ابتدائی دن سے کام کرنے کے بجائے ادھر ادھر جانے اور دوسرے سٹاف کے ساتھ باتیں کرنے میں اپنا وقت گزارتے رہتے ہیں۔ کام میں انتہائی سستی اور غفلت کا مظاہرہ کرتے ہیں۔ بار بار تنبیہ کے باوجود آپ نے اپنے معاملات ٹھیک نہیں کیے۔ آپ کے باقی ساتھی پوری ایمانداری کے ساتھ کام میں لگے ہوئے ہیں جبکہ آپ بہانوں سے ادھر ادھر جانے میں اپنا اور چڑیا گھر سٹاف کا وقت ضائع کرتے رہتے ہیں۔ ذہنی ڈائریکٹر نے یہی ایک خط کے ذریعہ آپ کو اپنے معاملات ٹھیک کرنے کی ہدایات دی تھیں لیکن آپ اپنے فہم میں کوئی خاطر خواہ تبدیلی نہیں لیکر آئے۔ لہذا آپ کو ہدایات دی جاتی ہیں کہ آپ اپنے معاملات درست کریں۔ ادھر ادھر فضول باتوں میں وقت ضائع کرنے کے بجائے اپنے کام پر توجہ دیں ورنہ آپ کے خلاف تادیبی اور قانون کے مطابق کارروائی کی جائیگی۔


پشاور جزیرا گہر

نمبر: 44/11/20



کاپی برائے اطلاع و ضروری عمل
ذہنی ڈائریکٹر پشاور جزیرا گہر کو ارسال کی گئی۔


ایڈمنسٹریٹیشن آفیسر
پشاور جزیرا گہر

a/c

Annex


63

	OFFICE OF THE ADMINISTRATION OFFICER PESHAWAR ZOO	
Phone: 091-5610011		Email: zoocare11@gmail.com
69 1AO-Zoo		Dated Peshawar zoo the 01/10/2019


ماجد خٹک
ہائی۔ پشاور جزیرا گھر

عنوان: سرکاری فائض میں غفلت

آپ کو اس سے پہلے بھی زیر دستخطی کے دفتر سے مراسلہ نمبر 43/140/2019 بتاریخ 14/09/2019 ہدایات دی گئی تھیں اور خبردار کیا گیا تھا کہ ڈیوٹی کے دوران اپنا اور دوسرے سٹاف کا وقت ضائع کرنے کے بجائے اپنے کام پہ توجہ دیا کریں۔ لیکن حسب عادت آپ کام کے بجائے ادھر ادھر گھومنے، گپ شپ اور سایوں کے نیچے اور مختلف پیمانوں سے اپنے کرتے پائے گئے۔ زبانی اور تحریری ہدایات کا آپ پر کوئی اثر نہیں ہوتا۔ آپ کی وجہ سے جزیرا گھر انتظامیہ سخت پریشانی میں ہے کیونکہ آپ کے اس رویے اور عمل کی وجہ سے باقی عملہ بھی متاثر ہو رہا ہے۔ بار بار تنبیہ کے باوجود آپ نے اپنے معاملات ٹھیک نہیں کیئے اور نہ اب تک اپنے آپ میں کوئی خاطر خواہ تبدیلی لیکر آئے۔ لہذا آپ کو ہدایات دی جاتی ہیں کہ آپ اپنے معاملات درست کریں۔ ادھر ادھر فضول باتوں، سستی، غیر ضروری گپوں پیرے میں وقت ضائع کرنے کے بجائے اپنے کام پہ توجہ دیں کیونکہ آپ کا یہ رویہ اور عمل آپ کو سرکاری نوکری سے نکال بھی سکتا ہے۔




 ڈائریکٹر جنرل
 پشاور جزیرا گھر

69/140-2
 کامی برائے اطلاع و ضروری عمل
 ذہنی ڈائریکٹر پشاور جزیرا گھر کو ارسال کی گئی۔


 ڈائریکٹر جنرل
 پشاور جزیرا گھر

a/c

Annex - XIV
45

	OFFICE OF THE ADMINISTRATION OFFICER PESHAWAR ZOO	
	Phone: 091-5610011	Email: zoocare11@gmail.com
No. 241/AO-Zoo	Dated Peshawar zoo the 04/05/2019	

To,

The Deputy Director,
Peshawar Zoo

Subject: LACK OF INTERSET IN DUTY AND WEEK PERFORMANCE

Respected sir,

I am writing this letter to inform you that Mr. Majid Khattak (Mali Peshawar Zoo) is not taking interest in performing his official duties. The administration is not satisfied with his performance. His attendance is not satisfactory as he avail leave without proper sanction of the competent authority. In recent pandemic created by COVID-19, all staff of Peshawar Zoo is provided relaxation in duty timings. He was also provided with the same and allowed one month leave as he was suffering from severe chest infection. The said Mali either keeps wandering around or lying in guard room without completing any assigned tasks. He was verbally warned a few times and explanations have been called several times (Copies enclosed) but he failed to follow the discipline. His misbehavior with all beat watchers and admin officer is a point of concern. He is habitual defaulter and medically unfit. He lack experience in his relevant field, his excuses regarding duty are beyond understanding.

You respected sir are well aware of the fact that he is in his probation period, he will create problems for the whole administration in future, so it is requested kindly to take strict legal action against the said Mali. Previous Admin Officers also has highlighted his lack of interest towards his duty and his behavior in their respective letters which are attached herewith. It is further requested to terminate the said Mali without any further loss to Government assets. Please.

Read
20/05/2019

Administration Officer
Peshawar Zoo

241-42

No. ___/AO-Zoo

Dated 04/05/2019

Copy Forwarded to

- 1) Director Peshawar Zoo for information and N/A
- 2) Personal file

SA

[Signature]
Administration Officer
Peshawar Zoo



OFFICE OF THE DEPUTY DIRECTOR/DFO
PESHAWAR ZOO

Ph# 091-9221195

Email: ddirector66@gmail.com



No. 94-96 /DD/Zoo

Dated Peshawar the 06 / 02 / 2020

بجانب:

✓ قمر ایپرین بریڈنگ اسسٹنٹ

ماجد خٹک مالی

واحد حسین ایلکٹریشن

عنوان: کمزور حاضری ریکارڈ اور وضاحتی جواب

حوالہ نمبر: 180/A0-Zoo dated 03/02/2020



ایڈمنسٹریشن آفیسر کی رپورٹ کے مطابق مندرجہ بالا سٹاف کا حاضری ریکارڈ تسلی بخش نہیں ہے۔ آپ سب کو ہدایات دی جاتی ہیں کہ اپنی حاضری کے مقررہ اوقات کو یقینی بنائیں۔
اسی سلسلے میں آپ سب کو خبردار کیا جاتا ہے کہ تین دن کے اندر اپنا وضاحتی جواب دفتر ہذا میں جمع کریں کہ کیوں آپ کے خلاف قانونی کارروائی نہ کی جائے۔ دوبارہ خلاف ورزی کرنے والوں کی تنخواہ حاضری ریکارڈ کے حساب سے کاٹ دی جائے گی۔


ڈپٹی ڈائریکٹر پشاور چڑیا گھر

نمبر: _____
کاپی برائے اطلاع و ضروری عمل

- 1- ڈائریکٹر پشاور چڑیا گھر
- 2- ایڈمنسٹریشن آفیسر پشاور چڑیا گھر

ڈپٹی ڈائریکٹر پشاور چڑیا گھر

	OFFICE OF THE ADMINISTRATION OFFICER PESHAWAR ZOO	
	Phone: 091-5610011 Email: zoocare11@gmail.com	
No. <u>146</u> /AO-Zoo		Dated Peshawar zoo the 14 /01 /2020

To,

Mr. Majid Khattak
Mali, Peshawar Zoo

Subject: EXPLANATION REGARDING WILFUL ABSENCE

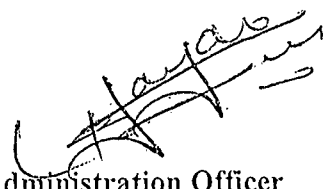
It has been observed for the last few days that you are not attending the office on time. Your habitual late coming is already reported & copied to Deputy Director. Yesterday you were absent from official duty without prior permission of the concerned official.

You are therefore directed to be punctual & explain your position immediately without wasting time.



Administration Officer
Peshawar Zoo

No. 146 /AO-Zoo Dated 14 /01 /2020

Copy Forwarded to Deputy Director Peshawar Zoo


Administration Officer
Peshawar Zoo



	OFFICE OF THE ADMINISTRATION OFFICER PESHAWAR ZOO	
	Phone: 091-5610011 Email: zoocare11@gmail.com	
No. 180 /AO-Zoo		Dated Peshawar zoo the 03 /02/2020

To,

**Deputy Director
Peshawar Zoo**

Subject: **SUBMISSION OF MONTHLY STAFF ATTENDANCE FOR JAN 2020**

Respected sir,

Kindly find enclosed herewith the monthly staff attendance of all the staff at Peshawar zoo for the month of JANUARY 2020 (16.01.2020 – 31.01.2020). Attendance for the first fifteen days of January was already submitted vide (No. 152/AO/Zoo dated 20.01.2020)

Following is the list of staff members whose daily attendance is extremely poor. Their entry and exit timings are highlighted in the attendance sheets provided with this letter.

S.No	Name	Designation	Remarks
1	Mr. Qamar ud Din	Breeding Assistant	Late Entry
2	Mr. Majid Khattak	Mali	Late Entry
3	Mr. Wahid Hussain	Electrician	Late entry

(Signature)
Administration Officer
Peshawar Zoo

*Received
3/2/20*

(Signature)

OFFICE OF THE ADMINISTRATION OFFICER
PESHAWAR ZOO

Phone: 091-5611011 Email: zooarell@gmail.com



No. / ZOO


Dated Peshawar Zoo the 07/10/2020

To,

The Director/Conservator,
Peshawar Zoo.Subject: LEAVE DETAIL OF MR. MAJID KHATAK (MALI PESHAWAR ZOO)

Reference: Your office letter No. 78/ZOO dated 06/10/2020

Respected sir,

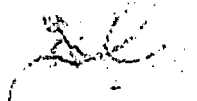
Kindly find enclosed here with the details of monthly wise attendance of
Mr. Majid Khatak (Mali Peshawar Zoo).
Administration Officer
Peshawar ZooAbstract for 09 months

Total No. of days = 274

Total allowed holidays = 36 days

Availed holidays = 122 days

Total absence = 86 days


Administrative officer
Peshawar Zoo

OFFICE ORDER NO 13 DATED PESHAWAR THE 25-08-2020,
ISSUED BY MR. IFTIKHAR UZ ZAMAN, DIRECTOR/CONSERVATOR WILDLIFE
PESHAWAR ZOO.

In exercise of the powers under Rule-15(2) of (Appointment, Promotion & Transfer) Rules 1989 as well as Terms & Conditions at S.No.iii of Office Order No.07, dated 30.08.2019, the probation period of Mr. Majid Khattak S/O Istefar Hussain, Mali is hereby extended for another one year based on his poor performance, willful absence and inefficiency as reported by the Deputy Director, Administrative Officer of Peshawar Zoo and other supervising staff. Besides he is also 'censured' for his misconduct, inefficiency & lack of interest.

Moreover in case of his similar attitude in future he is liable to be terminated under provisions of Section-11(1)(i) of Khyber Pakhtunkhwa Civil Servants Act, 1973.

sd/
(Iftikhar Uz Zaman)
Director/Conservator Wildlife
Peshawar Zoo

No. 382-87WL (Zoo)

Copy for information and necessary action forwarded to:-

1. Chief Conservator Wildlife Khyber Pakhtunkhwa, Peshawar.
2. Deputy Director/DFO Wildlife Peshawar Zoo.
3. Admn: Officer/SDWO Peshawar Zoo.
4. Divl: Accountant/Disburser of Peshawar Zoo.
5. Official concerned.
6. Personal file.

J. J. Zaman
Director/Conservator Wildlife
Peshawar Zoo

۱۹۸۰ سالہ اگست کو سرکار
۱۹۸۰ سالہ اگست کو سرکار

22

Annex "C"

INTRODUCTION

The undersigned has been nominated for conducting inquiry against Mr. Majid Khattak, Mali Peshawar Zoo vide Director Peshawar Zoo office order No. 41 dated 13/05/2020(Annex-I).

PROCEDURES

The following procedures have been adopted for conducting inquiry and arriving at logical conclusions.

1. Perusal of official record.
2. Perusal of Attendance register.
3. Inquiring his general conduct from Peshawar Zoo staff.
4. Personal interview with the said Mali.
5. Obtaining written response from Administration officer, wildlife watchers and Majid Khattak through questionnaire.

FACTS

Six gardeners (Mali) were inducted for Peshawar Zoo after completing relevant legal formalities by the selection committee vide Director Peshawar Zoo Officer order No. 07 dated 30/08/2019. (Annexure-II). Majid Khattak was one of them, who joined his duty on 04/09/2019.

However, he was reported very unusual since his first day of joining the government job. The inquiry officer, was the then administration officer of Peshawar zoo and had frequently warned him both verbally, and in written about his unusual and casual behavior. He used to wander uselessly in zoo and indulge in unnecessary gossips all the day instead of performing duty honestly. He used to sit in shade to save his skin and avoid damaging his skin color. He usually avoided working in the sun and always used to be in search of comfort zone during duty hours. In this connection, he was served with letter by the then Deputy Director warning him about his lethargic physical performance and lacks of interest in official duty vide his office letter No. 1413 dated 08/09/2019. (Annexure-III). After that, he had to be directed from time to time for efficient duty performance. He has never been found performing duty actively by himself without censure and directions from higher ups. Fed up of verbal warning and incessant directives, he was served with letter about his lack of interest in duty vide administration officer letter No. 43/Ao/zoo dated 14/09/2019 (Annexure-IV). This proved to be a temporary remedy, as he was compelled by his nature to avoid working in the sun and indulge in unnecessary gossips with everyone. He had also been reported going outside the zoo during duty hours to fetch milk for making tea and remained absent for hours under such pretension. He has also been observed inviting his relatives to Peshawar zoo and spending all the time with them instead of performing his due work. He is a habitual user of social media for which he has been reprimanded several times but to no avail. Consequently, he has been warned time and again to make him bound for duty. Back to his natural behavior, he was again warned through Administration Officer Letter No. 68/Ao/zoo dated 01/10/2019. (Annexure-V). As usual, he switched to his natural habit of avoiding duty and making willful absentees to be reported again for the repeated failures. He even did not regard his commitment he submitted in written to the administration officer. Every time he is censured for his misconduct, he pledged not to repeat it and then resorted to his troubling nature.

ATTESTED

to be true copy

[Handwritten signature and date 12/10/21]

22-A

After that, he has been reported violating duty schedule, willful absence and lack of interest in duty. He was again reported leaving duty station before time without permission of his immediate officer vide administration officer letter No. 135/Ao/zoo dated 01/01/2020 (Annexure-VI). Consequently, he was warned along with other staff officials to mend his ways and means and ensure attendance according to duty schedule vide deputy director office letter No. 69-75/DD/zoo dated 03/01/2020 (Annexure-VIII). Similarly, explanation was called from him regarding lack of interest in duty vide administration officer letter No. 146/Ao/zoo dated 14/01/2020 (Annexure-VII). In response to this explanation, he submitted his reply to the administration officer which is self explanatory (Annexure-IX). He has been reported to the Deputy Director due to his late entry despite repeated verbal warnings vide Administration Officer letter No. 180/Ao/zoo dated 03/02/2020 (Annexure-X). Deputy director called explanation from him along with other two staff vide office letter No. 94-96/DD/zoo dated 06/02/2020 (Annexure-XI). In response, he submitted reply with lame excuses and which is self explanatory. (Annexure-XII). His conduct was also reported to the director Peshawar zoo for taking necessary measure against him vide Deputy director office letter No. 99/DD/zoo dated 06/02/2020 (Annexure-XIII). All such measures fell flat on him as he continued to show his casual and unacceptable behavior. He has been reported a consistent source of concern for the zoo administration. Felt no tangible result, administration officer reported him his citing lack of interest and weak performance vide letter No. 240/Ao/zoo dated 04/05/2020 (Annexure-XIV). In this letter, the administration officer has shown an extreme of displeasure towards him and requested his removal from government service as he would create heaps of problems once his probation period is over. In this connection, same request was also made by the deputy director to the director Peshawar zoo vide his office letter No. 161/DD/zoo dated 06/05/2020 (Annexure-XV). Resultantly, Director Peshawar Zoo ordered inquiry vide office Order No. 41 dated 13/05/2020 (Annex-I).

The said Mali, Mr. Majid Khattak was personally interview. As usual, he started whiningly with lame excuses and hollow promises not to repeat the same blunders anymore. He was concerned more about his glory in case of strict action against him instead of learning any lesson from the repeated blunders till date.

A questionnaire was also handed over to him to obtain his stance in the matter (Annexure-XVI). He submitted his response (Annexure-XVII) repeating the same old and hollow pledges he usually adopts under such circumstances. His response is not satisfactory owing to his past and general conduct, reported and assessed so far.

A questionnaire was also communicated with Administration officer vide inquiry officer office letter No. 163 dated 18/05/2020 (Annexure-XVIII) in order to get his opinion about the said Mali. He submitted replies vide his office letter no. 254/Ao/zoo dated 29/05/2020 (Annexure-XIX). The response of Administration officer may be assessed which clearly indicates displeasure towards him. This show the level of his inefficiency, misconduct, lethargic nature and the troubles he created for zoo administration.

Solidifying general perception about his conduct and performance, the inquiry officer sought replies from wildlife watchers through questionnaire vide office letter No. 171 dated 02/06/2020 (Annexure-XX). The replies and perceptions of Wildlife Watchers about him are very alarming and show the extreme of discomfort about him. The replies are attached for ready reference as Annexure- XXI-XXX).

23

Following are some of the abstracts from the wildlife watchers replies;

- a) That he is highly irresponsible towards his duty.
- b) That he usually misbehaves when asked and tasked with some work.
- c) No or least interest in duty.
- d) Wasting time in political gossips, prolong rest and working in extremely slow pace.
- e) No chances of reforms in his personality based on his service duration so far.

To ascertain further, he was tasked with minor work by the inquiry officer that could be windup in one to three hours. But he did not complete it even after lapse of three days. This is his situation when the inquiry is going on against him. One can easily think about his position in general and normal days.

Again, during inspection by the inquiry officer, he was found in a contractor's office sitting on chair and talking on mobile phone instead of working. This has been his routine conduct which has created problems for the zoo administration.

CONCLUSIONS/FINDINGS

After perusal of office record, assessing general conduct and evaluating overall performance of the said Mali i.e Mr. Majid Khattak, it is concluded as follow;

1. The accused Mali has tendency to avoid orders and discipline intentionally.
2. He used to remain inactive unless and until directed by higher ups.
3. He avoids performing duty in the sun and always remains in search of comfort zone.
4. He remains absent on one pretext or other habitually.
5. He politically pressurizes for favor in avoiding his duty schedule.
6. He prefers to involve in-gossips with zoo staff instead of performing duty.
7. He is habitual to misbehave with Wildlife Watchers for reminding him tasks.
8. He is more interested in his domestic issues and least interested in official duty.
9. He is in probation and as per his appointment orders; he is liable to be removed from government service without any notice.

Recommendation:

In light of the above facts and ground realities, the inquiry officer recommends major penalty of removal from government service under Rule 4 of Khyber Pakhtunkhwa Government (Efficiency and Discipline rules), 2011.

ISHTIAQ ULLAH
ISHTIAQ ULLAH
Deputy Director Peshawar Zoo
(Inquiry Officer)

ATTESTED

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Munir
02/17/21

23-A



OFFICE OF THE ADMINISTRATION OFFICER
PESHAWAR ZOO

Phone: 091-5610011 Email: znocare1@pmail.com



No. 23/17 (Zoo)

Dated: Peshawar Zoo the 07/10/2020

To:

The Director/Conservator,
Peshawar Zoo.

Subject: LEAVE DETAIL OF MR. MUJIB KHAN (MIALI PESHAWAR ZOO)

Reference: Your office letter No. 78/Zoo dated 09/10/2020

Respected sir,

Kindly find enclosed here with the details of month wise attendance of
Mr. Mujib Khan (Mial Peshawar Zoo).

Administration Officer
Peshawar Zoo

Abstract for 09 months

Total No. of days = 274



Total allowed holidays = 36 days

Availed holidays = 122 days

Total absence = 86 days

Administrative officer
Peshawar Zoo

24-A


	OFFICE OF THE DIRECTOR/CONSERVATOR WILDLIFE PESHAWAR ZOO, PESHAWAR		
	Ph# 091-7252057	Email: zoopeshawar@gmail.com	
No. 1043 /Zoo		Dated Peshawar the 12 / 11 / 2020	

To,

Mr. Majid Khattak
Maali, Peshawar Zoo

Subject: CHARGE SHEET

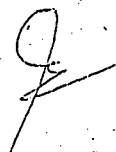
Find enclosed herewith copy of charge sheet served to you under the inquiry conducted against you for information/ necessary action and intimation to this office as per rules.


Director/Conservator Wildlife
Peshawar Zoo

No. 1044-45 /Zoo

Copy forwarded to the;

1. Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar for information please.
2. Administration officer Peshawar zoo for information.


Director/Conservator Wildlife
Peshawar Zoo

24

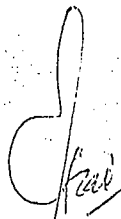
Annex "D"

CHARGE SHEET

1. I, Ishtiaq Ullah, Director Peshawar Zoo, as competent authority, hereby charge you Mr. Majid Khattak, Mali Peshawar Zoo, as follow:

That you, while posted as ~~Mali~~ Peshawar Zoo committed the following irregularities:

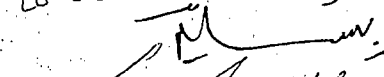
- (a) Inefficient or has ceased to be efficient,
 - (b) Guilty of misconduct,
 - (c) Guilty of habitually absenting yourself from duty without prior approval of leave.
2. By reason of the above, you appear to be guilty of inefficiency, misconduct and habitually absenteeism under rule 3 of the Khyber Pakhtunkhwa Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.
 3. You are, therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the inquiry officer, as the case may be.
 4. Your written defense, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and that case ex-parte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.



ISHTIAQ ULLAH
Director/Conservator Wildlife
Peshawar Zoo

ATTESTED


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22/7/21


25

Statement of allegations



1. That you have tendency to avoid orders and discipline intentionally.
2. You used to remain inactive unless and until directed by higher ups.
3. You avoid performing duty in the sun and always remain in search of comfort zone.
4. You remain absent on one pretext or other habitually.
5. That you politically pressurize higher ups for favor in avoiding your duty schedule.
6. You prefer to involve in gossips with zoo staff instead of performing duty.
7. You are habitual in misbehaving with Wildlife Watchers for reminding your tasks.
8. You are more interested in your domestic issues and least interested in official duty.


Director/Conservator Wildlife
Peshawar Zoo

ATTESTED

to be true copy

02/7/21

26-A


	OFFICE OF THE DIRECTOR/CONSERVATOR WILDLIFE PESHAWAR ZOO, PESHAWAR		
	Ph# 091-7256677	Email: zoopeshawar@gmail.com	
No. 1448 /Zoo	Dated Peshawar the 23 / 11 / 2020		

To,

Mr. Majid Khattak S/O Istefar Hussain
Maali, Peshawar Zoo

Subject: SHOW CAUSE NOTICE

Find enclosed herewith copy of Show Cause Notice served to you as a result of your failure to properly defend yourself reasonably in the charge sheet and under the inquiry conducted against you for information and intimation to this office as per rules.


Director/Conservator Wildlife
Peshawar Zoo

26

SHOW CAUSE NOTICE

I, Ishtiaq Ullah, Director Peshawar Zoo, as competent authority, under the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Majid Khattak S/O Istefar Hussain, as follows:

- 1. (i) That consequent upon the continuous reporting of your willful absence and non compliance of directives from your immediate higher ups and completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing; and
- (ii) On going through the findings and recommendation of the inquiry officer, the material on record and other concerned papers including your defense before the inquiry officer,-

I am satisfied that you have committed the following acts specified in Rule 3 of the said rules;

- (a) Inefficient or has ceased to be efficient,
- (b) Guilty of misconduct,
- (c) Guilty of habitually absenting yourself from duty without prior approval of leave.


2. As a result therefore, I as competent authority have tentatively decided to impose upon you the penalty of removal from Government Service under Rule-4 of the said rules.

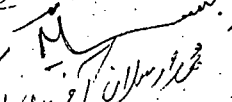
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry officer is enclosed.

Besides, you have not shunned the habit of inefficiency and willful absence despite repeated warnings and the charges against you have already been proved in an inquiry conducted under Rule 5(b) of the said Rules. You have left no opportunity to avail further chance.


ISHTIAQ ULLAH
 Director/Conservator Wildlife
 Peshawar Zoo

ATTESTED
 to be true copy

 02/7/21



28



Annex "E"


OFFICE ORDER NO. 58 DATED PESHAWAR THE 13 / 04 / 2021
ISSUED BY MR. ISHTIAQ ULLAH DIRECTOR/CONSERVATOR WILDLIFE
PESHAWAR ZOO

Mr. Majid Khattak has been a source of concern for zoo administration since his induction into government service as Gardener (Mali) BPS-03. He has been warned time and again to improve performance and official conduct. There is a long record of his casual behavior, apathy, willful absence and weak performance. Inquiry was also conducted against him due to his failure to improve performance and maintain discipline. Accordingly, he was charge sheet and later on show cause notice was issued as per E&D Rules, 2011. In response to his written reply, he was warned finally to shun the casual behavior and given opportunity to improve his ways and means. His probation period has also been extended on the above mentioned grounds.

But it has been noted that he avoids duty on one pretext and other and instead roam here there in zoo despite his assurance and commitment for efficient duty. Gossips with visitors and other zoo staff has been his routine habit instead of focusing on his assigned job.

All measures to bring him on right track, improve his performance has been exhausted but still there is no improvement in his overall conduct. Willful absenteeism has been his persistent behavior.

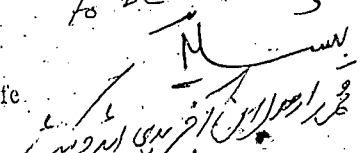
Consequently, he is hereby removed from government service under Section 4(iii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and Section 11(1)(i) of the Civil Servant Act 1973 in the interest of public and maintaining discipline in Peshawar Zoo administration.


Director/Conservator Wildlife
Peshawar Zoo

No. _____ / Zoo

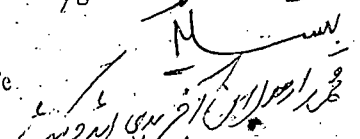
Copy forwarded to,

1. Chief Conservator Wildlife Khyber Pakhtunkhwa for information please.
2. Administration officer Peshawar Zoo for information and necessary action with reference to his latest letter No. 484/AO/zoo dated 08/04/2021.
3. Veterinary Officer Peshawar Zoo for information.
4. Majid Khattak, Maali Peshawar Zoo.
5. Accountant Peshawar Zoo for necessary action.
6. Personal file of the official.


Director/Conservator Wildlife
Peshawar Zoo

ATTACHED

to be true copy


02/07/2021

(9)

Annex "A"

OFFICE ORDER NO. 87 DATED PESHAWAR THE 30-08-2019, ISSUED BY MR. ABDUL GHAFUOR DIRECTOR/CONSERVATOR WILDLIFE PESHAWAR ZOO

Consequent upon recommendation of the Departmental Selection Committee constituted vide this office order No.39, dated 28-06-2019, the following are hereby appointed as Mali in BPS-03 (Rs: 9610-390-21310) against the existing regular posts in Peshawar Zoo:

S#	Name with Father's Name	Postal Address
1.	Saifullah S/O Rosham Khan	Michallah Mandori, P.O Urmar Payan Peshawar.
2.	Bihram Khan S/O Khizar Hayat	Yousaf Khel, Urmar Payan Tehsil & District Peshawar.
3.	Ubaid-Ullah S/O Ali Asghar	Mohallah: Sheikh Umer Baba, P/O University of Peshawar, Mulazai, Tehsil & Distt Peshawar.
4.	Majid Khattak S/O Istefar Hussain	Chan Hakeem Khan Teshil & District Peshawar

The appointment is subject to the terms and conditions mentioned hereunder:-

Terms and Conditions:-

- They will be entitled to draw pay in BPS-03 including usual allowances as admissible under the rules. They will also be entitled to annual increment as per existing policy
- They will be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 other laws applicable to the Civil Servants and rules made there- under.
- They will be on probation for a period of one year as per Rules-15(1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and extendable for another year with specific order of appointing authority within two months of the expiry of first year of probation period as specified in Rule 15(2) of rules ibid.
- In case of resignation at any time, a month notice shall be necessary or in lieu thereof a month pay shall be forfeited to Government.
- They will produce a medical certificate of fitness from Medical Superintendent, Civil Hospital Peshawar and issuance of verification of character antecedents by Police Department.
- Their appointments shall be liable to be terminated at any time without assigning any reasons before the expiry of the period of probation/ extendable period of probation, if their performance during the period is found unsatisfactory.
- They will not be entitled to any TA/DA on their first appointment as Mali BPS-03.
- The inter-se-seniority shall be determined as per relevant rules.

If the above terms and conditions are acceptable to them, they should report arrival to the office of undersigned within 30 days after issuance of this order.

No. 1293-1303/WL (E)

(Abdul Ghafuor)
Director/Conservator Wildlife
Peshawar Zoo

Copy for information and necessary action forwarded to:-

- Chief Conservator Wildlife Khyber Pakhtunkhwa, Peshawar.
- Section Officer (Estt), Government of Khyber Pakhtunkhwa, Forestry, Environment, and Wildlife Department Peshawar.
- Deputy Director/DFO Wildlife Peshawar Zoo.
- Admn: Officer/SDWO Peshawar Zoo.
- Div.: Accountant/Disburser of Peshawar Zoo.
- Officials concerned.
- Personal files:

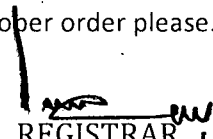

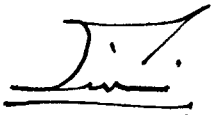
ATTESTED

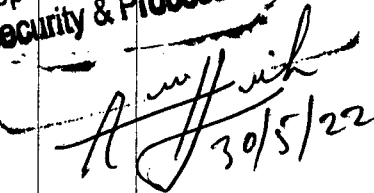
to be true copy
H. Arsalan Afridi
Advocate
2/7/21

Director/Conservator Wildlife
Peshawar Zoo

FORM OF ORDER SHEET

Court of 6728Case No.- ~~6728~~ /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/07/2021	<p>The appeal of Mr. Majid Khattak resubmitted today by Mr. Muhammad Arsalan Afridi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	23.08.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23/08/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Mr. Muhammad Arsalan Afridi, Advocate, for the appellant present. Preliminary arguments heard.</p> <p>Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 23.11.2021 before the D.B.</p> <p style="text-align: right;"> (SALAH-UD-DIN) MEMBER (J)</p>

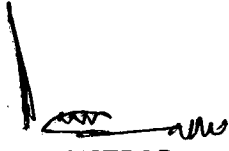
Rs-500/-
Appellant Deposited
Security & Process Fee

30/5/22

The appeal of Mr. Majid Khattak Ex-Mali Peshawar Zoo wildlife department received today i.e. on 02.07.2021 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 may be got signed by the appellant.
- 2- The photo copies overleafed be replaced with single one.

No. 1156 /S.T,

Dt. 05/07 /2021


REGISTRAR,
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

M. Arsalan Afridi Adv. Pesh.

Respected Sir, Re Submitted after completion

*The above mentioned errors are rectified
by the counsel, may kindly be proceeded
for hearing.*

*Advocate
05/7/21*



BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

In
Service Appeal No. _____/2021

Majid Khattak..... Appellant

Versus

Chief Conservator, Wildlife, KP & others..... Respondents

INDEX

S. No.	Description of documents	Annexure	Page
1.	Memo of appeal		1-5
2.	Verification / Affidavit & Addresses of parties		6-8
3.	Copy of the appointment order	A	9
4.	Copy of the medical scripts	B	10-21
5.	Copy of the inquiry	C	22-23
6.	Copy of the charge-sheet, statement of allegation, show-cause notice & reply	D	24-27
7.	Copy of the office order dated 13.04.2021	E	28
8.	Copy of the department appeal	F	29
15.	Copy of the departmental appeal & office order dated 17.06.2021	G	30-31
16.	Copy of other relevant documents	H	—
16.	Wakalatnama		32

Appellant
Majid Khattak

Through


Muhammad Arsalan Afridi
Advocate High Court,
Peshawar

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

6728

Service Appeal No. ~~6728~~ /2021

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6777

Dated 02-7-2021

Majid Khattak, Ex-Mali (BPS-03) at Peshawar Zoo,
Wildlife Department, Khyber Pakhtunkhwa, Peshawar

..... Appellant

Versus

1. Chief Conservator. Wildlife Department, Khyber Pakhtunkhwa, Peshawar
2. Director/ Conservator, Peshawar Zoo, Wildlife Department, Khyber Pakhtunkhwa, Peshawar
3. Administration Officer, Peshawar Zoo, Wildlife Department, Khyber Pakhtunkhwa, Peshawar

..... Respondents

Service Appeal u/s 4 of the KP Service Tribunals Act, 1974 against the office order No.17, dated 17.06.2021 of respondent No.1 whereby the departmental appeal of the appellant from the office order No.58, dated 13.04.2021 of respondent No.2 of imposing major penalty of "removal from service", was dismissed.

Filed to-day

Registrar

02/07/2021

PRAYER

On acceptance of this appeal the impugned orders dated 17.06.2021 and 13.04.2021 of the respondents may kindly be set aside and the appellant may be reinstated to his

Re-submitted to -day
and filed.

Registrar

6/7/2021

post (Mali, BPS-03) with all back benefits
admissible under the law and rules.

Respectfully submitted;

1. That the appellant was appointed by the Wildlife Department, Khyber Pakhtunkhwa, as Mali (BPS-03) at Peshawar Zoo, Peshawar on 30.08.2019 vide appointment order No.7. (Copy of the appointment order is annexed)
2. That during service, the appellant has well performed his duties as per requirement and there has been no complaint against the appellant rather has served the department enthusiastically and honestly.
3. That unfortunately in the year 2020, the appellant and then his father fell ill and later-on the appellant's father was diagnosed Covid-19 (Corona Virus) due to which he quarantined himself with his father. Therefore, the appellant couldn't attend the office and perform his duties in those days. (Copy of the medical scripts is annexed)
4. That in pursuance of absence of the appellant from service, which was due to the above reason, an inquiry was initiated. The inquiry officer (respondent No.2) was appointed in this respect who under Rule 4 of KP (E&D) Rules, 2011 recommended major penalty of removal from service upon the appellant. (Copy of the inquiry is annexed)
5. That the appellant was charge sheeted alongwith statement of allegations by respondent No. 2 and show-cause notice was issued which was replied by the appellant by denying the allegations with justifiable reasons. (Copy of the charge-sheet, statement of allegation, show-cause notice & reply is annexed)

6. That in complete violation of the law and rules, the appellant was imposed major penalty of removal from service by respondent No.2 vide office order No.58, dated 13.04.2021. (Copy of the office order dated 13.04.2021 is annexed)
7. That being aggrieved of the removal order above, the appellant filed departmental appeal on 19.04.2021 vide diary No.870 to the respondents within time to respondent No.2 who straightaway wrote "rejected" on the departmental appeal without any hearing and explanation. (Copy of the department appeal is annexed)
8. That the appellant preferred departmental appeal to respondent No.1, being appellate authority, on 01.06.2021, which was rejected vide office order No.17, dated 17.06.2021. (Copy of the departmental appeal & office order dated 17.06.2021 is annexed)
9. That the appellant is now filing this service appeal against both the impugned orders dated 17.06.2021 and 13.04.2021 of respondents No.1 & 2 in the hon'ble Tribunal, on the following grounds;

GROUND

- A. That the impugned orders of the respondents are illegal which have been rendered without keeping in view the actual facts of the case, therefore, are not tenable in the eyes of law.
- B. That the appellant has nothing done unlawful and the allegations of ill performance, absence from duty, etc are baseless and wrong. Rather, as stated above, the appellant well performed his duties and never remained absent without any reason. The absence of the appellant was due to the above reasons which were duly communicated to the

respondents and leave was sought. The medical record is worth perusal but the respondents have ignored this record.

- C. That it is worth mentioning that the inquiry officer and the officer imposing major penalty of removal from service is one and the same person which under the law and rules is not permissible. The whole exercise done by the respondents as such is illegal and the impugned orders are not sustainable.
- D. That the respondents have misused their authority by initiating illegal proceedings against the appellant and have mala fide imposed major penalty upon the appellant.
- E. That the inquiry officer, so appointed, has not conducted the inquiry according to the law and rules. Moreover, no codal formalities have been observed while conducting the inquiry proceedings. The whole proceedings have been done one sided and no opportunity of hearing has been provided to the appellant.
- F. That there is nothing independent evidence or witness available on record to substantiate the version of the appellant. The inquiry officer has recorded no statement of any person regarding the allegation against the appellant.
- G. That the inquiry officer in violation of the office letter No. SOR-V(E&AD)/Instruction/2014, dated 28.03.2014 has recommended penalty to be imposed upon the appellant. The inquiry officer has no right/ authority to recommend penalty against accused. This makes the whole proceedings illegal which are not sustainable in the eyes of law.
- H. That the appellant has always done his duty diligently and with honesty. The allegations leveled against the appellant are baseless and frivolous.

- I. That the appellant has been condemned unheard. No opportunity of personal hearing has been provided to the appellant, which is against the natural justice.
- J. That the penalty so imposed upon the appellant is neither legally justifiable nor commensurate with the facts/allegations and is therefore liable to set at naught.

It is, therefore, prayed that on acceptance of this appeal the impugned orders dated 17.06.2021 and 13.04.2021 of the respondents may kindly be set aside and the appellant may be reinstated to his post (Mali, BPS-03), with all back benefits admissible under the law and rules.

Through

Appellant
Majid Khattak

Majid

Majid khattak

M
Muhammad Arsalan Afridi
Advocate High Court,
Peshawar

**BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR**

In
Service Appeal No. _____/2021

Majid Khattak..... Appellant

Versus

Chief Conservator, Wildlife, KP & others..... Respondents

VERIFICATION

I, Majid Khattak, Ex-Mali, Peshawar Zoo, Wildlife, Khyber Pakhtunkhwa, Peshawar, (Appellant) do hereby verify that the contents of the accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this hon'ble Tribunal.

Majid
Deponent

17201-2479145-7

7

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Majid Khattak.....(Appellant)

V E R S U S


Chief Conservator and others.....(Respondents)

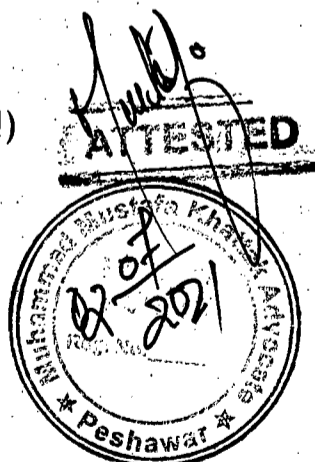
AFFIDAVIT

I, Majid Khattak, Ex-Mali (BPS-03) at Peshawar Zoo Wildlife Department Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm and declare on oath that all the contents of accompanying Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honourable Court.

DEPONENT Majid
CNIC # 17201-2479145-7
Cell # 0315-9716863

Identified by:-


(MUHAMMAD ARSALAN AFRIDI)
Advocate
High Court, Peshawar



BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PUKHTUNKHWA,
PESHAWAR

Majid Khattak

V E R S U S

Chief Conservator and others

MEMO OF ADDRESSES


APPELLANT

Majid Khattak, Ex-Mali (BPS-03) at Peshawar Zoo Wildlife
Department Khyber Pakhtunkhwa Peshawar

RESPONDENTS

1. Chief Conservator Wildlife Department, Khyber Pakhtunkhwa
Peshawar
2. Director/Conservator, Peshawar Zoo, Wildlife Department,
Khyber Pakhtunkhwa Peshawar
3. Administration Officer, Peshawar Zoo, Wildlife Department,
Khyber Pakhtunkhwa Peshawar

Through: Appellant


(MUHAMMAD ARSALAN AFRIDI)
Advocate,
High Court, Peshawar

Dated: -02-07-2021

(9) Annex "A"

OFFICE ORDER NO 07 DATED PESHAWAR THE 30-08-2019, ISSUED BY MR. ABDUL GHAFUOR DIRECTOR/CONSERVATOR WILDLIFE PESHAWAR ZOO

Consequent upon recommendation of the Departmental Selection Committee constituted vide this office order No.39, dated 28-06-2019, the following are hereby appointed as Mali in BPS-03 (Rs: 9610-390-21310) against the existing regular posts in Peshawar Zoo:

S#	Name with Father's Name	Postal Address
1.	Saifullah S/O Rosham Khan	Mohallah Mandori, P.O Urmar Payan Peshawar.
2.	Bihram Khan S/O Khizar Hayat	Yousaf Khel, Urmar Payan Tehsil & District Peshawar.
3.	Ubaid Ullah S/O Ali Asghar	Mohallah: Sheikh Umer Baba, P/O University of Peshawar, Mulazai, Tehsil & Distt Peshawar.
4.	Majid Khattak S/O Istefar Hussain	Ghani Hakeem Khan Teshil & District Peshawar

The appointment is subject to the terms and conditions mentioned hereunder:-

Terms and Conditions:-

- i. They will be entitled to draw pay in BPS-03 including usual allowances as admissible under the rules. They will also be entitled to annual increment as per existing policy
- ii. They will be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 other laws applicable to the Civil Servants and rules made there- under.
- iii. They will be on probation for a period of one year as per Rules-15(1) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989 and extendable for another year with specific order of appointing authority within two months of the expiry of first year of probation period as specified in Rule 15(2) of rules ibid.
- iv. In case of resignation at any time, a month notice shall be necessary or in lieu thereof a month pay shall be forfeited to Government.
- v. ~~They will produce a medical certificate of fitness from Medical Superintendent, Civil Hospital Peshawar and issuance of verification of character antecedents by Police Department.~~
- vi. Their appointments shall be liable to be terminated at any time without assigning any reasons before the expiry of the period of probation/ extendable period of probation, if their performance during the period is found unsatisfactory.
- vii. They will not be entitled to any TA/DA on their first appointment as Mali BPS-03.
- viii. The inter-se-seniority shall be determined as per relevant rules.

If the above terms and conditions are acceptable to them, they should report arrival to the office of undersigned within 30 days after issuance of this order.

No. 1293-1308/ML (E)

(Abdul Ghafoor)
Director/Conservator Wildlife
Peshawar Zoo

Copy for information and necessary action forwarded to:-

1. Chief Conservator Wildlife Khyber Pakhtunkhwa, Peshawar.
2. Section Officer (Estt), Government of Khyber Pakhtunkhwa, Forestry, Environment, and Wildlife Department Peshawar.
3. Deputy Director/DFO Wildlife Peshawar Zoo.
4. Admn: Officer/SDWO Peshawar Zoo.
5. Div: Accountant/Disburser of Peshawar Zoo.
6. Officials concerned.
7. Personal files.

Director/Conservator Wildlife
Peshawar Zoo

ATTESTED

to be true copy
M. Arsalan Afridi
Advocate

2/7/21



ACCIDENT & EMERGENCY DEPARTMENT
Khyber Teaching Hospital
Medical Teaching Institution,
Peshawar - KPK

R
Y
G

29/11/93

Complaints:

We have this patient on lost for 15 days
but surgery is postponed due to
chest infection. The patient
is advised for bed rest & medical
treatment.

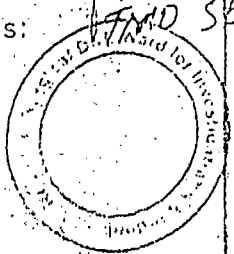
patient on lost for 15 days
due to chest infection. The patient
is advised for bed rest & medical
treatment.

Findings:

after resolution of chest infection
15 days bed rest

Dated: 28/9/2000

Investigations:



Dr. Haseeb Askar
Peshawar

Diagnosis:

Consultant Name

Handwritten notes and signatures:
Patient is admitted
19/09/2000
21/9/2000
15 days bed rest

ATTESTED

to be true copy

Advocate
5/7/02

10-A

To

The Director/ Conservator Wildlife,
Peshawar Zoo, Peshawar.

Subject: APPLICATION FOR EXTENSION IN BED REST

It is stated that as per my previous application the operation according to my illness was expected on 21/02/2020 but due to infection in my chest the doctor postponed the same operation till recover of my chest infection he also advised 15 days bed rest for recovery (detail is enclosed) I therefor requested to extend my bed rest till 13/10/2020.

Thanks!
Forward through proper channel!
2/10/2020

Majid
Majid Khattak
Mali Peshawar Zoo

A-2
Ph Comment no 798/2020
6/10/2020 AIO
ablene / please submit in detail
AR/AI
6/10/2020

To Director Peshawar Zoo:
The said mali is a headache for zoo administration. He was given the security guard duty on Amanabad gate so he was unable to perform gardening related activities. His illness & excuses are right from the start of his career. He was provided proper relaxation in COVID-19 & another one month due to his excuses as beyond chest infection. He will continue his hobby & bed rest as this is his hobby. kindly request, please to consider his request, please.
2/10/2020

ATTESTED

to be true copy

[Signature]

Advocate
05/7/2021

Col. Dr.
Muhammad Farooq Malik

MBBS (Pak), DIM (Pak) RSCFHS (Saudi Arabia), FCPS (Pak)
OIT Infectious Disease (United Kingdom)
Classified Medical and Infectious Diseases Specialist
Associate Professor of Medicine
Head of Department of Medicine CMH Nowshera



11

پروفیسر کرنل ڈاکٹر
محمد فاروق ملک

ایم بی بی ایس (پاک)، ڈی آئی ایم (پاک) آر اے ایس ای ایف ایچ ایس (سعودی عرب)
ایس ای ایف ایچ ایس (پاک) او ایس ای ایف ایچ ایس ڈی پی ڈی (انگلینڈ)
کلاسفائیڈ میڈیکل اینڈ انفیکٹس ڈیزیز سپیشلسٹ
ایسوسی ایٹ پروفیسر آف میڈیسن ایچ ایم ایف ایچ ایس ای ایم ایچ ڈی پی

Name: Zafar Hussain Age: 65 Wt: -

Date: 05-04-21 BP: 110/70

Clinical Data	S.No	Drug	Dose Route	Timing			Other Advice
				صبح	دوپہر	شام	
Temp-100°F	1	TD Ceftriaxone	4g	1	-	-	سے 5
RPR-198	2	TD Sitazone	(50/100)	1	-	1	
	3	TD DAPA	10g	1	-	-	
DM (HbA1c)	4	TD Loprin	75g	1	-	-	
COVID-19	5	TD Rolip	10g	-	-	1	
(Clinical)	6	TD Regastril	1g	1	-	1	5 سے 10
Chest/sept	7	TD Escort	40g	1	-	-	
sk	8	TD Cal Dew		1	-	-	
	9	TD Megnam-2		1	-	-	
	10	ly. MD ₃	(200 mg)				5 سے 10
	11						
	12						

For PA Appointment: Mishal Mehmood # 0345-1303099

ATTESTED
to be true copy
Advocate
05/7/21

11-A

98

بخدمت جناب سیکریٹری وائلڈ لائف پشاور چڑیا گھر خیبر پختونخواہ

عنوان: ایچل برائے بحالی سروں

جناب عالی!

سائل حسب ذیل عرض رساں ہیں:-

1- یہ کہ سائل حکیم گھڑی پشاور کا مستقل اور باعزت رہائشی ہے۔
2- یہ کہ سائل محکمہ وائلڈ لائف پشاور چڑیا گھر میں بطور مالی اپنی ڈیوٹی سرانجام دے رہا تھا۔
3- یہ کہ سائل کا والد صاحب ایک عمر رسیدہ شخص ہے اور موجودہ دباہ کی وجہ سے والد ام بھی کر دنا کا شکار ہو گئے تھے۔ جسکی وجہ سے سائل سخت ذہنی اذیت میں مبتلا تھے اور تیار داری کے لیے سائل کے علاوہ دیگر کوئی نہیں تھا اور تمام تر ذمہ داری سائل پر تھی اور سائل بھی دن رات والد ام کی خدمت اور تیار داری میں لگا رہا تھا۔ جس کی وجہ سے سائل ڈیوٹی سرانجام دینے سے قاصر رہا تھا۔ اور اس بابت سائل نے ڈائریکٹر اور ایڈمن کو بذریعہ فون آگاہ کیا تھا کہ سائل چونکہ سخت اذیت سے گزر رہا ہے اس لیے سائل کو چھٹی عنایت کرے تاکہ سائل اپنے والد کی تیار داری کر سکے۔

4- یہ کہ تقریباً ایک ہفتہ تک سائل اپنے والد ام کے ساتھ دن رات ہسپتال اور گھر میں تیار داری میں مصروف رہا اس دوران سائل کو پتہ چلا کہ متعلقہ محکمہ نے سائل کو برخاست کرنے کا ایئر تیار کیا ہے۔ اس لیے سائل اپنے پیارے باپ کو اللہ کے سرے پر چھوڑ کر جب اپنے ڈیوٹی کے لیے آیا تو سائل کو آفس آرڈر نمبر 58 بمورخہ 13 اپریل 2021 حوالہ کیا گیا کہ آپ کو نوکری سے برخاست کیا گیا ہے۔

اس لیے استدعا ہے کہ سائل چونکہ ایک غریب گھرانے سے تعلق رکھتا ہے اور گھر کی کفالت کا سارا دار و مدار اس نوکری پر ہے اس لیے گزارش ہے کہ متعلقہ حکام کو ہدایت جاری فرمائی جاوے کہ مذکورہ بالا آفس آرڈر کو منسوخ کر کے سائل کو اپنی ملازمت پر بحال کیا جائے کیونکہ نہ تو سائل کو کوئی اطلاع دی گئی تھی نہ کوئی نوٹس نہ اخبار میں اشتہار وغیرہ اور اس سے پہلے سائل کی نوکری کا ریکارڈ بھی مکمل صاف ستھرا ہے اس لیے نہ صرف سائل بلکہ سائل کے پورے خاندان کے ساتھ ایک ظلم اور نا انصافی ہے چونکہ سائل اپنے ضعیف اور بیمار والد صاحب کی خدمت اور تیار داری کی وجہ سے سائل کو مزادی جاری ہے جو کہ سراسر ظلم اور نا انصافی ہے اس لیے استدعا ہے کہ فوری نوٹس لیا جائے تاکہ سائل کو اپنے حق سے محروم نہ کیا جاسکے۔

سائل اور سائل کے تمام گھر والے تاحیات آپکے لیے دعا گو رہینگے۔

عین نوازش ہوگی۔

العبد

ماجد خشک ولد استغفار حسین (مالی وائلڈ لائف پشاور چڑیا گھر)

موبائل نمبر: 03159716863

ایک عدد کاپی برائے

1- چیف سیکریٹری پشاور خیبر پختونخواہ

2- پاکستان سٹیشن پورٹل اسلام آباد

3- وزیر اعلیٰ کیپلینٹ سیل خیبر پختونخواہ پشاور

4- چیف جسٹس پشاور ہائی کورٹ

5- اسٹیشن آرٹسٹس وائلڈ لائف اینڈ فارسٹ خیبر پختونخواہ پشاور

ATTESTED

المرقوم: 19 مئی 2021

to be true Copy

Advocate
5/7/21

SO (Estab)

ASCA

5/7/21

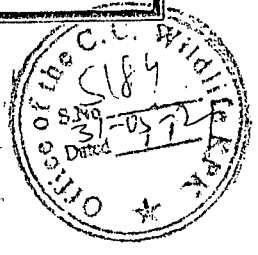
5/7/21

**GOVERNMENT OF KHYBER PAKHTUNKHWA
FORESTRY, ENVIRONMENT & WILDLIFE DEPARTMENT**

**NO.SO(Estt)/FE&WD/1-43/2020/KC
Dated Peshawar the, 28th May, 2021**

To
The Chief-Conservator Wildlife,
Khyber Pakhtunkhwa,
Peshawar.

Office No. 964
Date 3-6-2021



Subject: **APPLICATION FOR RE-INSTATEMENT IN SERVICE**

I am directed to refer to the subject captioned above and to enclose herewith a copy of an application dated 19th May, 2021 alongwith its enclosures in respect of Mr. Majid Khattak S/o Istifar Hussain, Ex-Mali Peshawar Zoo.

In this regard, it is requested to look into the matter and take necessary action strictly as per the rules/policy under intimation to this department, please.

Encl: As above

[Signature]
SECTION OFFICER (ESTT)

Encl: No: & date even

Copy is forwarded for information to PS to Secretary, Forestry, Environment & Wildlife department, Khyber Pakhtunkhwa.

[Signature]
SECTION OFFICER (ESTT)

No. 9068 WL (B-X-08)

Dated Peshawar the 31 /05/2021

Copy alongwith its enclosure forwarded to Director/Conservator Wildlife Peshawar Zoo for submission of his comments.

*He is a habitual liar
and making false claims
to prove himself innocent.
3/6/2021*

[Signature]
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar

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[Signature]
Advocate
5/8/21

خدمت جناب چیف کمشنر ڈیپارٹمنٹ آف ایڈمنسٹریشن

مخبروں: ایپیل سرکاری سروس

965
3-6-2021

جناب عالی
میں نے اپنے والدین اور والدہ کی طبیعت اور موجودہ صورتحال کے بارے میں
بیماری کے بارے میں پتہ چلایا ہے۔ جن کی وجہ سے وہ بیمار ہو گئے۔
اسی پر کئی دنوں سے والدین بیمار ہیں اور طبیعت ابتر ہے۔
ان کے پاس کوئی دوا نہیں ہے اور وہیں سے دوا بھی نہیں آ رہی ہے۔
میں نے ان کے بارے میں اطلاع دی ہے اور وہیں سے دوا بھی نہیں آ رہی ہے۔

جناب عالی
میں نے اپنے والدین اور والدہ کی طبیعت اور موجودہ صورتحال کے بارے میں
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میں نے ان کے بارے میں اطلاع دی ہے اور وہیں سے دوا بھی نہیں آ رہی ہے۔

میں نے اپنے والدین اور والدہ کی طبیعت اور موجودہ صورتحال کے بارے میں
بیماری کے بارے میں پتہ چلایا ہے۔ جن کی وجہ سے وہ بیمار ہو گئے۔
اسی پر کئی دنوں سے والدین بیمار ہیں اور طبیعت ابتر ہے۔
ان کے پاس کوئی دوا نہیں ہے اور وہیں سے دوا بھی نہیں آ رہی ہے۔
میں نے ان کے بارے میں اطلاع دی ہے اور وہیں سے دوا بھی نہیں آ رہی ہے۔

جناب عالی
میں نے اپنے والدین اور والدہ کی طبیعت اور موجودہ صورتحال کے بارے میں
بیماری کے بارے میں پتہ چلایا ہے۔ جن کی وجہ سے وہ بیمار ہو گئے۔
اسی پر کئی دنوں سے والدین بیمار ہیں اور طبیعت ابتر ہے۔
ان کے پاس کوئی دوا نہیں ہے اور وہیں سے دوا بھی نہیں آ رہی ہے۔
میں نے ان کے بارے میں اطلاع دی ہے اور وہیں سے دوا بھی نہیں آ رہی ہے۔

Forwarded to Director/Chief, 0315-9716863
Paswanas Zoo for n/a and
submission of his community

as already stated with the
office email, No. 9068/2021 dt. 31-5-2021

Seen 4/6/2021

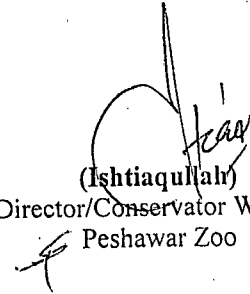
11/6/21
Paswanas

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Advocate
05/7/21

(13)

OFFICE ORDER NO. 18 DATED PESHAWAR THE 22-09- /2020,
ISSUED BY MR. ISHTIAQULLAH, DIRECTOR/CONSERVATOR WILDLIFE
PESHAWAR ZOO PESHAWAR

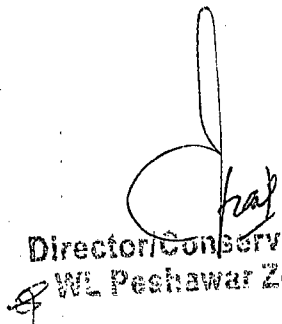
Mr. Majid Khattak, Mali, Peshawar Zoo is granted fifteen days medical leave with effect from 19-09-2020 to 03-10-2020 (both days inclusive) in connection with his treatment of Hernia problem. After expiry of leave, he will resume his duty on same station from where he proceeded on leave.


(Ishtiaqullah)
Director/Conservator Wildlife
Peshawar Zoo

No. 591-96 /WL/Zoo


Copy forwarded for information and necessary action to the:-

1. Admin: Officer, Peshawar Zoo, Peshawar.
2. Veterinary Officer, Peshawar Zoo, Peshawar.
3. Education Officer, Peshawar Zoo, Peshawar.
4. Office Assistant-1, Peshawar Zoo, Peshawar.
5. Office Assistant-II, Peshawar Zoo, Peshawar.
6. Personal file.


Director/Conservator
WL Peshawar Zoo

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Advocate
08/7/21

14

KHYBER TEACHING HOSPITAL PESHAWAR

University Road, Peshawar. Phone: +92-91-9224400, Fax: --
Email: info@kth.gov.pk, Website: http://www.kth.gov.pk

PARCHI INVOICE OPD KTH



OUTPATIENT DEPARTMENT (OPD)

SURGICAL - OPD Token# 028

Appointment Time : 09:30:00

Medical Teaching Institution, Peshawar

Khyber Pakhtunkhwa - Pakistan.

M.R. No : K0320002898628
Name : MAJID KHATTAK
Gender : Male
Age : 45 Year(s)

Receipt # : K03201022290
Amount Paid : 10.00
Date : 17-SEP-20

13

History

Indirect inguinal Hernia

Complaints:

Clinical Examination

Swelling in left Side Inguinal Region 2 months
Generalized weakness 1 year

Provisional Diagnosis

Findings:

Investigations

Investigations:

Swelling in Right Side Inguinal Region

19/9/2020

Surgical E ward
COVID-19

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17-09-2020 08:47 AM - KTH-0128

Page 1 of 1
S08REP00336

Diagnosis:

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Advocate
05/7/2021

Next Visit:

Consultant Name:

Signature:

Phone: 031-9224400

Website: www.kth.gov.pk

14-A

To

The Director/ Conservator Wildlife,
Peshawar Zoo, Peshawar.

Subject: APPLICATION FOR CASUAL LEAVE

It is stated that I am ill the doctor has advised me 15 days bed rest from 19/09/2020 to 03/10/2020.

It therefore requested to grant me leave of the above mentioned period.

OK
29/9/2020

Majid Khattak
Majid Khattak
Mali Peshawar Zoo

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M. Advocate
05/7/21

15



ACCIDENT & EMERGENCY DEPARTMENT

Khyber Teaching Hospital
Medical Teaching Institution,

19-
25-03

Peshawar - KPK

MR. NO. KKCSACE2847267

ORCID: MUHAMMIL SHAH

65 Years

Male

ACUTE EMB

MAJID KHATTAN

10/03/20

EMERGENCY

CADUALLY

R
Y
G

2901993

Complaints:

Rx

Findings:

Investigations:

Diagnosis:

Next Visit:

Consultant Name

Dr. Haseeb Askar
TPO SOWAIT
KTH Peshawar

Handwritten notes:
Patient is Admitted
for Ankle Impairment with ul
On 19/09/2020
On 21/9/2020, with Rx Operated
Wound Seal Pst with
15 days

Handwritten notes:
to be true copy
Advocate
08/7/21

Lt. Col. Dr. Muhammad Farooq Malik

MBBS (Pak), DDM (Pak) RSCFHS (Saudi Arabia), FCPS (Pak)
OJT Infectious Disease (United Kingdom)
Classified Medical and Infectious Diseases Specialist
Associate Professor of Medicine
Head of Department of Medicine CMH Nowshera



لیفٹیننٹ کرنل ڈاکٹر
محمد فاروق ملک
ایم بی بی ایس (پاک) ڈی ایم ڈی (پاک) آر ایس ای ایف ایف ایس (سعودی عرب)
ایف سی بی ایس (پاک) اور سی بی ایف ایس ڈی جی ڈی (انگلیڈ)
کامیونٹی میڈیسن ایف ایف ایس ڈی جی ڈی (انگلیڈ)
ایسوسی ایٹ پروفیسر آف میڈیسن ایف ایف ایس ڈی جی ڈی (انگلیڈ)

Name: Iqbal Hussain Age: 65y Wt: -
Date: 05-04-21 BP: 110/70

Table with columns: Clinical Data, S.No, Drug, Dose Route, Timing (صبح, دوپہر, شام), Other Advice. Contains handwritten medical notes and prescriptions.

For PA Appointment: Mishal Mehmood # 0345-1303099

ATTEN...
to be true copy
Advocate
05/7/21

محکمہ صحت - ڈائریکٹر صحت تعلیم و اعلیٰ لرننگ سٹیٹو، پشاور

Office of the PD/CWL
Peshawar Zoo, Peshawar
Diary No: 870
Dated: 19-8-2021

صوبہ عالی!

عنوان: محمدانہ ایپر سیر فلڈ آف آئین آرڈر نمبر 58 مورہ 13⁵⁴/₂₀₂₁
حکمہ صحت سے منسلک کر کے عدالت سے درخواست کیا گیا ہے۔

موردہ مذکورہ شخص نے من سائل اپیلرٹ اپنے حکم سے بطور عالی
اپنی ڈیوٹی سرانجام دینا چاہتا ہے اور اس سے

یہ کہ من اپیلرٹ کے والد صاحب نے ایک غیر رسدہ شخص سے اور موجودہ
ویا کی وجہ سے من سائل کے والد صاحب کو دانا و باند کا شکار ہو چکا ہے اور
اور حکمی تیار دارہ کیلئے اپنے گھر والے خود کھانا پکوانے لگے اور کھانا
اور اپنے ڈیوٹی کی انجام دہی سے حاضر رہا ہوں۔

یہ کہ سائل صرف چند بچوں کے ساتھ رہتا ہوں جو کہ بوجہ بالہ کے علاوہ اور
سائل اپنے فریقوں میں کہیں کہیں کوئی نہ رہتی ہے اور نہ یہ کہیں بھی اپنی
ڈیوٹی سے غائب رہا ہوں۔

یہ کہ اپیلرٹ حضرت ایک غریب شخص سے اور اپنے خاندان کے ساتھ کھانا کھاتا ہے۔

لکھنؤ ایپر سیر فلڈ آف آئین آرڈر نمبر 58 مورہ 13⁵⁴/₂₀₂₁

کریسٹین سائل اپیلرٹ کو اپنی عدالت پر
بحال کرنے کے اوقات سے صادر ہوئے ہیں۔

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05/7/2021
19/8/2021

سائل تاثر دے گا۔

محمد خلیفہ ولد افتخار حسین، طالب (BPS) حکمہ و اعلیٰ لرننگ سٹیٹو، پشاور

17

COVID-19 Hospital
(Peshawar - KPK)
Patient Discharge Card

Patient Name: TAFKHAAR S/o, D/o, W/o: Tarzan

CNIC: 17201-2979145-7 Contact # (mandatory): 0315-9716063

Address: Peshawar

Age: 60 yrs Gender: F. male Blood Group: _____

Bed #: _____ Date of Admission: 06/04/21 Discharge Date: 09/04/21

CRP #: 14853 OPD #: 1077 IPD #: _____

PROVISIONAL DIAGNOSIS Covid-19 Positive

FINAL DIAGNOSIS _____

Consultant Name: Dr. Faraz Akhtar Signature: [Signature]



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Munir
Advocate
05/07/21

by Kim box (2g) 1/2 shot & OD
 D2 Azomycin (500) 1/2 shot
 Ventolin 2 tabs (1-1) X TD

17-A

Plan

- by: Rivedesin 200 of 1/2 shot - Day 1
 100 of 1/2 X OD - 4 days (from Day 1)

= by: Decadron 4 of 1/2 X OD

Investigation:-

- CBC ¹⁰⁰⁰
- CRP (Quantitative) ²⁰⁰
- ESR
- Urea / Creatinine / Na / K
- Bilirubin / ALT / ALP
- HbA1c ⁷⁵⁰
- Hbs Ag
- Anti-HCV
- TSH
- Vitamin D Level
- Urine RE / CS / Microalbuminuria ¹⁵⁰
- Stool RE / CS / Occult blood
- ECG ⁴⁰⁰

- X-Ray
- USG Abdomen / Pelvis / Doppler
- CT Scan ¹⁰⁰⁰ for CT check
- MRI
- Sputum RE / CS / AFB / Genexpert
- Culture Sensitivity
- PCR (Quantitative) ⁵⁰⁰⁰ for COVID-19
- HIV
- 2-D Echo
- EFT
- Spirometry
- CT Angio
- Others

LI CO. Dr. Muhammad Farooq
 MBBS (Pak), DM (Pak), FRCR (UK), FRCR (UK)
 FRCRHS (UK), FRCR (UK), FRCR (UK)
 Consultant, Head of Endocrinology
 Associate Professor of Medicine
 Head of Department of Medicine
 CMC Hospital, Rawalpindi

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Advocate
 05/7/21

Other Instruction:-

by. Kinorex (2g) 1/2 tab & OD
DO Azomycin (500) 1/2 tab, bid } 0.7
Vanthine tabs (5) x TD } 0.7

Plan

- by: Prednisone 20mg 1/2 tab - Day 1
10mg 1/2 x OD - 4a.m (from Day 2)

- by: Dehydration of 1/2 x OD
if urine +ve

Investigation:-

- CBC ⁵²⁵
- CRP (Quantitative) ¹⁰⁰⁰
- ESR
- Urea / Creatinine / Na / K ³⁰⁰
- Bilirubin / ALT / ALP ²⁵⁰
- HbA1c ⁷⁵⁰
- Hbs Ag
- Anti-HCV
- TSH
- Vitamin D Level
- Urine RE / CS / Microalbuminuria ¹⁵⁰
- Stool RE / CS / Occult blood
- ECG ¹⁵⁰⁰

- X-Ray
- USG Abdomen / Pelvis / Doppler
- CT Scan ¹⁰⁰⁰ H/O CT - chest
- MRI
- Sputum RE / CS / AFB / Genexpert
- Culture Sensitivity
- PCR (Quantitative) ⁵⁰⁰⁰ for COVID-19
- HIV
- 2-D Echo
- EFT
- Spirometry
- CT Angio
- Others

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to be true copy
Advocate
05/7/2021

Lt Col. Dr. Muhammad
MBBS (Pak), DIM (Pak), FICS Med (Pak)
RSCHS (K.S.A), FICD (U.K)
Consultant Internal Medicine, Infectious Diseases
Associate Professor of Medicine
Head of Department of Medicine
CMH Nowshera KPK

18-A

COVID-19 Hospital
(Peshawar-KPK)
Patient Discharge Card

Patient Name: TAKHAR S/o, D/o, W/o: Tenzan

CNIC: 7201-2479145-7 Contact # (mandatory): 0315-9716863

Address: Peshawar

Age: 60 yrs Gender: F. male Blood Group: _____

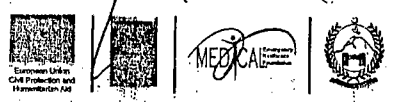
Bed #: _____ Date of Admission: 06/04/21 Discharge Date: 9/04/21

CRP #: 14853 OPD #: 1077 IPD #: _____

PROVISIONAL DIAGNOSIS Covid-19 Positive

FINAL DIAGNOSIS _____

Consultant Name: Dr. Fazal Akbar Signature: [Signature]



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[Signature]
Advocate
05/7/21

11/10/19

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Investigations

All B.L.T's

Procedure Notes (if any)

Treatment at Home

1 Tab Amoxiclav 625mg → 5 days

2 Tab. Deltacort 57.5 → D1 / 47.5 → D2 / 37.5 → D3 / 27.5 → D4

3 Tab. Sorbas 2 - 1 Monday (170)

4 Tab. Lecan (1444) → 15 days

5 Tab. Risco 40mg → 14 days

6 Tab - Xcept 10mg → 1 month

7 mg. insulin 70/30 E 1/12

U.S. copy of medical records

R/B

Handwritten signature and notes at the bottom right.

Chief Complaints

SCB, Fever, Diarrhea

Treatment at Hospital

inj. Ceftriaxone 1g bld 1/4

inj. Heparin 5000u TDS SC

inj. Dexa 1.55cc 1/4 OD

Tab. Ivermectin for 3 days

Tab. Cecon 1810

Tab. Simbar. 2 P/O OD

Cap. Combivir TDS

inj. indro/7

inj. W/Salin 500ml

insulin 70/30 M-24

R-14

inj. Fetto bioa 1/4 OD

19-A

Chief Complaints

S.B. Fever, chills

19-A

Treatment at Hospital

- inj. Ceftriaxone q 6h IV
- inj. HyPram SOLG. 10:20
- inj. Dexam. 1.55cc IV OD
- Tab. Ivermectin for 3 days
- Tab. Cecon 1810
- Tab. Sibax 2 P/O OD
- Cap. Combivir TDS
- inj. indoxol
- inj. G/Salin 500ml
- insulin 7c/3c M-24
R-14
- inj. Mette bron 1/4 OD

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Advocate

08/7/21

20

Department of Pathology
Combined Military Hospital
Nowshera Cantt
Exchange 0523610905
Civil Exchange 0973610030

Entered By: Habib Ullah
Entered At: 05/04/2021
Print Date: 05/04/2021

Miscellaneous virology

COVID-19

Positive *

Opinion: There is molecular evidence of SARS-CoV-2 by RT-PCR in the sample provided. Please correlate clinically.

Comment: The test has been performed by RNA extraction with FAVORGEN Biotech Corp. (Taiwan) and Amplification by ARGENE RT-PCR assay detection Kit for SARS-CoV-2 using Cepheid Smart Cycler 1600 System.

Report Authorized By: Maj. Dr Nargis Sabir, Classified Microbiologist. (06/04/21 08:26)

Note: This is a computer generated report and verified by the laboratory.

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M. Advocate
05/7/21

20-A

Department of Pathology
Combined Military Hospital
Nowshera Cantt
Exchange No. 057/08
Canteen No. 057/010/08

Entered by: Hiba Usmani
Entered at: 06/04/21 08:21
Print Date: 06/04/21

Liver Function Tests

Serum Bilirubin 2.5 mg/dl

Renal Function Test

Serum Creatinine 0.8 mg/dl

Miscellaneous- Chemical Pathology

CRP Quantitative 12.29 mg/dl

Report Authorized By: Maj. Dr Nargis Sabir, Classified Microbiologist. (06/04/21 08:43)

Hepatitis profile

Antibody to hepatitis C virus (Anti HCV) Negative By ICT Method

Hepatitis B surface antigen (HBsAg) Negative By ICT Method

Report Authorized By: Maj. Dr Nargis Sabir, Classified Microbiologist. (06/04/21 08:20)

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[Signature]
Advocate
05/7/21

21

Department of Pathology
Combined Military Hospital
Rawalpindi Cantt
Exchange 09236109-3
Civil Exchange 0923 10030

Entered By: Habib Ullah
Entered At: 5/04/2021
Print Date: 5/04/2021

Lab No: 193305
Patient: 657162 Mr. Iftikhar Hussain (M: 65 Y)

Blood Complete Picture:

Blood Counts

TLC	46	40 - 10.0 X 10 ⁹ /L
RBC	5.30	4.50 - 6.5 X 10 ¹² /L
Haemoglobin	15.3	13.0 - 17.0 g/dL
PCV	0.46	0.40 - 0.54 l/L
MCV	87.4	76.0 - 96.0 fL
MCH	28.9	26.0 - 32.0 pg
MCHC	33.0	30 - 36 g/dL
Platelet Count	173	150 - 400 x10 ⁹ /L

Differential Leucocyte Count

Neutrophils	79	40 - 70 %
Lymphocytes	13	15 - 40 %
Monocytes	05	2 - 10 %
Eosinophils	03	1 - 6 %

Report Authorized By: Maj. Dr Nargis Sabir, Classified Microbiologist. (06/04/21 08:56)

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The
Advocate
05/7/21

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Annex "C"

INTRODUCTION

The undersigned has been nominated for conducting inquiry against Mr. Majid Khattak, Mali Peshawar Zoo vide Director Peshawar Zoo office order No. 41 dated 13/05/2020(Annex-I).

PROCEDURES

The following procedures have been adopted for conducting inquiry and arriving at logical conclusions.

1. Perusal of official record
2. Perusal of Attendance register
3. Inquiring his general conduct from Peshawar Zoo staff.
4. Personal interview with the said Mali.
5. Obtaining written response from Administration officer, wildlife watchers and Majid Khattak through questionnaire.

FACTS

Six gardeners (Mali) were inducted for Peshawar Zoo after completing relevant legal formalities by the selection committee vide Director Peshawar Zoo Officer order No. 07 dated 30/08/2019 (Annexure-II). Majid Khattak was one of them who joined his duty on 04/09/2019.

However, he was reported very unusual since his first day of joining the government job. The inquiry officer was the then administration officer of Peshawar zoo and had frequently warned him both verbally and in written about his unusual and casual behavior. He used to wander uselessly in zoo and indulge in unnecessary gossips all the day instead of performing duty honestly. He used to sit in shade to save his skin and avoid damaging his skin color. He usually avoided working in the sun and always used to be in search of comfort zone during duty hours. In this connection, he was served with letter by the then Deputy Director warning him about his lethargic physical performance and lacks of interest in official duty vide his office letter No. 1413 dated 08/09/2019 (Annexure-III). After that, he had to be directed from time to time for efficient duty performance. He has never been found performing duty actively by himself without censure and directions from higher ups. Fed up of verbal warning and incessant directives, he was served with letter about his lack of interest in duty vide administration officer letter No. 43/Ao/zoo dated 14/09/2019 (Annexure-IV). This proved to be a temporary remedy as he was compelled by his nature to avoid working in the sun and indulge in unnecessary gossips with everyone. He had also been reported going outside the zoo during duty hours to fetch milk for making tea and remained absent for hours under such pretension. He has also been observed inviting his relatives to Peshawar zoo and spending all the time with them instead of performing his due work. He is a habitual user of social media for which he has been reprimanded several times but to no avail. Consequently, he has been warned time and again to make him bound for duty. Back to his natural behavior, he was again warned through Administration Officer Letter No. 68/Ao/zoo dated 01/10/2019 (Annexure-V). As usual, he switched to his natural habit of avoiding duty and making willful absentees to be reported again for the repeated failures. He even did not regard his commitment he submitted in written to the administration officer. Every time he is censured for his misconduct, he pledged not to repeat it and then resorted to his troubling nature.

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Munir
Advocate
05/7/2021

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After that, he has been reported violating duty schedule, willful absence and lack of interest in duty. He was again reported leaving duty station before time without permission of his immediate officer vide administration officer letter No. 135/Ao/zoo dated 01/01/2020 (Annexure-VI). Consequently, he was warned along with other staff officials to mend his ways and means and ensure attendance according to duty schedule vide deputy director office letter No. 69-75/DD/zoo dated 03/01/2020 (Annexure- VIII). Similarly, explanation was called from him regarding lack of interest in duty vide administration officer letter No. 146/Ao/zoo dated 14/01/2020 (Annexure-VII). In response to this explanation, he submitted his reply to the administration officer which is self explanatory (Annexure-IX). He has been reported to the Deputy Director due to his late entry despite repeated verbal warnings vide Administration Officer letter No. 180/Ao/zoo dated 03/02/2020 (Annexure-X). Deputy director called explanation from him along with other two staff vide office letter No. 94-96/DD/zoo dated 06/02/2020 (Annexure- XI). In response, he submitted reply with lame excuses and which is self explanatory. (Annexure- XII). His conduct was also reported to the director Peshawar zoo for taking necessary measure against him vide Deputy director office letter No. 99/DD/zoo dated 06/02/2020 (Annexure-XIII). All such measures fell flat on him as he continued to show his casual and unacceptable behavior. He has been reported a consistent source of concern for the zoo administration. Felt no tangible result, administration officer reported him his citing lack of interest and weak performance vide letter No. 240/Ao/zoo dated 04/05/2020 (Annexure-XIV). In this letter, the administration officer has shown an extreme of displeasure towards him and requested his removal from government service as he would create heaps of problems once his probation period is over. In this connection, same request was also made by the deputy director to the director Peshawar zoo vide his office letter No. 161/DD/zoo dated 06/05/2020 (Annexure-XV). Resultantly, Director Peshawar Zoo ordered inquiry vide office Order No. 41 dated 13/05/2020 (Annex-I).

The said Mali, Mr. Majid Khattak was personally interview. As usual, he started whiningly with lame excuses and hollow promises not to repeat the same blunders anymore. He was concerned more about his glory in case of strict action against him instead of learning any lesson from the repeated blunders till date.

A questionnaire was also handed over to him to obtain his stance in the matter (Annexure-XVI). He submitted his response (Annexure-XVII) repeating the same old and hollow pledges he usually adopts under such circumstances. His response is not satisfactory owing to his past and general conduct, reported and assessed so far.

A questionnaire was also communicated with Administration officer vide inquiry officer office letter No. 163 dated 18/05/2020 (Annexure-XVIII) in order to get his opinion about the said Mali. He submitted replies vide his office letter no. 254/Ao/zoo dated 29/05/2020 (Annexure-XIX). The response of Administration officer may be assessed which clearly indicates displeasure towards him. This show the level of his inefficiency, misconduct, lethargic nature and the troubles he created for zoo administration.

Solidifying general perception about his conduct and performance, the inquiry officer sought replies from wildlife watchers through questionnaire vide office letter No. 171 dated 02/06/2020 (Annexure-XX). The replies and perceptions of Wildlife Watchers about him are very alarming and show the extreme of discomfort about him. The replies are attached for ready reference as Annexure- XXI-XXX).

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[Signature]
Advocate
05/7/2021

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Following are some of the abstracts from the wildlife watchers replies;

- a) That he is highly irresponsible towards his duty.
- b) That he usually misbehaves when asked and tasked with some work.
- c) No or least interest in duty.
- d) Wasting time in political gossips, prolong rest and working in extremely slow pace.
- e) No chances of reforms in his personality based on his service duration so far.

To ascertain further, he was tasked with minor work by the inquiry officer that could be windup in one to three hours. But he did not complete it even after lapse of three days. This is his situation when the inquiry is going on against him. One can easily think about his position in general and normal days.

Again, during inspection by the inquiry officer, he was found in a contractor's office sitting on chair and talking on mobile phone instead of working. This has been his routine conduct which has created problems for the zoo administration.


CONCLUSIONS/FINDINGS

After perusal of office record, assessing general conduct and evaluating overall performance of the said Mali i.e Mr. Majid Khattak, it is concluded as follow;

1. The accused Mali has tendency to avoid orders and discipline intentionally.
2. He used to remain inactive unless and until directed by higher ups.
3. He avoids performing duty in the sun and always remains in search of comfort zone.
4. He remains absent on one pretext or other habitually.
5. He politically pressurizes for favor in avoiding his duty schedule.
6. He prefers to involve in gossips with zoo staff instead of performing duty.
7. He is habitual to misbehave with Wildlife Watchers for reminding him tasks.
8. He is more interested in his domestic issues and least interested in official duty.
9. He is in probation and as per his appointment orders; he is liable to be removed from government service without any notice.


Recommendation:

In light of the above facts and ground realities, the inquiry officer recommends major penalty of removal from government service under Rule 4 of Khyber Pakhtunkhwa Government (Efficiency and Discipline rules), 2011.


ISHTIAQ ULLAH
Deputy Director Peshawar Zoo
(Inquiry Officer)

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Advocate
03/7/21

23-A



OFFICE OF THE ADMINISTRATION OFFICER
PESHAWAR ZOO

Phone: 091-5610011 Email: znocare11@gmail.com



No. Z-107 (Zoo)

Dated Peshawar Zoo the 07/10/2020

To,

The Director/Conservator,
Peshawar Zoo.

Subject: LEAVE DETAIL OF MR. MAJID KHAN AK MALI PESHAWAR ZOO.

Reference: Your office letter No. 778/Zoo dated 06/10/2020

Respected sir,

Kindly find enclosed here with the details of month wise attendance of
Mr. Majid Khan (Mali Peshawar Zoo).

Administration Officer
Peshawar Zoo

Abstract for 09 months

Total No. of days = 274

Total allowed holidays = 36 days

Availed holidays = 122 days

Total absence = 86 days

274
122

152

Administrative officer
Peshawar Zoo

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[Signature]
Advocate
05/7/2021

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Annex "D"

CHARGE SHEET


1. I, Ishtiaq Ullah, Director Peshawar Zoo, as competent authority, hereby charge you Mr. Majid Khattak, Mali Peshawar Zoo, as follow:

That you, while posted as ~~Mali~~ Peshawar Zoo committed the following irregularities:

- (a) Inefficient or has ceased to be efficient,
 - (b) Guilty of misconduct,
 - (c) Guilty of habitually absenting yourself from duty without prior approval of leave.
2. By reason of the above, you appear to be guilty of inefficiency, misconduct and habitually absenteeism under rule 3 of the Khyber Pakhtunkhwa Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.
 3. You are, therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the inquiry officer, as the case may be.
 4. Your written defense, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and that case ex-parte action shall be taken against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.

ATTENTION



to be true copy


Advocate
05/7/21



ISHTIAQ ULLAH
Director/Conservator Wildlife
Peshawar Zoo

24-A


	OFFICE OF THE DIRECTOR/CONSERVATOR WILDLIFE PESHAWAR ZOO, PESHAWAR		
	Ph# 091-7252057	Email: zoopeshawar@gmail.com	
No. <u>1043</u> /Zoo		Dated Peshawar the <u>2 / 11</u> /2020	

To,

Mr. Majid Khattak
Maali, Peshawar Zoo

Subject: **CHARGE SHEET**


Find enclosed herewith copy of charge sheet served to you under the inquiry conducted against you for information/ necessary action and intimation to this office as per rules.


Director/Conservator Wildlife
Peshawar Zoo


No. 1044-45 /Zoo

Copy forwarded to the;

1. Chief Conservator Wildlife Khyber Pakhtunkhwa Peshawar for information please.
2. Administration officer Peshawar zoo for information.


Director/Conservator Wildlife
Peshawar Zoo

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Advocate
05/7/2021

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Statement of allegations

1. That you have tendency to avoid orders and discipline intentionally.
2. You used to remain inactive unless and until directed by higher ups.
3. You avoid performing duty in the sun and always remain in search of comfort zone.
4. You remain absent on one pretext or other habitually.
5. That you politically pressurize higher ups for favor in avoiding your duty schedule.
6. You prefer to involve in gossips with zoo staff instead of performing duty.
7. You are habitual in misbehaving with Wildlife Watchers for reminding your tasks.
8. You are more interested in your domestic issues and least interested in official duty.

Director/Conservator Wildlife
Peshawar Zoo

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M.
Advocate
05/7/21

26

SHOW CAUSE NOTICE

I, Ishtiaq Ullah, Director Peshawar Zoo, as competent authority, under the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Majid Khattak S/O Istefar Hussain, as follows:

1. (i) That consequent upon the continuous reporting of your willful absence and non compliance of directives from your immediate higher ups and completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing; and
- (ii) On going through the findings and recommendation of the inquiry officer, the material on record and other concerned papers including your defense before the inquiry officer,-

I am satisfied that you have committed the following acts specified in Rule 3 of the said rules;

- (a) Inefficient or has ceased to be efficient,
 - (b) Guilty of misconduct,
 - (c) Guilty of habitually absenting yourself from duty without prior approval of leave.
2. As a result therefore, I as competent authority have tentatively decided to impose upon you the penalty of removal from Government Service under Rule-4 of the said rules.
 3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
 4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
 5. A copy of the findings of the inquiry officer is enclosed.

Besides, you have not shunned the habit of inefficiency and willful absence despite repeated warnings and the charges against you have already been proved in an inquiry conducted under Rule 5(b) of the said Rules. You have left no opportunity to avail further chance.



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M
Advocate
05/7/2021

ISHTIAQ ULLAH
Director/Conservator Wildlife
Peshawar Zoo

26-A

	OFFICE OF THE DIRECTOR/CONSERVATOR WILDLIFE PESHAWAR ZOO, PESHAWAR	
	Ph# 091-7256677 Email: zoopeshawar@gmail.com	
No. 3448 / Zoo		Dated Peshawar the 23 / 11 / 2020

To,

Mr. Majid Khattak S/O Istefar Hussain
Maali, Peshawar Zoo

Subject: SHOW CAUSE NOTICE

Find enclosed herewith copy of Show Cause Notice served to you as a result of your failure to properly defend yourself reasonably in the charge sheet and under the inquiry conducted against you for information and intimation to this office as per rules.



Director/Conservator Wildlife
Peshawar Zoo

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to be true copy



Advocate

05/7/21

گودیت جانا۔ ڈیٹر پلر صاحب ورلڈ لائٹ لیسٹ اور پراکٹس

عنوان چارج شیب

جنا عالی

جو الیہ قضا 1043 مریضہ 2020/11/2 سائل سے جو۔ طلبی کی کمی ہے

اس ضمن میں عرصہ خدمت ہے

1- (a) to (c) مجھے غیر حاضر، بد اخلاق / ناقصان اور غیر حاضر لکھو

جنا۔ والا میں نے کسی ساٹھ کوئی شرارت یا جملہ نہیں کیا۔ اور جو آپ تمام صاحبان کی بات ماننا اپنا فرض سمجھتا ہوں۔ اور غیر ملکی ہو

بیماری میں نے کیا تھا۔ جو کہ سید کیل رسید ساتھ لگا ہے۔

(2-8) مجھے پورے الزامات رکھائے گئے ہیں وہ دوسرے ٹیسٹوں کی شہادت /

جسٹلی فورگائی و میں ہے۔ میں اس کے بارے میں ڈیڑھ گھنٹے کی بات کر رہا ہوں

جو بیماری میں شہادت سے بچنے کے لیے میں سامنے آ رہا تھا۔ 200 شافٹ

ساتھ کبھی بھی ایک اوقات ضائع نہیں کرتا تھا۔ اور نہ سیاسی شہادت

اپنے صاحبان سے عاقرنہ الی سب سے ڈاٹا دے کر ہوا فرما رہا ہے

الک، بلو فرحان، حاجد خدر، مال لیسٹ اور پراکٹس

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محمد امجد علی

02/7/21



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Annex "E"

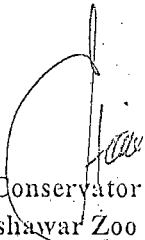
OFFICE ORDER NO. 58 DATED PESHAWAR THE 13/04/2021
ISSUED BY MR. ISHTIAQ ULLAH DIRECTOR/CONSERVATOR WILDLIFE
PESHAWAR ZOO

Mr. Majid Khattak has been a source of concern for zoo administration since his induction into government service as Gardener (Mali) BPS-03. He has been warned time and again to improve performance and official conduct. There is a long record of his casual behavior, apathy, willful absence and weak performance. Inquiry was also conducted against him due to his failure to improve performance and maintain discipline. Accordingly, he was charge sheet and later on show cause notice was issued as per E&D Rules, 2011. In response to his written reply, he was warned finally to shun the casual behavior and given opportunity to improve his ways and means. His probation period has also been extended on the above mentioned grounds.

But it has been noted that he avoids duty on one pretext and other and instead roam here there in zoo despite his assurance and commitment for efficient duty. Gossips with visitors and other zoo staff has been his routine habit instead of focusing on his assigned job.

All measures to bring him on right track, improve his performance has been exhausted but still there is no improvement in his overall conduct. Willful absenteeism has been his persistent behavior.

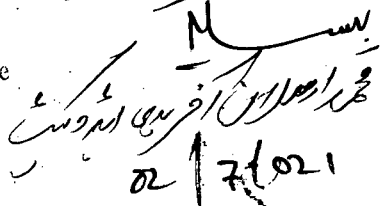
Consequently, he is hereby removed from government service under Section 4(iii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and Section 11(1)(i) of the Civil Servant Act 1973 in the interest of public and maintaining discipline in Peshawar Zoo administration.


Director/Conservator Wildlife
Peshawar Zoo

No. / Zoo

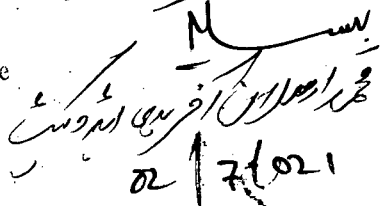
Copy forwarded to;

1. Chief Conservator Wildlife Khyber Pakhtunkhwa for information please.
2. Administration officer Peshawar Zoo for information and necessary action with reference to his latest letter No. 484/AO/zoo dated 08/04/2021.
3. Veterinary Officer Peshawar Zoo for information.
4. Majid Khattak, Maali Peshawar Zoo.
5. Accountant Peshawar Zoo for necessary action.
6. Personal file of the official.


Director/Conservator Wildlife
Peshawar Zoo

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02/04/2021

محبت جناب ڈائریکٹر صاحب محکمہ وائلڈ لائف پشاور، پشاور

Office of the PD/CWL
Peshawar Zoo, Peshawar
Diary No. 270
Dated 19-8-2021

جناب عالی!

عنوان: محمدانہ ایپر پر فلڈ آؤٹس آؤٹرز نمبر 58 مورخہ 13⁰⁴/₂₀₂₁
حکمی رو سے من اپیلرٹ کر عملدرست سے درخواست کیا گیا ہے۔

مورد بیان گذارش ہے کہ من سائل اپیلرٹ ایپر محکمہ میں بطور مالی
اینٹی ڈیپنڈنسی سرانجام دینا چاہیے اور اس میں

بیکہ من اپیلرٹ کے والد صاحب ایک عمر رسیدہ شخص ہیں اور موجودہ
وباء کی وجہ سے دوسرے والد صاحب کو دنا و بیاہ کا شکار ہو چکے ہیں
اور چکی تیار دارہ کیلئے اپنے مگر والد خود کسپا کو کر نشانیں تیار کتا
اور ایپر ڈیپنڈنسی کی انجام دینے سے حاضر رہا ہوں۔

بہرہ سائل صرف چند یوم میں حاضریا ہوں کہ وہ بوجہ بالہ کسی ملاوہ اپنی
سائل اپنے فرالتوں میں کہیں کہیں کو تباہی نہ برتی ہے اور نہ ہی کہیں میں اپنی
ڈیپنڈنسی سے منہ ہاں رہا ہوں۔

بیکہ اپیلرٹ خیریت مزید شخص ہے اور اپنے خاندان کا ماوا کہ کہنے ہے

لکھنا اس کے لیے اپیلرٹ کے معذ کو منظور فرماتے ہوئے

آؤٹس آؤٹرز نمبر 58 مورخہ 13⁰⁴/₂₀₂₁ کو مسترد
کرنا ہونے سائل اپیلرٹ کو اپنی عملدرست پر
بحال کرنا کے اقصاف سے صادر فرماتے ہوئے

Rejected
19/8/2021

19⁰⁴/₂₀₂₁

سائل نامزد کیا ہوئے گا۔

محمدانہ ایپر محکمہ وائلڈ لائف پشاور، پشاور (BPS 3) مالی

ATTESTED

to be true copy

محمد اسحاق خان
2/7/2021

31

OFFICE ORDER NO. 171 DATED PESHAWAR THE 17/06/2021, ISSUED BY
DR. MOHSIN FAROOQUE, CHIEF CONSERVATOR WILDLIFE, KHYBER
PAKHTUNKHWA, PESHAWAR.

Mr. Majid Khattak, Ex-Mali of Peshawar Zoo was proceeded against under Rule-09 of Efficiency & Discipline (E&D) Rules 2011 by Director/Conservator Wildlife Peshawar Zoo vide office order No.141 dated 13/05/2020 for the charges/allegations of willful absence from duty and inefficiency etc. as mentioned in the show cause notice, served upon the said official.

The Director/ Conservator Wildlife Peshawar Zoo appointed the Deputy Director Peshawar Zoo as an enquiry officer vide above office order to proceed against the accused official.

It is worth mentioning that the probation period of the incumbent Ex-Mali was also extended vide Director/Conservator Wildlife Peshawar office order No.13 dated 25/08/2020 whereby also censured him and directed that in case of his similar attitude in future he will be liable to be terminated from service as per Section-11(1)(i) of Khyber Pakhtunkhwa Civil Servants Act 1973. The above Ex-official has not mended his ways and kept the same bad attitude towards official duty.

The enquiry officer conducted the enquiry against the accused officer and submitted his report vide his letter No.186/DD/ZOO dated 06/06/2020. After perusal of record and obtaining written reply of accused official, the enquiry officer concluded following:

"The accused Mali has tendency to avoid orders and discipline intentionally. He used to remain inactive unless and until directed by higher ups. He avoids performing duty in the sun and always remains in search of comfort zone. He remains absent on one pretext or the other habitually. He politically pressurizes for favour in avoiding his duty schedule. He prefers to involve in gossips with zoo staff instead of performing duty. He is habitual to misbehave with Wildlife Watchers for reminding him tasks. He is more interested in his domestic issues and least interested in official duty. He is in probation and as per his appointment orders, he is liable to be removed from government service without any notice".

Consequently, the inquiry officer recommended a major penalty of "removal from government service under Rule-4 of Khyber Pakhtunkhwa Govt: (Efficiency and Discipline) Rules, 2011", which was imposed against Mr. Majid Khattak, Ex-Mali vide Director/Conservator Peshawar Zoo office order No.58 dated 13/04/2021.

Subsequent to imposition of major penalty on 13/04/2021, Mr. Majid Khattak, Ex-Mali of Peshawar Zoo have preferred two (02) review petitions/appeals, amongst which one was received through Section Officer (Establishment), FE&WD letter No.SO(Estt)/FE&WD/1-43/ 2020/KC dated 28/05/2021, while another appeal on 01/06/2021 directly to this office respectively. The appeals were forwarded to the Director/ Conservator Wildlife Peshawar Zoo for comments vide this office endsts No.9068/WL(B-X-08) dated 31/05/2021 & No.9135/WL dated 01/06/2021. The Director/ Conservator Wildlife Peshawar Zoo has offered his comments vide his letter No.2089/Zoo dated 03/06/2021, whereby he concluded that: **"His reinstatement will badly effect the Zoo environment and will encourage others to follow suit. He therefore deserves no leniency"**.

Moreover, as per E&D Rules, both the appeals of dated 19/05/2021 and dated 01/06/2021 are time barred because Mr. Majid Khattak has preferred an appeal after a period of thirty (30) days from the date of termination i.e. 13/04/2021, which on one hand show that he has no respect for time and keeping habitually absent from duty for long time is his habit and simultaneously time barred appeal is liable to be rejected. However, he was given chance of personal hearing to explain his position.

While, the undersigned, being appellate authority in the case, after having considered the enquiry report, the stance of Director/Conservator Wildlife Peshawar Zoo, the appeal of the accused official and based on personal hearing on 15/06/2021, concluded that Mr. Majid Khattak, Ex-Mali of Peshawar Zoo has discipline issues leading to misconduct. He could neither provide convincing arguments nor has documentary proof in his defense.

Therefore based on the above factual position and exercising the powers under Rule-17(2)(a) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, reject the appeal of Mr. Majid Khan, Ex-Mali (BPS-03), Peshawar Zoo and uphold the major penalty of **"removal from service"** upon him from the date he has been awarded penalty.

ATTESTED
to be true copy

(Dr. Mohsin Farooque)
Chief Conservator Wildlife
Khyber Pakhtunkhwa
Peshawar.

No. 9604-06
AWI (F)

02/7/2021

قیمت 50 روپے	71450	  
ایڈوکیٹ: <u>محمد ارسلان افریدی</u> بار کونسل ایسوسی ایشن نمبر: <u>BC-1447-39</u> رابطہ نمبر: <u>0300-5949951</u>		
پشاور بار ایسوسی ایشن، خیبر پختونخواہ بعدالت جناب: <u>سروس ٹریبونل خیبر پختونخواہ</u>		

مخانب: <u>ایپلنٹ</u>	دعویٰ: <u>سروس</u>
صاحب دست: <u>ایپلنٹ</u>	علت نمبر: <u>---</u>
بنام	مورخہ: <u>---</u>
جیف کنزرویٹور انٹرنل انٹرفیس	جرم: <u>---</u>
ریسٹورنٹ	تھانہ: <u>---</u>
باعت تحریر آئکہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام (ح) اور کیلئے محمد ارسلان افریدی اندر مکلف (ح) در کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

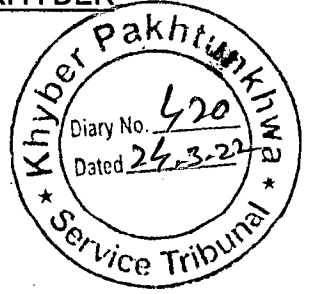
المرقوم: 02/7/21

الع بد واہ شد الع بد

مقام (ح) اور کے لیے منظور ہے۔

Attested
Accepted

BEFORE THE HONOURABLE CHAIRMAN SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR



Put up to the worthy chair - cu
with ~~document~~ with appeal:

24/3/2022 Misc Application _____/2022
In Re:
Service Appeal No 6728 / 21

Reader.

Majid Khattak.....(Appellant)

VERSUS

Chief Conservative Wildlife KP Peshawar and others.....(Respondent)

Application for early hearing

of the above mentioned appal

Respectfully Sheweth: -

The Petitioners humbly submit as under:-

- 1) That the above mentioned case is pending adjudication before this Honourable Court, in which next date of hearing is fixed i.e. 15-06-2022.
- 2) That it is pertinent to mention that the learned Chairman was not presently on the last date of hearing now the learned Chairman is present, if the same is not fix early, then the appeal of the Appellant will become infructuous.
- 3) That the Appellant is suffering from financial loss now-a-days.
- 4) That it is the right of every citizen to be dealt with according to law and equal protection of law; and for quick

disposal of the case as justice delayed justice denied,
that's why judicial policy has been framed.

- 3) That there is no legal bar on acceptance of the instant application.
- 4) That this Honourable Court has got ample powers to entertain the instant application.

It is, therefore, respectfully prayed that on acceptance of this Application, an early date may graciously be fixed in above noted case for the best interest of justice.

Appellant

Through:


(ARSALAN AFRIDI)
Advocate,
High Court Peshawar

Dated:-24-03-2022