

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 859/2019

BEFORE: MRS. ROZINA REHMAN ... MEMBER (J)
 MISS. FAREEHA PAUL ... MEMBER(E)

Fazal Mola Ex- Chowkidar, Population Welfare Department, Badaber Family Welfare Centre (FWO), Peshawar.

.... (Appellant)

Versus

1. Secretary Govt. of Khyber Pakhtunkhwa, Population Welfare Department, Civil Secretariat, Peshawar.
2. Director General Population Welfare Department, Khyber Pakhtunkhwa, Plot No. 18, Sector E-8, Phase-7, Hayatabad, Peshawar.
3. District Population Welfare Officer, Plot No. 18, Sector E-8, Phase-7, Hayatabad, Peshawar

... (Respondents)

Mr. Ashraf Ali Khattak

Advocate

...

For appellant

Mr. Muhammad Adeel Butt

Addl. Advocate General

...

For respondents

Date of Institution.....27.06.2019

Date of Hearing.....01.06.2022

Date of Decision.....01.06.2022

JUDGEMENT

FAREEHA PAUL MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned order dated 20.02.2013 whereby the appellant was dismissed from service and order dated 29.05.2019 whereby his departmental appeal was rejected.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed Chowkidar in the respondent department on 17.03.2001. On 06.11.2010 an FIR was lodged against him and other male family members under Sections 302/324/34 PPC. He voluntarily surrendered before the police and was

behind the bar. He was released on bail vide order dated 22.06.2014 and reported for duty where he was informed that he had been dismissed from service vide order dated 20.02.2013. After obtaining a copy of the order, he submitted departmental appeal on 24.11.2014 for reinstatement on which the Director General Population Welfare nominated the Assistant Director (Admn) on 17.03.2015 to inquiry into the appeal and submit report within fortnight. Report was submitted on 06.05.2015. Case file is silent about the proceedings after the submission of inquiry report. In the meantime the appellant was acquitted from the charges levelled against him vide judgement of Additional Sessions Judge VIII, Peshawar dated 12.01.2019 based on which he submitted an application dated 04.03.2019 to the Director General Population Welfare for his reinstatement but it was filed vide letter dated 29.05.2019.

3. Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the Assistant Advocate General and perused the case file with connected documents minutely and thoroughly.

4. Learned counsel for appellant invited the attention of the tribunal to the recommendations of the inquiry report dated 06.05.2015 which interalia proposed reinstatement of appellant into service w.e.f the date of dismissal from service and treat the period of his absence as leave without pay. It was contended by him that no written order was passed on that recommendation and the appellant was verbally informed that he would be reinstated after decision of the pending criminal case against him but it was not done and his application was filed vide the impugned letter dated 29.05.2019.

5. The learned Additional Advocate General contended that the appellant remained absconder for 04 years from 06.11.2010, the time when FIR was lodged against him till his surrender on 20.11.2014, which was enough to take action against him as was taken by his competent authorities.



6. From the arguments presented by the learned counsel for appellant, the learned Additional Advocate General and record available before us, it is clear that appellant was involved in a criminal case which was decided by the court of Additional Sessions Judge VIII, Peshawar and he was acquitted from the charges levelled against him. Perusal of the record further reveals that the appellant was not proceeded against under the Government Servants (E&D) Rules 2011, before awarding major penalty of dismissal from service i.e no formal inquiry was conducted. However, an inquiry that was conducted on the orders of Director General Population Welfare by the Assistant Director (Admn) proposed his reinstatement in service w.e.f date of his dismissal. When the Additional Advocate General was asked about the action taken as a result of that inquiry he could not respond. This shows that no action was taken on the recommendations of the inquiry officer. On the other hand the application for reinstatement submitted by the appellant, after his acquittal from criminal charges, was filed by the competent authority.

7. In view of the facts narrated above, we allow the appeal and set-aside the impugned orders dated 20.02.2013 and 29.05.2019 and direct the respondents to reinstate appellant from the date of his dismissal. The period of his absence is treated as leave without pay. Parties are left to bear their own costs. Consign.

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


(ROZINA REHMAN)
Member (J)


(FARIEHA PAUL)
Member (E)

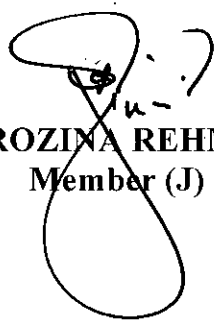
Service Appeal No. 859/2019

01.06.2022

Mr. Ashraf Ali Khattak, Advocate for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

2. Vide our detailed judgement containing 03 pages, we allow the appeal in hand and set aside the impugned orders dated 20.02.2013 and 29.05.2019 and direct the respondents to reinstate appellant from the date of his dismissal. The period of his absence is treated as leave without pay. Parties are left to bear their own costs. Consign.

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


(ROZINA REHMAN)
Member (J)


(FAREEHA PAUL)
Member (E)

20.08.2021

Due to summer vacations, case is adjourned to 13.12.2021 for the same as before.


READER

13-12-21

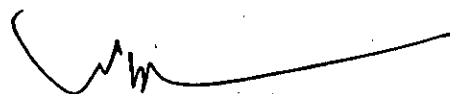
DB is on Tour case to come up?
for the same on Dated. 11-4-22

\$
Reader

24.01.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments before the D.B on 29.03.2022



(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

29.03.2022

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

Appellant requested for adjournment on the ground that his counsel is out of station today. Adjourned. To come up for arguments on 01.06.2022 before the D.B.


(Rozina Rehman)
Member (J)

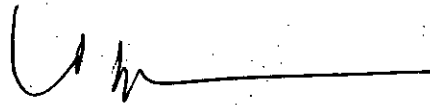

(Salah-ud-Din)
Member (J)

16.11.2020

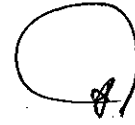
Appellant in person present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Appellant seeks adjournment as his counsel is not available. Adjourned. To come up for arguments on 22.01.2021 before D.B.



(Atiq ur Rehman Wazir)
Member (E)

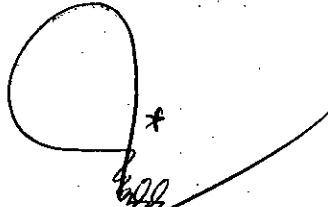


(Rozina Rehman)
Member (J)

22.01.2021

Appellant in person and Additional: AG alongwith Mr. Ahmad Yar Khan, AD (Litigation) for respondents present.

Former requests for adjournment as his learned counsel is indisposed today. Adjourned to 26.04.2021 for arguments before D.B.



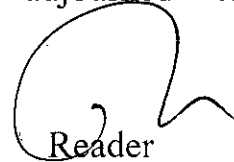
(Mian Muhammad)
Member(E)



Chairman

26.04.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 20.08.2021 for the same as before.



Reader

14.09.2020

Junior counsel present on behalf of appellant.

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

Former requests for adjournment as senior counsel is busy in Abbottabad. Adjourned. To come up for arguments on 28.09.2020 before D.B.



(Atiq ur Rehman)
Member (E)

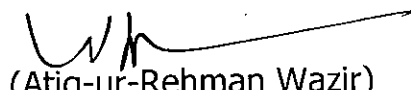


(Rozina Rehman)
Member (J)

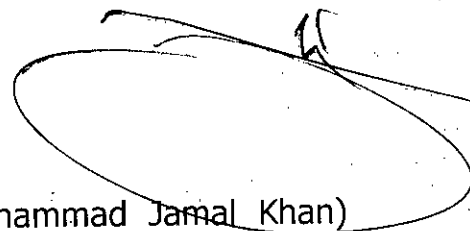
28.09.2020

Appellant is present in person. Mr. Usman Ghani, learned District Attorney alongwith Mr. Yar, Assistant Director representative of department are also present.

According to the appellant his counsel is engaged in the Hon'ble Peshawar High Court, Peshawar, therefore, cannot attend the Tribunal today. He requested for adjournment. Adjourned to 16.11.2020 on which to come up for arguments before D.B.



(Atiq-ur-Rehman Wazir)
Member (E)



(Muhammad Jamal Khan)
Member (J)

17.03.2020 Appellant in person present. Mr. Kabirullah Khattak learned Addl. AG alongwith Masroor Ahmed Junior Clerk for respondents present. Written reply not submitted. Representative of the respondent department seeks further time to submit written reply/comments. Last opportunity is extended. To come up for written reply/comments on 23.04.2020 before S.B.


Member

23.04.2020 Due to COVID19, the case is adjourned to 20.07.2020 for the same as before.


Reader

20.07.2020 Appellant himself is present. Mr. Kabirullah Khattak, Learned Additional AG alongwith representative of the department Mr. Yar, Assistant Director (Litigation) are also present. Representative of the department submitted joint para-wise reply/comments on behalf of respondents No. 1 to 3 which are placed on record. Adjourned to 14.09.2020. File to come up for rejoinder and arguments before D.B.


(MUHAMMAD JAMAL KHAN)
MEMBER

18.11.2019

Appellant in person and Addl. AG alongwith Saghir Musharaf, AD for the respondents present.

Representative of the respondents requests for adjournment to furnish the reply/comments. Adjourned to 19.12.2019 on which date the requisite reply/comments shall positively be furnished.


Chairman

19.12.2019

Appellant in person and Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents and submit written reply/comments. Adjourned to 03.02.2020 on which date the requisite reply/comments shall positively be submitted.


Chairman

03.02.2020

Appellant in person present. Addl: AG alongwith Mr. Sagheer Musharraf, AD (Litigation) for respondents present. Written reply not submitted. Requested for further adjournment. Adjourned, but as a last chance. To come up for written reply on 17.03.2020 before S.B.


Member

859/2019

17.09.2019

Counsel for the appellant present.

Contends that the appellant was dismissed from service on 20.02.2016 on account of absence from duty. He was arrested in pursuance to FIR dated 06.11.2010 and was released on bail on 22.06.2014. Upon such release a departmental appeal was preferred which was entrusted to the enquiry officer whose report was submitted on 06.05.2015. It was recommended through the report that the competent authority may suspend him as per rules from the date of FIR ledged against the appellant and besides the fate of service of appellant in the light of court decision. The appellant was acquitted on 12.01.2019 and submitted an application for reinstatement, however, it was rejected/filed on 29.05.2019. It was further contended that the factum of acquittal of appellant by a court of competent jurisdiction was never considered by the appellate authority while the absence attributable to appellant was because of being in custody.

In view of the arguments of learned counsel and the available record, instant appeal is admitted for regular hearing subject to all just exceptions including the delay. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 18.11.2019 before S.B.

Appellant Deposited
Security & Process Fee

18/11/19


Chairman

17.09.2019

Counsel for the appellant present.

Contends that the appellant was dismissed from service on 20.02.2016 on account of absence from duty. He was arrested in pursuance to FIR dated 06.11.2010 and was released on bail on 22.06.2014. Upon such release a departmental appeal was preferred which was entrusted to the enquiry officer whose report was submitted on 06.05.2015. It was recommended through the report that the competent authority may suspend him as per rules from the date of FIR ledged against the appellant and besides the fate of service of appellant in the light of court decision. The appellant was acquitted on 12.01.2019 and submitted an application for reinstatement, however, it was rejected/filed on 29.05.2019. It was further contended that the factum of acquittal of appellant by a court of competent jurisdiction was never considered by the appellate authority while the absence attributable to appellant was because of being in custody.

In view of the arguments of learned counsel and the available record, instant appeal is admitted for regular hearing ^{subject to all just exceptions including the delay.} The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 05.11.2019 before S.B.

Chairman



*Correction made
and presented on
page.*

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 859/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	27/06/2019	<p>The appeal of Mr. Fazal Mola presented today by Mr. Ashraf Ali Khattak 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 27/6/19</p>
2-	02.08.2019	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/08/19</u></p> <p>Learned counsel for the appellant present. ^{Heard} CHAIRMAN</p> <p>During the course of arguments it transpired that the appellant remained absconder in criminal case. After acquittal of co-accused, the appellant surrendered before the law. During the period of his absconsion, the appellant was dismissed from service vide impugned order dated 20.02.2013. The present service appeal and the departmental appeal appear to be time barred. Learned counsel for the appellant seeks adjournment to assist this Tribunal on the issue of limitation/competency of the present service appeal. Adjourn. To come up for preliminary hearing on 17.09.2019 before S.B.</p> <p style="text-align: right;"> Member</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 859 /2019

Fazal Mola,
Ex- Chowkidar,
Population Welfare Department,
Badaber Family Welfare Centre (FWC),
Peshawar,.....Appellant.

Versus

The Director General,
Population Welfare Department,
Khyber Pakhtunkhwa,
Plot No.18, Sector E-8,
Phase-7, Hayatabad, Peshawar and others.....Respondents.

INDEX

S.N	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal.			1-7
2.	Copy of Service Book.		A	8-20
3.	Copy of FIR No. 924 thereby appellant was falsely involved in a murder case u/s 302/324/34 PPC, P.S Badaber, Peshawar.	06-11-2010	B	0-21
4.	Copy of order of the Hon'ble Additional Session Judge-I, Peshawar thereby appellant was released on Bail.	22-11-2014	C	22-24
5.	Copy of impugned order of respondent No.3 wherein appellant was dismissed from service under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 with immediate effect.	20-02-2013	D	0-25
6.	Copy of application for issuing of original dismissal order.	24-11-2014	E	0-26
7.	Copy of Inquiry Report wherein appellant was exonerated from the charge of unauthorized absence and was recommended for reinstatement alongwith others related documents.	06-05-2015	F	27-36 37

S.N	Description of Documents	Date	Annexure	Pages
8.	Copy of Judgment of the Hon'ble Additional District judge-VIII, Peshawar whereby appellant was honorably acquitted from the criminal charges.	12-01-2019	G	35-41 37-43
9.	Copy of Departmental Appeal.		H	0-42 42
10.	Copy of final rejection order whereby departmental appeal of the appellant was dismissed.	29-05-2019	I	0-45
11.	Wakalat Nama			



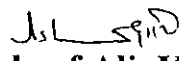
Appellant

Through



Khush Dil Khan
Advocate,
Supreme Court of Pakistan

&



Ashraf Ali Khattak,
Advocate,
High Court, Peshawar

Dated: 26/06/2019

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 859 /2019

Fazal Mola,
Ex- Chowkidar,
Population Welfare Department,
Badaber Family Welfare Centre (FWC),
Peshawar,.....Appellant.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 901

Dated 27/6/2019

Versus

1. The Secretary,
Govt. of Khyber Pakhtunkhwa,
Population Welfare Department,
Civil Secretariat, Peshawar.
2. The Director General,
Population Welfare Department,
Khyber Pakhtunkhwa,
Plot No.18, Sector E-8,
Phase-7, Hayatabad, Peshawar.
3. The District Population Welfare Officer,
Plot No.18, Sector E-8,
Phase-7, Hayatabad, Peshawar.

**SERVICE APPEAL UNDER SECTION 4 OF
THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNALS ACT, 1974 AGAINST THE
IMPUGNED FINAL ORDER OF RESPONDENT
NO. 1 DATED 29-05-2019 PASSED ON THE
DEPARTMENTAL APPEAL OF THE
APPELLANT AGAINST THE IMPUGNED
ORIGINAL ORDER OF DISMISSAL FROM
SERVICE DATED 20-02-2013.**

Filed to-day
Registrar
27/6/19

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:

1. That appellant was appointed on 17-03-2001(**Annexure-A**) as Chowkidar in the respondent's department. He has about twelve year service at his credit till the impugned dismissal order dated 20-02-2013 with unblemished and clean sheeted conduct record.
2. That unfortunately appellant alongwith his all other male family members were got involved in a false and concocted criminal case vide FIR No. 924 dated 06-11-2010 u/s 302/324/34 PPC (**Annexure-B**).
3. That appellant intimated the respondent No.2 regarding the criminal FIR lodged against him. He voluntarily surrendered before the concerned Police Authorities and was sent behind the bar.
4. That appellant was released on Bail vide order dated 22-06-2014 (**Annexure-C**). Appellant immediately reported for joining his duty, but he was informed that he has been dismissed from service by order dated 20-02-2013 (**Annexure-D**). Appellant immediately applied for the copy of the order (**Annexure-E**) and thereafter submitted departmental appeal before the respondent No.2.
5. That the respondent No.2 was pleased to nominate an Inquiry Officer to probe into the matter and to determine the question of willful absence or non absence of the appellant.
6. That the inquiry committee conducted inquiry and made the following recommendations;

- i. The appellant may be reinstated into service w.e.f the date of dismissal from service and the period not serve as duty be treated as leave without pay.
- ii. The DPW Officer Peshawar may be asked to suspend him from service as per rules from the date of FIR lodged against the appellant in the said Police Station.
- iii. The DPWO Peshawar may be asked to decide further fate of the appellant service in light of the court decision in the instant matter.

(Annexure-F)

7. That no written order was passed on the recommendation of the Inquiry Officer and appellant was not reinstated into service as per recommendations of the Inquiry Officer. Appellant was verbally informed that he will be reinstated after the decision of pending criminal case against him.
8. That appellant was honorably acquitted by the competent court of law vide order dated 12-01-2019 (**Annexure-G**).
9. That after receiving / collecting the order of Hon'ble Acquittal; appellant immediately filed departmental appeal before the departmental appellate authority (**Annexure-H**), but no heed was paid to the legitimate expectancy of the appellant and without complying with the statutory guideline; the same was filed without any legal ground (**Annexure-I**).
10. That the appellant now being aggrieved from the impugned final order; prefers the instant service appeal enter alia on the following grounds.

Grounds:

- A. That the respondent has not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Islamic Republic of Pakistan, 1973. Appellant has been treated in a very arbitrary manner. Major Penalty of Dismissal from Service has been imposed upon him without adopting legal prescribed procedure. No charge sheet, statement of allegation etc. has ever been served upon him. In absence of conformity with the prescribed legal procedure the penal action of the authority cannot be clothed with validity, therefore, the impugned order is liable to be set aside.
- B. That as per law laid down by the Hon'ble Supreme Court of Pakistan no major penalty of dismissal from service could be imposed without conducting regular inquiry. Major penalty of dismissal from service has been imposed upon the appellant without conducting regular inquiry. The impugned dismissal order has been made in a very hasty manner and in the absence and at the back of the appellant, therefore, the impugned order is quorum non judice and is liable to be set aside.
- C. That the respondents were in the active knowledge of criminal case against the appellant therefore, they were required to suspend him and wait for the outcome of the criminal case but they instead of adopting legal prescribed procedure; straight away dismissed him from service. Such slipshod and hasty decision not only lacked reasons but was contrary to established principles of natural justice. On this score as well the impugned order is liable to be set aside.

- D. That after securing bail in the criminal case and releasing from Jail an Inquiry Officer was nominated on the departmental representation / appeal of the appellant. The Inquiry Officer probed into the alleged allegation of unauthorized absence and found no proof in support thereof, therefore, recommended the reinstatement of the appellant. The respondents were under legal obligation to reinstate the appellant in accordance with the recommendations of the Inquiry Officer but instead of reinstating the appellant directed him to wait for the outcome of the criminal proceedings. The conduct of the respondents in brushing aside the recommendations of the Inquiry Officer cannot be justified on any legal ground. On this score as well the impugned order is liable to be set aside.
- E. That the well-known principle of law "Audi Alteram Partem" has been violated. This principle of law was always deemed to have embedded in every statute even though there was no express specific or express provision in this regard.
....An adverse order passed against a person without affording him an opportunity of personal hearing was to be treated as void order. Reliance is placed on 2006 PLC(CS) 1140 and others. As no proper personal hearing has been afforded to the appellant by the respondents, therefore, on this ground as well the impugned order is liable to be set aside.
- F. That under Section 5 of the Khyber Pakhtunkhwa Civil Servants Appeal Rules, 1986 the appellate authority is required to call for the record, make such further inquiry and to give the accuse official an opportunity of being heard. In the present case the appellate authority without adhering to the legal mandate dismissed the appeal of the appellant in a very slipshod and hasty manner and that to without any legal and

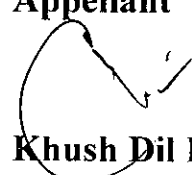
justifiable support, which is not only against the law but also against the principle of natural justice, fair play and equity.

- G. That as per law laid down by the Hon'ble Supreme Court a government employee cannot be proceeded against on the charge of unauthorized absence unless the authorities prove that the absence of civil servant from his duty was willful and was not the result of some compelling circumstances. If absence is the result of compelling circumstances under which it was not possible to perform duty, such absence cannot be held to be willful. There may be different eventualities due to which an employee may abstain from duty, including compelling circumstances beyond his control like illness, accident and imprisonment. In the subject FIR, the complainant party had arrayed all the male members of appellant's family as accused. Appellant was in Jail. In circumstances how it was possible to perform duty and how the so called unauthorized absence could be held willful.
- H. That appellant would like to seek permission of this Hon'ble Service Tribunal to advance the more grounds of this case for hearing.




Appellant

Through



Khush Dil Khan,
Advocate,
Supreme Court of Pakistan

&



Ashraf Ali Khattak,
Advocate,
High Court, Peshawar

Dated: 26/06/2019

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

1. Name: Fazala Mola

2. Race: Muslim


3. Residence: village & p.o. Badobes Tehsil & Distt. Peshawar

4. Father's name and residence: Khanada Muhammad as above


5. Date of birth by Christian era as nearly as can be ascertained: 05-01-1980


6. Exact height by measurement: 5-8 ¹¹/₂


7. Personal marks for identification: nil

8. Left hand thumb and Finger impression of (Non-Gazetted) officer: 

Little Finger: 

Ring Finger: 

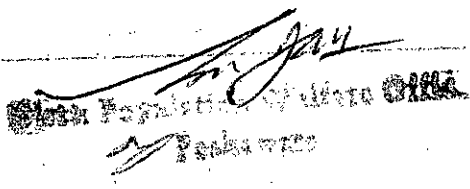
Middle Finger: 

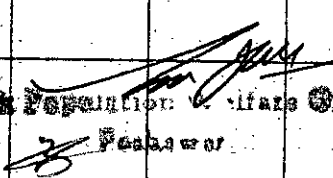
Fore Finger: 

Thumb: 

9. Signature of Government Servant: 

10. Signature and designation of the Head of the Office, or other Attesting Officer.


Head of Office, District Office
Peshawar


1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
Choukiddas BPS-1 1245-35-1770	Temp.	Yes	1245/-	-	-	19 ³ / ₂₀₀₁	
<p>✓ on account of allowing two (2) ✓ advance increments to 6. 19-3-2001, Pay fixed as under:-</p>							
ch	u	Rs.	13157	-	-	19 ³ / ₂₀₀₁	
<p>Signature  Registrar, Affairs 7 February</p>							
<p>PAY FIXTION INTO R.B.P.S-2001 Present B.P.S. No..... B.P.S. Applicable No. Pay On 30/11/2001 in Present B.P.S. No. 1... Rs. 1315/- ✓ Pay On 1/12/2001 after increment in Present B.P.S. No..... Rs. 1350/- ✓ Stages Earned in the Present B.P.S. No. 1..... th stage on 1/12/2001/ (Pay Fixed in Prevised B.P.S. No. 1... on 1/12/2001 Rs. 2035/- ✓ ACCOUNTANT</p>							
BPS-1 1870-55-3520			2035/-	✓		1-12 2001	

9	10	11	12	13		14	15
				Leave			
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Period		
<p>Reported Arrival for duty on 19-3-2001 (F.N)</p> <p><i>[Signature]</i> District Population Welfare Office Peshawar</p>				<p>Appointed as Chowkidar BPS-1 on Temporary Basis Rs. 1245-35-1770, vide this office Memorandum F.No. 1020/2001-Admn. dated 17-3-2001</p>			
<p>Sanction allowed for grant of two (2) Advance increments w.e.f. 13-9-2001 on account of higher qualification (M. Maths) over and above the prescribed qualification for the post, vide D.O. Peshawar Dpts. No. 13, D.O. F. No. 4(20)/95-2002/Admn. Vol-V, dated 31-12-2001, and pay fixed @ Rs. 1315/- pm</p> <p><i>[Signature]</i> District Population Welfare Office Peshawar</p>				<p><i>[Signature]</i> District Population Welfare Office Peshawar</p>			
<p>2 Adv. Inct S.S.C</p>							
<div data-bbox="196 1978 697 2356" style="border: 1px solid black; padding: 5px;"> <p>(2001) Office of the Accountant General N. W. F. P. Peshawar. Pay Fixed in the revised basic pay scale 2001 of Rs. 1870-5.5-3520 (L.B-17) at Rs. 2055/- w.e.f. 1-12-2001 with next increment on 1-12-2002</p> <p><i>[Signature]</i> District Officer Office of the Accountant General N. W. F. P. Peshawar</p> </div> <p><i>[Signature]</i></p>				<p>Service Verified From Available Office Record w.e.f. From 19-3-2001 To 30-11-2001</p> <p><i>[Signature]</i> District Population Welfare Office Peshawar</p>			

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary.	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
BPS-1 1870-SS-3520	Temp	Yes	2090/-	-	-	1 ¹² / ₂₀₀₂	
-do-	-do-	-do-	2145/-	-	-	1 ¹² / ₂₀₀₃	
do	do	do	2200/-	-	-	1 ¹² / ₂₀₀₄	
BPS-1 2150-SS-4100	do	do	2540/-	-	-	1 ⁷ / ₂₀₀₅	

9	10	11	12	13		14	15		
Name and Designation of head of the office or other attesting officer as attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant		
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			Period	Government to which debitable
					Service Verified From Available Office Record was From <u>1-12-2001</u> To <u>30-11-2002</u>				
 District Population Welfare Officer Peshawar 				 District Population Welfare Officer Peshawar 					
					Service Verified From Available Office Record was From <u>1-12-2002</u> To <u>30-11-2003</u>				
 District Population Welfare Officer Peshawar 				 District Population Welfare Officer Peshawar 					
					Service verified from pay bills and other office record from <u>1-12-2003</u> to <u>30-11-2004</u>				
 District Population Welfare Officer Peshawar 				 District Population Welfare Officer Peshawar 					
In pursuance of Finance Deptt, NWFP O.M No. F.D (P.R.C) 1-1/2005, dated, 01/7/2005, pay, fixed in R.B.P.S-(2005) in B.P.S-1 @ Rs. 2540/- w-e-b 1-7-2005.									
 District Population Welfare Officer Peshawar 									

P-13

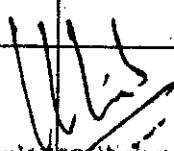
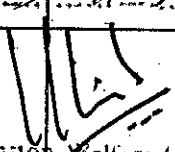
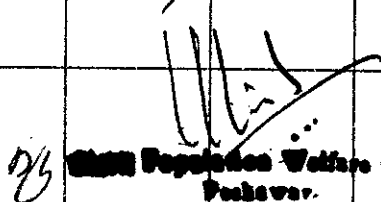
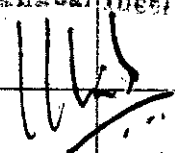
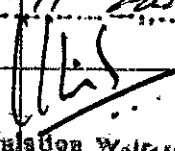
1 Name of post	2 Whether substantive or officiating and whether permanent or temporary.	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant
BPS-1 <u>2150-65-4100</u>	Temp	yes	2605/-	-	-	12/205	
do	do	do	2670/-	-	-	12/206	
RBPS-01 <u>2475-75-4725</u>	do	do	3075	-	-	17/207	
<p>In pursuance of Finance Deptt Govt of NWFP OM FD (PR) 1-1/2007 dated 20/2/2007 and Notification No FD/50 (FR) 7-2/2007 dated 28-7-2007 Pay Fixed in BPS and granted up-gradation from BPS-01 to BPS-02 as under:-</p> <p>i) Pay Fixed in BPS-01 (2475-75-4725) on 1/7/2007 @ Rs-3075/- PM</p> <p>ii) Pay Fixed BPS-02 (2530-85-5020) on a/c of up-gradation on 1/7/2007 @ Rs-3125/- PM</p>							
<p style="text-align: center;">  Population Welfare Officer Peshawar. </p>							

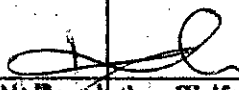
9	10	11	12	13		14	15
				Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
Name and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitabie to another Government		
<p>Granted Annual Increment</p> <p><i>W. H.</i> W. H. Population Welfare Officer Peshawar.</p>				<p>Service Verified From Available Office Record was From <u>1-12-2004</u> To <u>30-11-2005</u></p> <p><i>W. H.</i> W. H. Population Welfare Officer Peshawar.</p>			
<p>Granted Annual Increment</p> <p><i>W. H.</i> W. H. Population Welfare Officer Peshawar.</p>				<p>Service Verified From Available Office Record was From <u>1-12-2005</u> To <u>30-11-2006</u></p> <p><i>W. H.</i> W. H. Population Welfare Officer Peshawar.</p>			
<p>Allowed Revised Pay Scale 2007 wide Finance Deptt. W.F.P. letter No. FD (P.F.C) 1-1/2007 dated 20-7-2007 w-e-b 1-7-2007 in R.P.P.S-01 (2475-75-4725) @ Rs-3075/-PM</p> <p><i>W. H.</i> W. H. Population Welfare Officer Peshawar.</p>				<p>Sanction is hereby accorded to the grant of 15 days E/leave w.e to 17-9-2007 to 30-9-07 wide O.O F.No-1(47/2006-Admin Dated 18-9-2007</p> <p><i>W. H.</i> W. H. Population Welfare Officer Peshawar.</p>			




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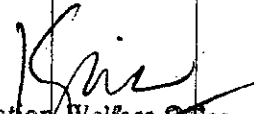
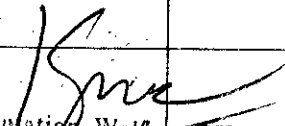
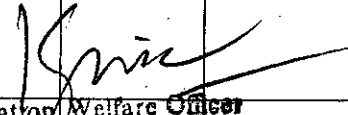
P.S.

1	2	3	4	5	6	7	8
Name of post	Whether substan- tive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
BPS-02 2530-25-5080	Temp	Yes	3210/-	-	-	1 ¹² / ₂₀₀₇	
BPS-02 3035-100-6035	do	do	3835/-	-	-	1 ⁷ / ₂₀₀₈	
BPS-02 3035-100-6035	do	do	3935/-	-	-	1 ¹² / ₂₀₀₈	

9	10	11	12	13		14	15	
				Leave:				
Designation of the office Attesting officer Registration of Serials 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Period	Government to which debitable		
Granted Annual Increment				Service Verified From Available Office Record w.e. From 1-12-2006 To 30-11-2007				
 Dy. Population Welfare Officer Peshawar.				 Dy. Population Welfare Officer Peshawar.				
<p>Allowed Revised Pay Scale 2008 wide Finance Deptt. Newsp. g.m. No. FD (PRC) 1-1/2008 Dated 10-7-2008 w.e. 6-1-7-2008 in R.P.S. 02 (3035-100-6035) @ RS-3835/-PM</p>								
 Dy. Population Welfare Officer Peshawar.				Service Verified From Available Office Record w.e. From 1-12-2007 To 30-11-2008				
Granted Annual Increment  Dy. Population Welfare Officer Peshawar.				 Dy. Population Welfare Officer Peshawar.				

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Servant
	<p>In Pursuance of Finance Deptt: Govt of N.W.F.P (Regulation wing) Notification No. FD(SR-1)2-4/2008 dated 04/04/2009 allowing one special advance increment with effect from 01/09/2007, Pay re-fixed as under:-</p> <p>1- Pay on 31/08/2007 in BPs-2, Rs. 3125/- (2530-85-5080)</p> <p>2- Allowing one special Advance increment @ Rs. 85/- on 1-9-2007 Rs. 3210/-</p> <p>3- Annual increment on 1/12/2007 Rs. 3295/-</p> <p>4- Pay fixed in RBPs-2 (2008) Rs. 3935/- (3055-100-6035)</p> <p>5- Annual increment on 1/12/2008 Rs. 4035/-</p>						
		<p> State Population Welfare Officer Seebayar.</p>					
<p>BPS-02 2535-100-6035</p>	<p>Temp</p>	<p>Yes</p>	<p>4135/-</p>	<p>-</p>	<p>-</p>	<p>1/12/2009</p>	

9	10	11	12	13		14	15
Name and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer.	Leave		Signature of the head of the office or other attesting officer	Reference to a recorded punishment or censure, or reward or praise of the Government Servant
				Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
				Nature and duration of leave taken	Period Government to which debitable		
<p>Sanction is hereby accorded to the grant of 30 days E/Leave w.e.f. 24-07-09 to 31-08-09 vide G.O. F.No - 1(4)/2008 - Adm Dated 10-8-2009</p>							
				 State Population Welfare Officer Panhwar.			
Granted Annual Increment,				Service Verified From Available Office Record w.e.f. From 1-12-2008 To 30-11-2009			
 State Population Welfare Officer Panhwar.				 State Population Welfare Officer Panhwar.			

9	10	11	12	13		14	15
				Leave			
Signature and Designation of the head of the office or other attesting officer in attestation of columns 1 to 8				Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		Signature of the head of the office or other attesting officer	
Granted Annual Increment.							
 District Population Welfare Officer Peshawar.						Service Verified from Available Office Record w.e. From <u>1-12-2005</u> To <u>30-11-2010</u>	
Allowed Revised Bps-2011 vide Finance Department, Govt of KP/K O.M No.FD (PRC) 1-1/2011, dated 14-07-2011 on 1-07-2011 in RBPS-02 (4900-170-10000) @ Rs. 6940/- PM.						 District Population Welfare Officer Peshawar.	
 District Population Welfare Officer Peshawar.							

گورنمنٹ پبلک پولیس کالج، لاہور۔ نمبر 19/54019، نمبر 23/2006 (عام شہر جاتی) جنرل پولیس (پولیس)

پولیس کالج، لاہور۔ نمبر 23

فارم نمبر ۲۳-۱

ابتدائی اطلاعی رپورٹ

نیل

۱

۱۷۷

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۳ مجموعہ ضابطہ فوجداری

۵-۸

ضلع سیالکوٹ

ڈیویژن لاہور

تاریخ ۶ صبح 13:30

عدالت ۹۲۶

10

1	تاریخ و وقت رپورٹ	<u>۶ صبح 14:30 بجے حالتی پر 15:00</u>
2	نام و سکونت اطلاع دہندہ مستغیث	<u>اجدر ولد عیسیٰ اللہ قوم افغان لیبر 77 سالہ ساکن بدھو پیر</u>
3	مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	<u>PR 302-324/34</u>
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت	<u>مظہر ڈھبہ یا غریب آباد</u>
5	نام و سکونت ملزم	<u>مغل زمان ولد رشید خان رتی راحت رتی</u>
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	<u>بہر سبب کی خبریہ ممبرہ درج جرم کی جانیاں</u>
7	تھانہ سے روانگی کی تاریخ و وقت	<u>بطور سبیل رپورٹ</u>

ابتدائی اطلاع نیچے درج کرو۔

عاقل نشانہ دی ہوئی سبب بدست کینیٹل نمبر 398 مقبول ہو کر ملحقہ ڈیل ہے۔ حالت افسر ریجارج تھانہ بدھو پیر دوران ہو یا کینیٹل اطلاع ملی کہ جائے وقوعہ باہم پیر ایک نارینہ لکھنؤ موجود ہے۔ لکھنؤ قانونی کارروائی کیلئے لڑی لوہی کے موقع آکر مدلی اللہ ولد عیسیٰ اللہ قوم افغان لیبر 77 سالہ ساکن بدھو پیر مقتول یعقوب خان کو رہنا بیٹا بیان کر کے لوہی رپورٹ کرنا تھا کہ میں دفعہ مقتول سیرام یعقوب خان منہ و لیشیاں واقعہ نزد جائے وقوعہ عبد الفیضی کی قربانی کیلئے موٹی خریدنے ارہم ہے۔ جب ہم لوہی باہم مقام پہنچے تو پہلے ہم تان میں بیٹے ملزمان مغل زمان ولد رشید خان رتی راحت رتی فضل مغل سیران خواجہ محمد علی ولد زو لو ساکن بدھو پیر قلم باہم میل نے ہم پر بار بار قتل فائرنگ شروع کی جن کے فائرنگ سے سیرام جسم کے متعدد جگہوں پر تھک کر ہلاک ہوا جبکہ میں بال باہم زخم کیا۔ وقوعہ ہذا سبب لکھنؤ نے دیکھا ہو وہ مناد سابق قتل مقابلہ کی جسمانی ہے اس لیے یعقوب کی قتل کا برخلاف عسکار کینیٹل نمبرہ باہم دعویہ اریوں۔ رپورٹ کرنا ہوتا۔ اور دستاویزہ لکھنؤ کا روانی لوہی سبب رپورٹ مدلی درج کر کے بلکہ مدلی سے لکھنؤ سانبہ جہانی دائیں بائیں طرف بیٹے ناف کے نیچے اور دائیں ہاتھ پر رشید برڑھی ہے۔ مخالفہ لکھنؤ اور فر صورت حال بمطابق رجحانات نہایت ہو کر ہمارا دل کینیٹل مارٹم ڈیپٹنٹ کینیٹل اور جان 1902/1902 بجوانا گیا۔ صورت جرم باہم مگر مالہ لکھنؤ سبیل رپورٹ برائے تانہ لکھنؤ بدست کینیٹل نمبر 398 اسی کے ساتھ ہے۔ دستاویزہ لکھنؤ عاقل نشانہ دی ہوئی تین ایچ کارروائی تھانہ آمدہ کی خبریہ ممبرہ خلاف وفاداری باہم ہو کر درج جرم باہم جان کیا جا کر قتل پر لکھنؤ تفتیش حوالہ ہے۔ خانہ کینیٹل ڈیپٹنٹ انٹرنیشنل رپورٹ لکھنؤ ڈیپٹنٹ رپورٹ لکھنؤ نمبر 1902/1902

Annex-C

22

40

IN THE COURT OF INAM ULLAH WAZIR,
ADDITIONAL SESSIONS JUDGE-I, PESHAWAR

Fazle Mola...vs...The State
Petition No.776/BA

Order... 22/11/2014

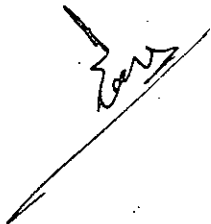
Counsel for accused-petitioner present.

Complainant is not in attendance. Dy. PP for State is however present, and as such the petition in hand is taken up for proper disposal and as per law.

2. Accused-petitioner *Fazle Mola* son of *Khuwaja Muhammad* through instant petition seeks post arrest bail in case FIR No.924 dated 06/11/2010 u/s 302/324/34 PPC, P.S. *Badhaber, Peshawar*.

3. To be precise, on the relevant date and time, complainant *Ahmad* son of *Asmat Ullah*, charged *Gul Zaman* son of *Rasheed Khan, Rahat, Fazle Mola* sons of *Khwaja Muhammad* and *Ghulam Ali s/o Zalo* for attempting at his life and also for the murder of his son *Yaqoob Khan*. Motive reported is the previous blood feud.

4. Arguments heard and record perused.



Contd:P-02
22/11/2014

5. Main emphasis of learned counsel for accused-petitioner is on the fact that, co-accused namely *Gul Zaman* son of *Rahseed Khan* with similar role has been acquitted by the court of learned ASJ-VI, *Peshawar* vide order/judgment dated 09/07/2013. This stance of learned counsel for accused-petitioner is being appraised while making tentative assessment of the record, and it depicts that, truly, the said co-accused was acquitted by the concerned trial court.

6. It further transpires that, case of accused-petitioner is not distinguishable from that of the said acquitted co-accused, and having so, alleged absconsion on part of accused-petitioner can't be considered as a workable barrier in way of grant of bail. In this regard, guidance is derived from the valued un-reported judgment dated 30/10/2014, of the hon'ble *Peshawar High Court, Peshawar* announced in;

Shah Zaman..Vs..Muhammad Israr etc
Cr. M.B.A. 1580-P of 2014

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Contd:P-03
22/11/2014

7. As a consequence, this petition succeeds, which is thus accepted and accused-petitioner is admitted to bail provided he furnishes bail bonds in the sum of **Rs.200,000/-** with two sureties each in the like amount to the satisfaction of this court.

Sureties must be local, reliable and men of means.

File be consigned to the record room after compilation and completion.

Announced
22/11/2014


(Inam Ullah Wazir)
ASJ-I, Peshawar

Annex-D



Office of the District Population Welfare Officer, Pesh.
Govt. of Khyber Pakhtunkhwa
House no. 1943, Salar St. Akmal Abad university town, Old Dara road Pesh.

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Dated Peshawar the 20 / 02 / 2013.

D

OFFICE ORDER.

F.No:1(15)2011-12/Admn. On account of unauthorized regular absence from official duty since 8th November, 2010 till date without prior permission, Mr. Fazli Mullah S/O Khuaja Mohammad, Chowkidar (BPS-02) is hereby dismissed from the service under section (Section 4(b) (iv)) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 with immediate effect.

SHAHI NAWAB
District Population Welfare Officer
Peshawar.

To,

Mr. Fazli Mullah S/O Khuaja Mohammad
Home Address.

Copy to:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar for information & n/action
2. Accountant (local) for information & n/action.
3. I/C FWC concerned for information.
4. P/f of the Official concerned.

SHAHI NAWAB
District Population Welfare Officer
Peshawar.



خدمت جناب ڈائریکٹر جنرل پولیس و پبلک ریلیشنز ڈیپارٹمنٹ حیدرآباد

عنوان: ایک بڑے بحالی ملازمت

جناب عالی!

گزارش ہے کہ مجھے ایک جھوٹے FIR میں ملزم بنایا گیا ہے
میں نے بذات خود گرفتاری دی۔ مورخہ 22 نومبر 2014ء کو مجھے
ضمانت پر رہائی ملی۔ ضمانت پر رہائی کے بعد میں اپنے
دیوٹی پر حاضری کھانے آیا۔ مجھے بتایا گیا کہ ایک مورخہ 20/02/14ء
کو ملازمت سے برخاست کر دیا گیا ہے۔ میں نے درخواست
پر مجھے آرڈر کی فوٹو کاپی دی گئی۔

مجھے عمر فاروقی طریقے سے ملازمت سے برخاست کر دیا۔ مجھے
نہ suspend نہ کیا گیا ہے۔ اور میرے خلاف کوئی انٹراڈی
گرائی گئی ہے۔ اور نہ ہی میرے خلاف اخبار میں بائٹ
غیر حاضری اشتہار دیا گیا ہے۔

میں ایک جھوٹی اور من گھڑت کس میں جیل میں تھا
اب ضمانت پر رہا۔

لہذا آپ صاحب سے درخواست ہے کہ میری
ملازمت سے خاستگی آرڈر مورخہ 20-02-2014ء کو منسوخ
کیا جائے اور مجھے ملازمت پر بحال کیا جائے
عینے طوارفت سے ہوگی

Forwarded in Original

Copy may be provided
24.11.14

ایک محفلت مظاہرہ
مولا محمد کبیر پولیس ملازم سٹیشن 24.11.2014

Annex-B.F

**GOVERNMENT OF KHYBER PAKHTUNKHWA
POPULATION WELFARE DEPARTMENT**

Post Box NO. 235
FC TRUST BUILDING SUNEHRI MASJID ROAD
2ND FLOOR PESHAWAR CANTT:

27

-E.No.4 (35)/2014-15 Admn
Dated Peshawar, 17/3/2015

OFFICE ORDER

Mr. Kashif Fida, Assistant Director (Admn) is hereby nominated / authorized to inquire the appeal in respect of Mr. Fazale Maula Ex-chowkidar BPS-2 requesting for re-instatement in service and submit his report within a fortnight.

DIRECTOR GENERAL PWD

Copy to:-

1. The District Population Welfare Officer Peshawar w/r to his letter No. FNo.1(15)/2013-Admn dated 29.2.2015 with the advise to facilitate the officer.
2. Officer concerned for compliance:
3. PS to Advisor to CM for Population Welfare, Khyber Pakhtunkhwa.
4. PS to Director General, PWD KP Peshawar.
5. Mr. Fazale Maula Ex-chowkidar to produce his previous record and other materials as deem necessary by the inquiry officer.

Deputy Director (Admn)

vide No. 1053-51
17/3/15



Population Welfare Department
Office of the District Population Welfare Officer, Pesh.
Govt. of Khyber Pakhtunkhwa
House no.4501, St#3, Sikandar Town, Pesh.



P-28

F.No:1(15)/2013-Admn

POPULATION WELFARE DEPARTMENT
PESHAWAR

DISTO No: 1571
Date: 12-1-15
Sign: [Signature]

Dated: 29/12/2014

Dr. 51
2014-01-08

To

The Director General,
Population Welfare Department,
Govt. Of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

APPLICATION OF RE-INSTATEMENT IN SERVICE

Ref Page No. 4/c

I am directed to refer to the Assistant Director (Admn,) Directorate General of Population Welfare Department, Govt. of Khyber pakhtunkhwa, Peshawar letter No. 4(35)/2014-15/Admn/8993-95 dated 15/12/2014 on the subject noted above and to state that Mr. Fazli Maulla, Ex-Chowkidar, BPS-02 was terminated on account of absenteeism since 8th November, 2010 (termination order enclose). It is further mention that except this termination order nothing like notices, formal inquiry report etc is available on this office record.

[Signature]

Dy: District population welfare Office.
Peshawar

Copy to:-

1. Assistant Director (Admn) Govt. of Khyber Pakhtunkhwa, Population Welfare Department, Peshawar.

DD/A [Signature] 2/11

Dy: District population welfare Officer
Peshawar

on file
urgently [Signature] 8/1/15

AD/AS [Signature] 6/1/15

[Signature] 1/1/15



Population Welfare Department
Office of the District Population Welfare Officer, Pesh.
Govt. of Khyber Pakhtunkhwa
House no.4501, St#3, Sikandar Town, Pesh.



P-2900

F.No:1(15)/2013-Admn

Dated: 20/04/2015


To

The Assistant Director (Admn)/ Inquiry Officer,
Population Welfare Department,
Govt. Of Khyber Pakhtunkhwa,
Peshawar.

Subject: - **INQUIRY REGARDING APPEAL FOR REINSTATEMENT INTO SERVICE IN RESPECT OF MR. FAZL-E-MULA EX CHOWKIDAR.**

With reference to your letter dated 20/04/2015 on the above noted subject and to enclose herewith the statements of the following staff of this office in the subjected inquiry as desired:-

1. Mr. Muhammad Ashfaq, DDPWO(C&T)
2. Mr. Zafar Ali, Office Assistant
3. Mr. Tehseen Mehmood, Projectionist/ Dispatcher
4. Mr. Mushtaq Saeed, Senior Clerk
5. Mr. Aqeel Babar, ADPWO


District population welfare Officer
Peshawar

11

P-30

To

The Director General,
Population Welfare Department,
Peshawar.

Subject: - INQUIRY REPORT REGARDING APPEAL FOR REINSTATEMENT INTO SERVICE IN RESPECT OF MR. FAZL-E-MULA EX- CHOWKIDAR DPW OFFICE PESHAWAR

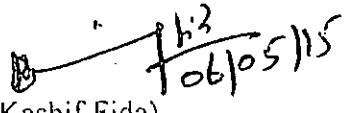
Dear Sir,

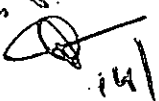
Ref Page No. 11/c

Kindly refer to office order No. 4(35)/2012-Admn dated 17/03/2015 and to enclose herewith the subject inquiry report as desired please.

Yours faithfully

Encl:
Enquiry Page 1-4
Anex A-P


(Kashif Fida)
Assistant Director (Admn)

Admin DA

14/5

Supdt / Asstt I
Discussed with DG.
Prof hp on file in detail. Inson

14/5


14/5/15
MKT II

4(35)/2012-Admn 15/03/2015/504
6

(10)

P31

INQUIRY REPORT REGARDING APPEAL FOR REINSTATEMENT
INTO SERVICE IN RESPECT OF MR. FAZL-E-MULA EX-
CHOWKIDAR DPW OFFICE PESHAWAR

BACKGROUND

The DPWO Peshawar has forwarded an application for reinstatement into service in respect of Mr. Fazli-e-Mula Ex-Chowkidar BPS-2, (Annex-A 03 Pages) to the Director General PWD being appellate authority, The DPWO Peshawar was asked for comments and complete record in the instant matter vide letter No. 4(35)/2014-15/Admn at 15/12/2014 (Annex-B 01 page). The DPWO concerned informed vide letter No. 1(15)/2013/Admn dated 29/12/2014 (Annex-C 01 page) that the said Ex-Chowkidar was terminated from service on account of absenteeism since 08/11/2010 vide order No. 1(15)/2011-12/Admn, dated 20/02/2013 (Annex-D 01 page), & except the termination order, nothing like notices, formal inquiry report etc is available in the record. The Director General PWD nominated Mr. Kashif Fida Assistant Director (Admn) as inquiry officer to probe the appeal in question vide order No. 4(35)/2012/Admn dated 17/03/2015 (Annex-E 01 Page).

PROCEEDINGS

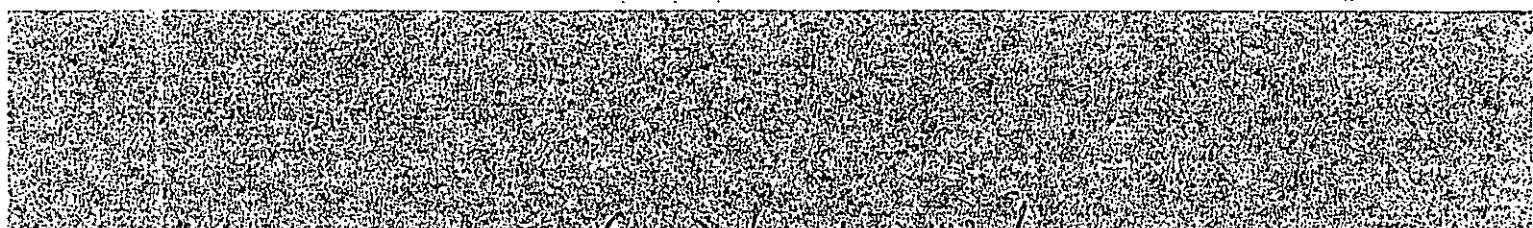
During the course of proceedings, the inquiry officer visited DPW Office Peshawar and personally examined the whole record. Statements of the following were obtained as per detail given below:

1. Mr. Shahi nawab, Ex- DPWO Peshawar He submitted that the said Chowkidar was dismissed after observing all coddle formalities and Mr. Arif Abbas Assistant will narrate the whole situation (Annex-F 01 Page).
2. Mr. Arif Abbas, Assistant That he was not the in-charge of Admn section and ADPWO was the in-charge. In the instant matter all the coddle formalities were observed by the competent authority (Annex -G 01 Page).

4(21)/2012-13/Admn/15
13.8

- (15)
- P.32
3. Mr. Muhammad Ishfaq, DDPWO That during termination of the official, there was no proper file work in the office and as such he was not involved in the process (Annex -H 01 Page).
 4. Mr. Zafar Ali, Assistant That he was transferred from DPW Office Kohat to Peshawar on 11/11/2013. The room of Mr. Arif Abbas was locked. The DPWO constituted committee and unlocked the room. The available record was shifted to concerned files, however nothing was available with reference to termination from service in respect of Mr. Fazli -e-Mula Ex-Chowkidar (Annex -I 01 Page).
 5. Mr. Tehseen Mehmood Qurashi, Projectionest /Dispatcher That during shifting of Office from old Bara Road to Sikandar Town Peshawar, dispatch registers for the year 2012-13 were misplaced and the DPWO was informed (Annex -J 01 Page).
 6. Mr. Mushtaq Saeed Senior Clerk That record of Administration was in the custody of Assistant. He was transferred to Kohat. He has not handed over the record and his room was locked. The DPWO constituted committee and unlocked the room. The available record was shifted to concerned files, however nothing was available with reference to termination from service in respect of Mr. Fazli -e-Mula Ex-Chowkidar (Annex -K 01 Page).
 7. Mr. Aqeel Babar Office Assistant/ADPWO That he is unaware of the whole case, During the termination of the said official, there was no file work. All affairs were processed by mutual under standing of the DPWO and Assistant (Annex -L 01 Page).
 8. Mr. Fazli-e-Mula Ex-Chowkidar/Appellant That due to personal enimity, he requested DPWO Peshawar for two years leave with out pay w.e.f 20/12/2012 to 20/12/2014. But the DPWO dismissed him from service on 20/02/2013 without any inquiry and notice (Annex -M 01 Page).

h?



(14)

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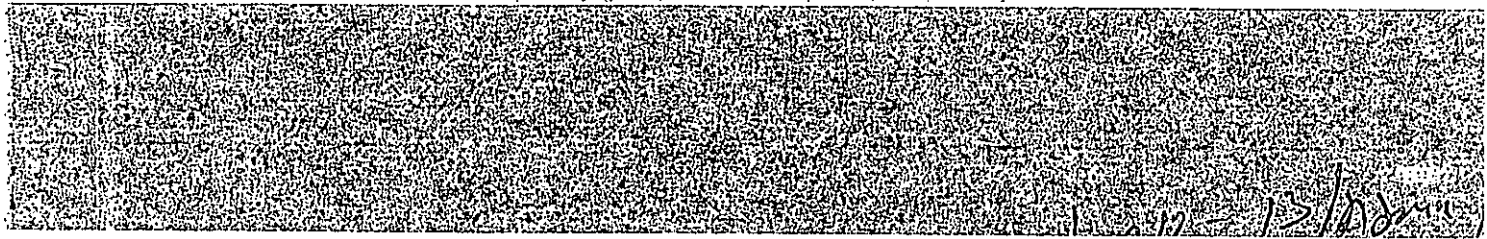
The inquiry officer by personal means obtained two show cause notices issued by the DPWO Peshawar to the appellant vide news papers Daily Express and Pakistan dated 20/09/2012 (Annex -N 02 Pages), vide letter No. 1(15)/2012-Admn dated 25/09/2012 (Annex-O 01 Page). The appellant also provided decision dated 22/11/2014 of the Additional Session Judge-I Peshawar wherein he has been granted bail w.r.to case FIR No. 924 dated 06/11/2010 u/s 302/324/34 PPC Police Station Badhaber, Peshawar (Annex -P 05 Pages).

FINDINGS

During the course of inquiry, the inquiry officer obtained the following findings.

1. The petitioner was dismissed from service w.e.f 20/02/2013 on account of absenteeism since 08/11/2010. The process astonishingly took about two years and three months.
2. Show cause notices were issued in the daily news papers on 20/09/2012, and after five months he was dismissed from service, which is a question mark on part of the competent authority ie DPW Officer Peshawar.
3. Due to non availability of record, it is not clear that whether the accused was offered proper defense and procedure as per rules were adopted or other wise.
4. The DPW Officer Peshawar being competent authority was supposed to suspend the services of the appellant w.r. to the FIR lodged against him in police station Badhaber Peshawar and this be mentioned in the notice published in the news papers but was not done.
5. The salary and allowances of the appellant were stopped by the DPWO Peshawar w.e.f 08/11/2010.

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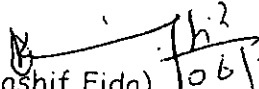


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RECOMMENDATIONS

1. The appellant may be reinstated into service w.e.f the date of dismissal from service and the period not serve as duty be treated as leave with out pay.
2. The DPW Officer Peshawar may be asked to suspend him from service as per rules from the date of FIR lodged against the appellant in the said Police Station.
3. The DPWO Peshawar may be asked to decide further fate of the appellant service in light of the court decision in the instant matter.


(Kashif Fida) 10/05/15
Assistant Director (Admin)
(Inquiry Officer)

4(21) 10/05/15/Adm/16/17

IN THE COURT OF AZIMULLAH MISHWANI
ADDITIONAL SESSIONS JUDGE-VIII, PESHAWAR

Case No. 560/SC.

State... Vs ... Rahat etc.

Date of Institution : 1/3/2016.
Date of Transfer : 17/1/2018
Date of decision : 12/01/2019

JUDGMENT

12/01/2019

(Azimullah Mishwani)
Additional Sessions Judge
Peshawar

Through this judgment fate of the
aforementioned case is to be disposed of.

Peculiar background of the case in hand is such
that complainant Ahmad S/O Asmat Ullah reported
the matter to the local police to the effect that he along
with his deceased son namely Yaqoob were coming to
Maalmandi for buying cattle for Edul Azha, when they
reached to the place of occurrence, in the meanwhile
accused who were already sitting there duly armed
with firearm namely Gul Zaman, Rahat, Fazal Mula
and Ghulam Al started firing at them to commit their
Qatl-e-Amd. As a result of which his son Yaqoob got
hit and sustained injuries on different part of his body

APPEARED

19 JAN 2019

Additional Sessions Judge
Peshawar

State..... Vs..... Rahat etc.

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and died on the spot, while he escaped unhurt. Motive behind the occurrence was stated as previous bloodshed enmity. On the report of the complainant the instant case was got registered.

Case was thereafter investigated and on submission of complete challan against the co-accused trial was held wherein the rest of co-accused namely Gul Zaman was acquitted by learned ASJ-VI, Peshawar vide judgment dated 9/7/2014 and the present facing trial *Rahat, Fazal Mula and Ghulam*

Additional Magistrate
Additional District
Sessions Judge-VI
Peshawar

Ali were declared as POs. The present accused thereafter arrested against whom the case file was put in court on 1/3/2016 and charge was framed on 23/5/2018. Since the accused claimed trial, hence prosecution was accorded opportunity to adduce its evidence, but the prosecution could not produce any PW till date. The court adopted coercive measures by issuing NBWA against the unexamined PWs as well as the complainant but despite of all the efforts the complainant as well as the rest of unexamined PWs did not turn up. Moreover, as per report of the DFC,

ATTESTED

19 JAN 2019
(Examiner)
Sessions Court Peshawar

State Vs. Rahat etc.

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the complainant has been informed, but he did not turn up before the court.

Learned counsel for the accused submitted application under section 265-K Cr.P.C and notice of it was given to the prosecution.

I listened to the arguments of learned defense counsel as well as SPP for the state and perused the record.

A

As earlier dilated upon on the commencement of trial against the present accused facing trial the prosecution were directed to produce the PWs, but in vain. Moreover, the evidence which was previously produced during the trial of rest of co-accused was in the same line. Though the material witnesses and the complainant were also examined during the previous trial of rest of co-acquitted accused, but the court of the then learned ASJ-VI, Peshawar vide judgment dated, 9/7/2013 did not believe it and the evidence were found to be materially contradicted full of material discrepancies and not worth reliance, the co-accused was thus acquitted of the charges. Needless to repeat that the prosecution as well as the

REGISTERED

19 JAN 2014

(19 JAN 2014)

State..... Vs..... Rahat etc.

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complainant party have miserably been failed to produce the evidence in order to substantiate indictment against the present accused. It needs no clarification that the court is not presumed to wait indefinitely for the complainant or the prosecution to adduce its evidence when they have been failed to do it inspite of the court repeated directions.

(Amirul Hossain)
 Additional
 Sessions Judge
 Peshawar

Before commenting on the probabilities and improbabilities of the mode of the commission of offence as reported by the complainant, it is deemed appropriate to dilate upon that to prove an accusation against the accused is admittedly the state attribute and to bring the offender to book is its prime responsibility and if any slackness is felt, the trial court is vested with ample jurisdiction to decide/dispose of the lis under the enabling provisions of section 265-K Cr.P.C. Provision of section 265-K Cr.P.C are reproduced herein below:

“Power of court to acquit accused at any stage. Nothing in this chapter shall be deemed to prevent a court from acquitting an accused at any stage of the case; if, after hearing the prosecutor and the

ATTESTED

19 JAN 2010

(Examiner)
 Sessions Court Peshawar

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2

accused and for reason to be recorded, it considers that there is no probability of the accused being convicted of any offence. "

Apart from the afore referred disinterested and lethargic attitude of the complainant party to produce evidence against the present accused, it is a glaring fact that on the same set of evidence which if got completed against the present accused, would be just a repetition as the guilt of the rest of co-accused could not be established. So far the case of present accused is concerned, admittedly he is not charge for the effective firing and the case of the prosecution is fully shrouded with mystery of uncertainty. The only fact against the present accused his absconion for which though no plausible reason could be forwarded however, this can also not be interpreted only against the accused as the state machinery/police is undoubtedly responsible to arrest fugitive which otherwise reflects their inefficiency.

(Wazir) **AA**
Session Judge
Faisalabad

By now it has the well embedded principle of criminal dispensation of justice enunciated by Honorable Superior Courts that when the case of an

REGISTERED

19 JAN 2010

[Signature]
Magistrate

State..... Vs..... Rahat etc.

40 23

accused is not proved otherwise by producing admissible evidence against him, mere abscondence cannot be taken as proof of his guilt particularly in the prevailing culture and social bonds of the society.

Hence, in the peculiar circumstances further proceedings in the case will serve no useful purpose to the cause of justice and will tantamount to wastage of court time and unnecessarily dragging of the accused as well.

Hence, as after math of what has been stated above, the accused facing trial are hereby acquitted from the charges leveled against them.

They are on bail, their sureties are absolved from the responsibilities. Case property be dealt with accordance with law but after the expiry of period of appeal/revision.

File be consigned to record room after necessary completion and compilation.

(Azimullah Mishwani)
Sessions Judge-VIII,
Peshawar.

Announced:
12/01/2019

Azimullah
(Azimullah Mishwani)
Addl: Sessions Judge-VIII,
Peshawar

1057
15-1-19
4.800 - 12 06/16
19/1/19

CERTIFIED TO BE TRUE COPY

19 JAN 2019

(Signature)
Sd/- (Azimullah Mishwani)
Sessions Judge-VIII,
Peshawar

State..... Vs..... Rahat etc.

91 24

CERTIFICATE

Certified that this Judgment consists of Seven (07) pages. Each page has been checked, signed, and corrected accordingly.

Azizullah
(Azizullah Mishwani)
Addl: Sessions Judge-VIII,
Peshawar.

ATTESTED

19 JAN 2019
(Signature)
Sessions Judge Peshawar

Annex-H 42

To

The Director General,
Population Welfare Department
Khyber Pakhtunkhwa Peshawar.

D.No 389
Dated 04-3-2019

Subject: Application for reinstatement into service on the acquittal of applicant in the murder case vide judgment of the Learned Additional Sessions Judge-VIII, Peshawar.

Respected Sir,

1. The applicant was the employee of this Directorate holding the post of Chowkidar. During service I was charged in a false case of murder on account of which I was arrested and kept behind the bar. When I released on bail I filed an application for joining the duty upon which I was intimated that my services were terminated due to alleged absence from service. Then I filed an appeal before your honour upon which an inquiry was conducted and it was recommended that my reinstatement may be considered after the final decision of the case. (The relevant papers are attached for your perusal).
2. That my case has finally decided by the Learned Additional Sessions Judge-VIII Peshawar vide judgment dated 12.01.2019 thereby I was acquitted of the charges. (Copy of the judgment is attached).

It is therefore, humbly prayed that on acceptance of this application my termination order from service may graciously be set aside and I may kindly be reinstated into service with all back benefits.

Yours truly

Fazli Maula

Ex-Chowkidar

Office of District Population
Welfare Department Peshawar

P. Arace

D/200

4/3/19



Annex-1 43

GOVERNMENT OF

KHYBER PAKHTUNKHWA

DIRECTORATE GENERAL, POPULATION WELFARE

Plot No.18, Sector E-8, Phase-7, Hayatabad, Peshawar

To,

F.No.4 (35)/2019/Admn

Dated Peshawar the 29/5/2019. /2960-61

Mr. Fazal Mula,
Ex-Chowkidar, DPW-Office, Peshawar.

Subject:- RE-INSTATEMENT / COURT JUDGEMENT

I am directed to refer to your application dated 29.05.2019 on the above noted subject and to state that your appeal dated 04.03.2019 for re-instatement into service has been filed by the competent authority.

Assistant Director (Admn)

Copy forwarded to the:-

PS to Director General, PWD, Khyber Pakhtunkhwa, Peshawar.

Assistant Director (Admn)

WAKALAT NAMA

IN THE COURT OF _____

Fazal Mola

Ex-Chowkidar PWD. Appellant(s)/Petitioner(s)

VERSUS

The Secretary PWD

Khyber Pakhtunkhwa
and others. Respondent(s)

I/We Appellant do hereby appoint
Mr. Khush Dil Khan, Advocate Supreme Court of Pakistan in the above
mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested
&
Accepted

Attested & Accepted by



Signature of Executants

shraf Ali
Advocate

Khush Dil Khan,
Advocate,
Supreme Court of Pakistan
9-B, Haroon Mansion
Off: Tel: 091-2213445

C # 1046-05

cell # 0332-9931676

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 859 of 2019

Fazal Moula Ex-Chowkidar Appellant


VERSUS

*Govt of Khyber Pakhtunkhwa through Chief Secretary
and others*

... .. Respondents

INDEX

S.No.	Description of documents	Annexure	Pages
1.	Comments of service appeal		1-2
2.	Affidavit		3
3.	Copy of application dated 30/10/2014	"A"	4
4.	Copy of show cause notice/news papers dated 26/09/2012 and dated 28/09/2012	"B&C"	5-6

Deponent 
Ahmad Yar Khan
Assistant Director (Lit)

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**IN THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR.**

In Appeal No.859 of 2019

Fazal Mola Ex-Chowkidar

.....(Appellant)

VS

Govt. of Khyber Pakhtunkhwa through Secretary Population Welfare Department

.....(Respondents)

**JOINT PARA-WISE REPLY/COMMENTS ON BEHALF OF THE
RESPONDENTS NO.1 to 3.**

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

1. That the appellant has got not locus standi to file the instant appeal.
2. That the instant appeal is bad in the eye of law.
3. That the appeal is based on distortion of facts and is not maintainable in its present form.
4. That the appellant has come to the Tribunal with un-cleaned hands.
5. That the appellant has been estopped by his own conduct to file the appeal.
6. That the appellant has no cause of action.

ON FACTS.

1. Correct. Pertains to record.
2. Pertains to record of Police Department. Hence needs no comments.
3. Incorrect. Verbatim is based on distortions of facts as no such information is available on office record prior to his dismissal order.
4. Incorrect. The appellant submitted an application for restoration of service on 31/10/2014 (**Annex-A**) prior his bail whereas the appellant was released on bail dated 22/11/2014 mentioned in his service appeal.
5. Correct.
6. Correct.
7. Incorrect. No such verbal information regarding his re-instatement into service was given to the appellant.
8. Correct.
9. Incorrect. The appeal of the appellant was time barred by Law and hence regretted by the appellant authority.
10. No comments.

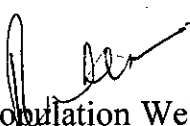
ON GROUNDS.

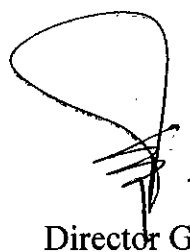
- A. Incorrect. The appellant is exactly treated in accordance with law, Rules and Regulation.
- B. Incorrect. Verbatim is based on distortions of facts since the accused was absconder and a show cause notice was issued in daily Express and Pakistan dated 26/09/2012 & 28/09/2012 respectively (**Annex-B & C**).
- C. Incorrect. As explained in facts 3 above.
- D. Incorrect. As explained in facts 9 above.

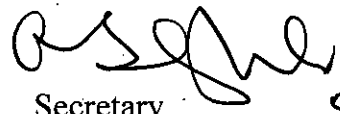
- 50
- E. Incorrect. As explained in ground B above.
F. Incorrect. As repetition of earlier paras.
G. Incorrect. The F.I.R was registered against the appellant on 06/11/2010 and he surrendered to the police on 20/10/2014 (as mentioned in departmental appeal at annex-A) and remained absconder for more than four years.
H. The respondent may also be allowed to raise further additional grounds at the time of arguments.

PRAYER:-

Keeping in view the above, it is prayed that the instant appeal may kindly be dismissed in public interest.


District Population Welfare Officer,
Peshawar
Respondent No 3


Director General,
Population Welfare Department
Respondent No 2


Secretary
Population Welfare Department,
Government of Khyber Pakhtunkhwa
Respondent No 1
Population Welfare Department
Khyber Pakhtunkhwa Peshawar

03.07.20

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 859 of 2019

Fazal Moula Ex-Chowkidar Appellant


VERSUS

*Govt of Khyber Pakhtunkhwa through Chief Secretary
and others*

... .. Respondents

Affidavit

*I, Mr. Ahmad Yar Khan Assistant Director
(Litigation), Directorate General of Population
Welfare Department do hereby solemnly affirm
and declare on oath that the content of the
accompanied comments/reply on behalf
respondent No.1 to 3 are true and correct to the
best of my knowledge and available record and
nothing has been concealed from this Hon'ble
Tribunal.*



DEPONENT

Mr. Ahmad Yar Khan

Assistant Director (Litigation),

Annex A

ڈیپارٹمنٹ آف سوشل ویلفیئر
ڈیپارٹمنٹ آف سوشل ویلفیئر

48

49

عنوان: ایس ایف ایف ملازمت کی حالت

صاحب عالی

گڈ ریسی کی حالت ہے کہ اس میں ملازمت

385
Dated 31/10/14
Signature
DPW, Peshawar.

اس کی حالت ہے جو اس کے آج صبح صبح سے کہ اس میں ملازمت
ہو ڈیپارٹمنٹ آف سوشل ویلفیئر کو فارورڈ کر دیا گیا ہے

صاحب کو فائل کی کاپی فراہم کی گئی ہے۔

علی گڑھ ایف ایف
اعتراف: 31 اکتوبر 2014

الف

آئی اے ایف ایف کے ساتھ
فائل کی کاپی فراہم کی گئی ہے

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for sending to OGC

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عنوان بیان حلقہ بابت ایمل بر لا ملائمت کالی

۶۹

میں فصل ہوا ولد فریادہ محمد (روا) حلقہ بیان دستاویز

کہ اس میں بیان دیکھی گئی ہے فریادہ لایا گیا اور متعدد قاتلانہ قتلوں میں اس میں بیان ہوا ہے اس بنا پر اس میں فریادہ کو حلقہ قرار دیا گیا ہے

یہ روایتیں درلودہ آئینہ کو عورف ۱۲۱۲ھ سے ۱۲۱۳ھ تک (۲ سال کے لیے) بغیر کسی کی ترقی نہ ہوئی اور اس میں فریادہ کو حلقہ قرار دیا گیا ہے اس بنا پر اس میں فریادہ کو حلقہ قرار دیا گیا ہے

کوئی ایسی روایت نہیں ہے جو اس کو عورف ۱۲۱۳ھ کی ترقی نہ ہوئی ہے لہذا اس میں سے آ - صاحبان کی خدمت میں عرض ہے کہ انہوں نے اتفاقاً کو مدنظر رکھے ہوئے اور اس میں مذکورہ جو روایت مدنظر رکھے ہوئے اس میں اس روایت پر بعد دانہ خود کہنے ملازمت یہ حال گدا کا تھا یہ روایت مذکورہ ہے

عین توراتی سول
اختلاف

القائلی

۲ اب حلقہ فصل ہوا سابقہ جو بعد از فلاہ ہرگز مذکور ہے

(Annex - B)

Annex - B

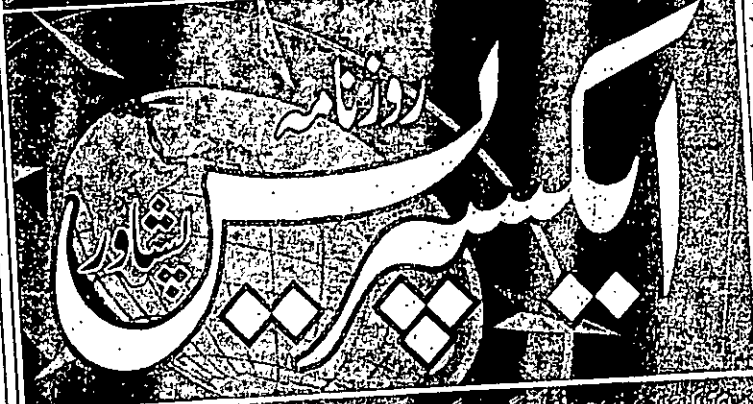
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FRIDAY, SEPTEMBER 28, 2010

جلد 11 شمارہ 01، مہینہ ایلبرک 10، ذیقعدہ 1433، 28 ستمبر 2012، 13 ستمبر 2009، فون 9-2654226، سہ ماہی 12 قیمت 10 روپے

Also available on www.khyberpakhtunkhwa.gov.pk

INE (P) 2980

آخری نوٹس اظہارِ وجوہ

1) آپ سہی رحمت اللہ ولد خواجہ محمد ہاشم وٹیفیز اسٹینٹ (سہیل) سواری سے لیکر آپ تک مسلسل اپنی ذیوبنی سے غیر حاضر ہے وہ بھی بغیر کسی اطلاع کے۔ باذوق ذرائع سے یہ معلوم ہوا ہے کہ آپ بیرون ملک چلے گئے ہے جبکہ آپ نے اپنی بیرون ملک جانے کی پیشگی اطلاع دفتر پڑا کو نہیں دی اور نہ ہی آپ نے اس سلسلے میں دفتر پڑا سے کوئی اجازت لی ہے۔

2) آپ سہی فضل مولانا ولد خواجہ محمد پڑا کوئی اجازت سے لیکر آپ تک مسلسل اپنی ذیوبنی سے غیر حاضر ہے وہ بھی بغیر کسی اطلاع کے۔ پیشگی اجازت کے دفتر پڑا سے اسلئے آپ دونوں کو بذریعہ اخبار مطلع کیا جاتا ہے کہ ان نوٹس کی اشاعت کے سات دونوں کے اندر راجہ راجہ صاحب کے سامنے پیش ہو کر اپنی مسلسل غیر حاضری کی مستقول وجہ بتائیں بصورت دیگر آپ کے خلاف (E&D) ترمیم شدہ ستمبر 2011 قوانین کے تحت کیٹرز کارروائی عمل میں لائی جائے گی۔ جو کہ آپ کی ملازمت سے برحالی پر بھی متاثر ہو سکتی ہے۔

ادارت راجہ صاحب ضلعی ہیرو ڈیپارٹمنٹ، آفس، گورنمنٹ ہسپتال، ایف ایچ ایس، پشاور
فون نمبر 4501، گلی نمبر 3 سکسٹر ماؤن، ایف ایچ ایس، پشاور

Also available on www.khyberpakhtunkhwa.gov.pk

INE (P) 2980

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Mashif Fida
Assistant Director (Admin)
Population Welfare Department
Khyber Pakhtunkhwa Peshawar

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Amroha - C

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(Kashif Fida)
 Assistant Director (Admin)
 Population Welfare Department
 Pakhankhwa Peshawar

آخری نوٹس اطلاع و خود

(1) آپ مسی راحت اللہ ولد خواجہ محمد، تعلیمی ڈیفینڈ اسٹنٹ (سپل) مورثہ 08/11/2010 سے لیکر اب تک مسلسل اپنی ڈیوٹی سے غیر حاضر ہے وہ بھی بغیر کسی اطلاع کے، ہاؤس ڈرائیج سے یہ معلوم ہوا ہے کہ آپ بیرون ملک چلے گئے ہیں، جبکہ آپ نے اپنی بیرون ملک جانے کی پیشگی اطلاع دفتر بذاکوٹس دی اور نہ ہی آپ نے اس سلسلے میں دفتر بذاکوٹس سے کوئی اجازت لی ہے۔

(2) آپ مسی فضل ہوا ولد خواجہ محمد جو کیدار مورثہ 08/11/2010 سے لیکر اب تک مسلسل اپنی ڈیوٹی سے غیر حاضر ہے وہ بھی بغیر کسی اطلاع کے، دفتر بذاکوٹس سے اجازت کے دفتر بذاکوٹس کے لئے آپ دونوں کو بذریعہ اخبار مطلع کیا جاتا ہے کہ اس نوٹس کی اشاعت کے سات دنوں کے اندر اندر افسر مجاز کے سامنے پیش ہو کر اپنی مسلسل غیر حاضری کی معقول وجہ بتائیں بصورت دیگر آپ کے خلاف (E.&D) ترمیم شدہ ستمبر 2011 قوانین کے تحت یکطرفہ کارروائی عمل میں لائی جائیگی جو کہ آپ کی ملازمت سے برخواستگی پر بھی متاثر ہو سکتی ہے۔

از طرف: افسر مجاز ضلعی بہبود کارروائی اور سروسز، پکھانکھوا، پشاور
 مکان نمبر - 4501، گلی نمبر 3، پکھانکھوا، پشاور

INF(P) 2989 Also available on www.khyberpakhankhwa.gov.pk

ان خیالات کا اظہار
 جنم و سائید صدر
 ن ارمان نے کل
 سوئیٹنگ ٹارپ سے
 ارمان نے کہا کہ
 ایت اس بات کی
 حکومت سے تک
 ماموں کو مسز
 پور اجاد کر کے
 کل تحریک اہتمام

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 جنم و سائید صدر
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 پور اجاد کر کے
 کل تحریک اہتمام

(Kashif Fida)
 Assistant Director (Admin)
 Population Welfare Department
 Khyber Pakhtunkhwa Peshawar

پشاور میں سید احمد علی کی جگہ پر دعوایدار کی جگہ ہے

83

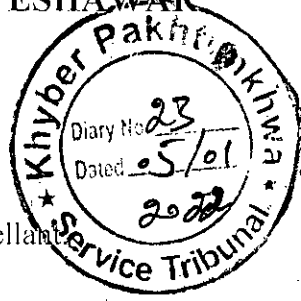
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.859 /2019



Put up to the worthy chair-man
with appeal.

Fazal Mula,

Ex-Chowkidar.....

Appellant

Versus

Govt. of Khyber Pakhtunkhwa, through Chief Secretary and others.....

Respondents.

APPLICATION FOR EARLY HEARING.

Respectfully Sheweth,

Applicant humbly submits as to the following;

1. That the titled appeal is pending adjudication since 2019 in which 11-04-2022 has been fixed for final arguments.
2. That the titled appeal is fully matured and is lying at final argument stage.
3. That appellant has been penalized with major penalty of dismissal from service vide impugned order dated 20-02-2013 and final order dated 25-05-2019.
4. That appellant is very poor with heavy burden of children, sister and ailing mother and he is the sole earner for the whole of the family and is without any permanent source of income.

In view of the above explained positions, it is humbly requested that the titled appeal may kindly be fixed for final hearing as early as possible.

Appellant

In Person

Dated: 05/01/2022

Read on 6/1/2022
Fix in 3rd week
24-1-22
14/01/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.576 /2019

Service Appeal No.859 /2019

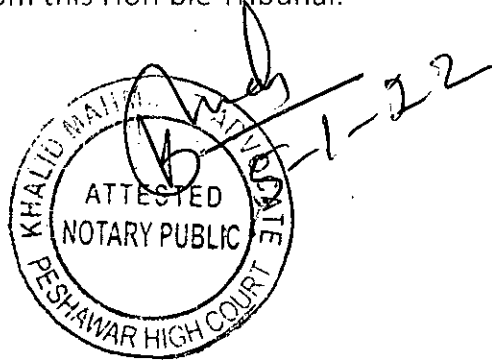
Fazal Mula,
Ex-Chowkidar.....Appellant.

Versus

Govt. of Khyber Pakhtunkhwa, through Chief Secretary and others.....
.....Respondents.

AFFIDAVIT

I, Fazal Mula, S/o Khwaja Muhammad, Ex-Chowkidar District Peshawar do hereby affirm and declare do hereby solemnly affirm and declare on oath that the contents of this application are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Hon'ble Tribunal.



Deponent

A handwritten signature of the deponent, Fazal Mula, written in ink.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.859 /2019 .

Fazal Mula,
Ex-Chowkidar.....Appellant.

Versus

Govt. of Khyber Pakhtunkhwa, through Chief Secretary and others.....
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Dated: 05/01/2022

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Service Appeal No.576 /2019

Service Appeal No.859 /2019

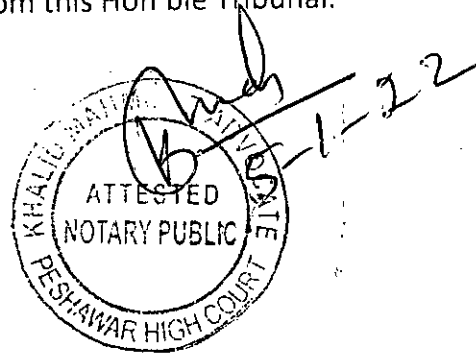
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Versus

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Dated: 05/01/2022

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Service Appeal No.576 /2019

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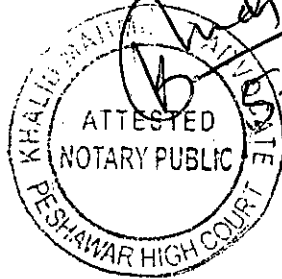
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Versus

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Deponent

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.859 /2019

Fazal Mula,
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Dated: 05/01/2022

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Service Appeal No.576 /2019

Service Appeal No.859 /2019

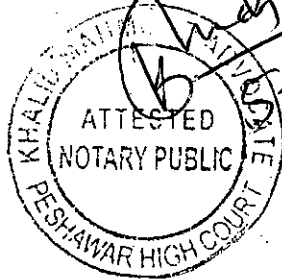
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Versus

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.859 /2019

Fazal Mula,
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Appellant

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Dated: 05/01/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.576 /2019

Service Appeal No.859 /2019

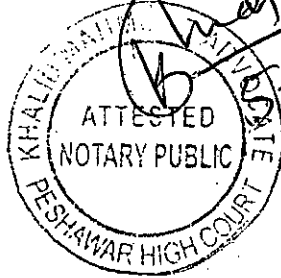
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Ex-Chowkidar.....Appellant.

Versus

Govt. of Khyber Pakhtunkhwa, through Chief Secretary and others.....
.....Respondents.

AFFIDAVIT

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Deponent

A handwritten signature in black ink, appearing to be 'Fazal Mula', written over the word 'Deponent'.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.859 /2019

Fazal Mula,
Ex-Chowkidar.....Appellant.

Versus

Govt. of Khyber Pakhtunkhwa, through Chief Secretary and others.....
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Appellant

In Person



Dated: 05/01/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.576 /2019

Service Appeal No.859 /2019

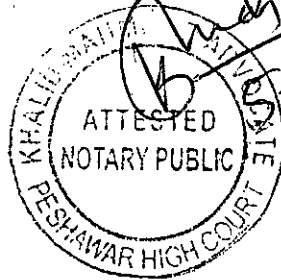
Fazal Mula,
Ex-Chowkidar.....Appellant.

Versus

Govt. of Khyber Pakhtunkhwa, through Chief Secretary and others.....
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AFFIDAVIT

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Deponent

A handwritten signature of the deponent, written in black ink.

6. From the arguments presented by the learned counsel for appellant, the learned Additional Advocate General and record available before us, it is clear that appellant was involved in a criminal case which was decided by the court of Additional Sessions Judge VIII, Peshawar and he was acquitted from the charges levelled against him. Perusal of the record further reveals that the appellant was not proceeded against under the Government Servants (E&D) Rules 2011, before awarding major penalty of dismissal from service i.e no formal inquiry was conducted. However, an inquiry that was conducted on the orders of Director General Population Welfare by the Assistant Director (Admn) proposed his reinstatement in service w.e.f date of his dismissal. When the Additional Advocate General was asked about the action taken as a result of that inquiry he could not respond. This shows that no action was taken on the recommendations of the inquiry officer. On the other hand the application for reinstatement submitted by the appellant, after his acquittal from criminal charges, was filed by the competent authority.

7. In view of the facts narrated above, we allow the appeal and set aside the impugned orders dated 20.02.2013 and 29.05.2019 and direct the respondents to reinstate appellant from the date of his dismissal. The period of his absence ^{is} ~~may be~~ treated as leave without pay proposed by the Inquiry Officer in his inquiry report dated 06.05.2015. Parties are left to bear their own costs. Consign. *It made it clear*

8. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 1st day of June, 2022.

in which it has been clearly mentioned that the period for which he was not on duty should be treated as leave without pay

(ROZINA REHMAN)
Member (J)

(FAREEHA PAUL)
Member (E)