


31st Oct., 2022 Learned counsel for the appellant present. Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment. Adjourned To come up for arguments on 28.11.2022 before the D.B.


(Fareeha Paul)
Member (E)

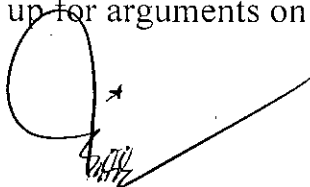

(Kalim Arshad Khan)
Chairman


28.11.2022 Learned counsel for the appellant present. Mr. Ahmad Yar, A.D alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that he has not made preparation for arguments. Adjourned.

To come up for arguments on 25.01.2023 before the D.B.

SCANNED
:T
Pe war


(Mian Muhammad)
Member (E)


(Salah-Ud-Din)
Member (J)


Stipulated period passed reply not submitted.


16.08.2021


Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.


Chairman

11.11.2021

 Mr. Muhammad Irshad Mohmand, Advocate, for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present and sought time for submission of reply/comments. Adjourned. To come up for submission of reply/comments as well as arguments on 04.02.2022 before the D.B.


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


(Salah-Ud-Din)
Member (J)

04.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 15.04.2022 for the same as before.


Reader

15.04.2022

Counsel for the appellant present. Mr. Kabirullah Khattak
Addl. AG along with Ahmad Yar Khan AD(Lit) for respondents
present.


Representative of respondents No. 1 to 3 has submitted
reply on their behalf. To come up for arguments on 03.08.2022
before D.B. The appellant may submit rejoinder within a
fortnight, if so advised.



Chairman

3-8-2022

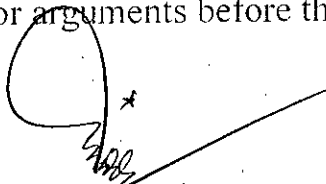
Proper DB not available - the
case is adjourned to 14-10-2022


Reader

14.10.2022

Clerk of learned counsel for the appellant present. Mr.
Naseer-ud-Din. Shah, Assistant Advocate General for the
respondents present.

Clerk of learned counsel for the appellant requested for
adjournment on the ground that learned counsel for the appellant
is not available today due to strike of lawyers. Adjourned. To
come up for arguments before the D.B on 31.10.2022.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

30.06.2021

Appellant present through counsel.

Preliminary arguments heard. Record perused.

The services of the appellant were terminated by the impugned order dated 16th January, 2018, wherein, there is no reference as to the conduct of proceedings within the meaning of Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 while the said order has been passed on purported proof of charge of willful absence. Let the respondents come with comments/written reply to disclose their case in respect of the validity of proceedings conducted against the appellant. Subject to all just and legal objections, this appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to the respondents for submission of reply/comments in office within 10 days of the receipt of notices, positively. If the 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 11.11.2021 before the D.B.

Appellant Deposited
Security & Process Fee

15/7/21

(Rozina Rehman)
Member (J)

1370/2019

23.09.2020

Counsel for the appellant present.

On the last date of hearing instant matter was adjourned to avail the outcome of cases pending before the Larger Bench and having similar nature. The Larger Bench has not yet concluded the proceedings before it, therefore, instant matter is adjourned to 03.12.2020 before S.B.


Chairman

03.12.2020 Counsel for the appellant present.

The proposition regarding retrospectivity of penalty has not been decided by the Larger Bench as yet. Instant case is, therefore, adjourned to 18.02.2021 before S.B.


Chairman

18.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 30.06.2021.


Reader

22.01.2020

Junior to counsel for the appellant present.

Requests for adjournment due to general strike of the Bar. Adjourned to 21.02.2020 in order to avail the outcome of case(s) pending before the Larger Bench regarding retrospective punishment.


Chairman

21.02.2020

Junior to counsel for the appellant present and seeks adjournment as senior learned counsel is not available. Adjourn. To come up for preliminary hearing on 07.04.2020 before S.B.


Member


07.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 01.07.2020 for the same. To come up for the same as before S.B.


Reader

01.07.2020

Counsel for appellant present and seeks adjournment. Adjourned to 23.09.2020 before S.B in order to avail the outcome of cases pending before the Larger Bench of this Tribunal, regarding retrospective punishment.


Member (J)

FORM OF ORDER SHEET

Court of _____

Case No.- 1370/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/10/2019	<p>The appeal of Mst. Rabia Akbar resubmitted today by Mr. Anwar Ali Khan Chitrali 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;"><i>(Signature)</i> REGISTRAR 17/10/19</p>
2-	22/10/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>05/12/19.</u></p> <p style="text-align: right;"><i>(Signature)</i> CHAIRMAN</p>
	05.12.2019	<p>Learned counsel for the appellant requests for adjournment of instant appeal for hearing after the decision of Larger Bench constituted to adjudicate upon the question of retrospectivity of penalty awarded to a civil servant.</p> <p>Adjourned to 22.01.2020 before S.B.</p> <p style="text-align: right;"><i>(Signature)</i> Chairman</p>

The appeal of Mst. Rabia Akbar Ex Family Welfare Assistant, Distt Mardan, received to-day i.e. on 23.09.2019 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Annexures of the appeal may be flaged
2. Annexures of the appeal may be attested.
3. Index may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
4. Annexures of the appeal may be page marked according to the index.
5. Copy of medical prescription mentioned in memo of appeal is not attached with the appeal which may be placed on it.
6. Copies of charge sheet, statement of allegation and reply thereto are not attached with the appeal which may be placed on it.
7. Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1639 /S.T,

Dt. 24-9-/2019


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Anwar Ali Khan Adv.
Peshawar

10 days more needed

Soorina
08/10/19

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

Appeal No. 1370 /2019

Mst. Rabia Akbar.....Appellant


Versus

The Secretary Population Welfare
Department KP and others Respondents

INDEX

S.No.	Description of documents.	Annexure	Pages.
1.	Memo of appeal with affidavit		1-4
2.	Copy of appointment order dated 22.03.2010	A	5
3.	Cop. of application for one year leave dated 21.09.2017	B	6
4.	Copy of medical prescription	C	7-8
5.	Copy of application dated 01.07.2019 for receiving impugned order	D	9
6.	Copy of impugned order dated 16.01.2018	E	10
7.	Copy of departmental appeal dated 03.07.2019	F	11
8.	Copy of rejection order dated 22.08.2019	G	12
9.	Wakalatnama		13

Appellant
Through


Anwar Ali Khan Chitrali
Advocate High Court
Cell: 0332-9197729

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. _____/2019

Diary No. 1990

Mst. Rabia Akbar, Ex-Family Welfare Assistant (Female) BPS- 07, District 23/9/18
Population Welfare, District Mardan.....**APPELLANT**

VERSUS

- 1- The Secretary, Population Welfare Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director General, Population Welfare Department, Khyber Pakhtunkhwa Peshawar.
- 3- The District Population Welfare Officer, District Mardan.

.....**RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 16.01.2018 WHEREBY THE APPELLANT IS TERMINATED FROM SERVICE AND APPELLATE ORDER DATED 22.08.2019 WHEREBY THE DEPARTMENTAL APPEAL IS REGRETTED WITH NO GOOD REASONS.

PRAYER:

That on acceptance of this appeal the impugned order dated 16/01/2018 and 22/08/2019 may very kindly be set aside and the appellant may be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

Filed to-day
[Signature]
Registrar

43/9/18 **RESPECTFULLY SHEWETH:**
ON FACTS:

Briefs facts giving rise to the present appeal are as follows:-

- 1- That appellant was appointed as Family Welfare Assistant (BPS-07) in the respondents department vide order dated 22.03.2010. Copy of the appointment order is attached as annexure.....**A**
- 2- That appellant preferred an application for three months leave due to domestic reasons and the same was sanctioned to the appellant till 30.09.2017.

- 3- That due to the domestic problems created for appellant by her husband, it became difficult for her to joint duty after expiry of three months sanctioned leave, therefore, the appellant again preferred an application for leave for one year and it was assured to the appellant that the same would be sanctioned. Copy of the application is attached as annexure.....**B.**
- 4- That due to domestic problems and discord the appellants health effected & remained under minor treatment for few weeks. Copies of the medical prescriptions is attached as annexure.....**C.**
- 5- That when the domestic problems were resolved, the appellant went to the office on 01-7-2019 to resume her duty and came to know about the adverse action taken against her and made an application to receive the order and astonishingly the appellant was handed over the impugned order dated 16-01-2018. Copy of the application and impugned order dated 16-01-2018 are attached as annexure.....**D&E.**
- 6- That felling aggrieved from the impugned order dated 16-01-2018, the appellant preferred departmental appeal on 03-07-2019. Copy of the departmental appeal is attached as annexure.....**F.**
- 7- That the departmental appeal was regretted vide order dated 22.08.2019 with no good reason. Copy of the appellate order is attached as annexure.....**G.**
- 8- That having no other remedy the appellant submits the instant appeal on the following grounds inter alia.

GROUND:

- A- That the impugned order dated 16-01-2018 and 22-08-2019 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- C- That no charge sheet and statement of allegation has been issued to the appellant before issuing the impugned order dated 16.01.2018

- D- That no show cause notice has been served on the appellant before issuing the impugned order dated 16.01.2018.
- E- That no chance of personal hearing/defense has been provided to the appellant and as such the appellant condemned unheard.
- F- That the codal formalities on the subject have not been fulfilled, hence the impugned order dated 16-01-2018 is not maintainable in the eye of law.
- G- That as per Rule 12 of The Revised Leave Rule, 1981 the appellant can avail Extra Ordinary Leave (EOL) for a maximum period of two years, therefore, the impugned order dated 16.01.2018 is in utter violation of the Revised leave rules, 1981.
- H- That the impugned order dated 16.01.2018 is against the Efficiency and Discipline Rules, 2011 as the services of the appellant was terminated with the "TERMINATION" simpliciter, but there is no mention of termination penalty in the E&D Rules, 2011 as well as the Apex court has held that the service of regular employee cannot be terminated with the "TERMINATION" simpliciter.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may be accepted as prayed for.

Dated: 21.09.2019.

APPELLANT

RABIA AKBAR

THROUGH:

ANWAR ALI KHAN

&

**KAMRAN KHAN
ADVOCATES**

BEFORE THE SERVICES TRIBUNAL, KPK, PESHAWAR

Appeal No. _____ of 2019

Mst. Rabia Akbar.....Appellant

VERSUS

The Secretary,
Population Welfare Deptt, KPK Peshawar & others...**Respondents**

AFFIDAVIT

I, Mst. Rabia Akbar, Ex-Family Welfare Assistant (Female) BPS-7, District Population Welfare, District Mardan, do hereby solemnly affirm and declare on oath 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 Court.

Rabia

DEPONENT
CNIC: 16101-0818500-4

ATTESTED
IRFAN ULLAH ADVOCATE
NOTARY PUBLIC

[Handwritten signature and flourish]

23/9/2019

5

Annexure
"A"

Office of the
District Population Welfare Officer Mardan.
Irum Colony Near Caltex Petrol Pump. Ph# 0937-9250035



Dated Mardan the 22/03/2010.

OFFER OF APPOINTMENT.

F.No.2(4)/2007-09/Admn: Consequent upon the recommendations of the Departmental Selection Committee and with the approved of competent authority, you are offer of appointment as Family Welfare Assistant (Female) on the following terms and conditions:

1. She will get pay of the minimum of pay scale BPS-05 (Rs. 3340-160-8140) including usual allowances and admissible under the rules. You will also be entitled to annual increment as per existing policy.
2. She shall be governed by the NWFP Civil Servants Act, 1973 and all the laws applicable to the Civil Servants and rules made there under.
3. She shall, for all intents and purposes, be civil servant except for purpose of pension or gratuity. In lieu of pension and gratuity, she shall be entitled to receive such amount contributed by her towards Contributory Provident Fund (CPF) along with the contribution made by Government to her account in the said fund, in the prescribed manner.
4. Her employment is purely temporary and her services are liable to be terminated without assigning any reason at fourteen (14) days notice or on the payment of 14 days salary in lieu of the notice. In case she wishes to resign at any time, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited.
5. She shall, initially, be on probation for a period of two years extendable up to three years.
6. She shall produce a medical certificate of fitness from Medical Superintendent, Civil Hospital Mardan before reporting herself for duty as required under the rules.
7. She has to join duty at her own expenses.
8. If she accepts the post on these conditions, She should report for duty to the undersigned within fourteen days of the receipt of this offer and produce original certificates in connection with the is qualifications, domicile and age.
9. In case you accept the offer of appointment on the above terms and conditions you should report for duty to District Population Welfare Office, Mardan.

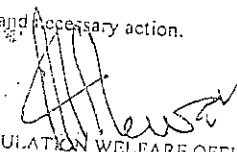
Note: This Offer of appointment is subject to verification of all relevant documents.

(DILAWAR KHAN)
DISTRICT POPULATION WELFARE OFFICER
MARDAN.

Rabia Akbar
D/O Akbar Ali
Mohallah Dr. Latif H. No. 46 C Block Biciket Gunj
Mardan

Copy forwarded to the:-

1. PS to Minister for Population Welfare Department NWFP, Peshawar for favour of information please.
2. PS to Director General, Population Welfare Directorate NWFP, Peshawar for favour of information please.
3. DAO, Mardan for information please.
4. Accountant, Office Assistant for information and necessary action.
5. Concerned for information and compliance.
6. Personal File.
7. Master File.


DIST: POPULATION WELFARE OFFICER

درخواست عملیہ اور نظریاتی حصے میں ایک سال اور دوسرے سال
میں

ان کے بعد میں سائل حل کیے اور ان کی ترقی کے لیے درجہ اولیٰ سال میں ترقی کے سائل
میں اور دوسرے کوئی نہایت اہم سائل اور باقی حصے میں اور اس میں ہوں اور اس میں
کچھ سائلوں میں عملیہ سائل ہوں

ان کے بعد میں سائل حل کیے اور ان کی ترقی کے لیے درجہ اولیٰ سال میں ترقی کے سائل
میں اور دوسرے کوئی نہایت اہم سائل اور باقی حصے میں اور اس میں ہوں اور اس میں
کچھ سائلوں میں عملیہ سائل ہوں

تو یہ ہے

ان کے بعد میں سائل حل کیے اور ان کی ترقی کے لیے درجہ اولیٰ سال میں ترقی کے سائل
میں اور دوسرے کوئی نہایت اہم سائل اور باقی حصے میں اور اس میں ہوں اور اس میں
کچھ سائلوں میں عملیہ سائل ہوں

20-07-17

دعا ہے
Rakib

(7)

Amnure
= C"

Dr. Ejaz Gul

M.B.B.S. (Hons.)
D.M.D. (Hons.)
D.C.P. (Hons.)
D.P.M.S. (Hons.)

Private Practice
General Medical Clinics
Hospital Road, Lahore
Ph: 373323

Department of Psychiatry & Psychology
The Punjab Medical College
Lahore

Patrol Akber Ali

Sex

Age 31

Gender f

Date 20-10-17

C/R

Constipation

in stools

in 7-10
days

- Low temper

- Depressed
mood -
many
weeks.

ab. fulour

20 x 20

U.S.P. - R - 2"

Tab ALP 0.25mg
1-1-1-1-1

follow up after

2 months.

B.P. 110/80

Δ

Mixed symptoms
of depression
with mania

Not For MLC

CONTACT

تلفون

Dr. Ejaz Gul

Consultant, Paediatrics & Neonatology

Dr. Ejaz Gul
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200

Dr. Ejaz Gul
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200

Ruba Akber Ali

Age 32

Date 2-12-17

i/R
Improved
Alert

Two feeds
E. Jany
S. Jany

حکومت جناب ڈی پی او صاحبہ محکمہ مسعود آبادی ضلع مردان

درخواست گزار مہیا کرنے آرڈر بر خاستگی ملازمہ بر خلاف من سائلہ :

جناب عالی!

۱) یہ کہ من سائلہ خاوند کے ساتھ گھریلو ناچاقی کی وجہ سے مورخہ 30/9/2017 تک تین مہینوں کے لئے چھٹی لی تھی۔

۲) یہ کہ مذکورہ چھٹیوں کے اختتام پر میں گھریلو ناچاقی اور دیگر مسائل کی وجہ سے من سائلہ کے لئے اپنی ڈیوٹی سر انجام دینا مشکل ہو گئی تو میں نے مورخہ 2017/9/21 کو ایک سال کی چھٹی کے لئے درخواست دی اور مجھے اس کے قابل قبول ہونے کا یقین دلا یا گیا۔

۳) یہ کہ مذکورہ بالا مسائل کی وجہ سے من سائلہ کی صحت پر بھی اثر پڑا اور کئی مہینے علاج سے ٹھیک ہو گئی۔

۴) یہ کہ اب اللہ کے فضل سے میرے گھریلو مسائل حل ہو گئے ہیں۔ اور اپنی ڈیوٹی باقاعدگی سے سر انجام دے سکتی ہوں۔

۵) یہ کہ اب من سائلہ اپنے ڈیوٹی کی انجام دہی کے لئے دفتر آئی تو دس جلا کہ من سائلہ کی ملازمت ختم کر دی گئی ہے۔

لہذا استدعا ہے کہ منسظوری درخواست
ہذا من سائلہ کو میرے خلاف کی گئی آرڈر کی کاپی فراہم کی جائے۔

عین نواز مس، ہوگی
11/7/2019

سائلہ رابعہ اکبر علی

Rabun

*Annexure
"E"*

F.No. 1(9)/2017-18/Admn-3816-25

Mardan the 16/Jan. 2018.

Office order:

In consequent of expiry of Earned-leave on 30.09.2017 in respect of Mrs. Rabia Akbar, Family Welfare Assistant (Female) BPS-07, since then i.e. 1st October, 2017 she is absent from her official duties, therefore a letter subject to explanation vide office letter F.No.1(9)/2016/Admn/2980-85 dated 10th October, 2017 were issued to her, but in response she did not reply, then issued another letter vide F.No. 1(9)/2017-18/3480-84 dated 23.11.2017 subject to "Notice - Absence from duty" & sent to the accused official on home address, which was returned with the remarks that "she is not present / available at home" therefore issued a charge-sheet vide F.No. 1(9)/2016-17/3045-46/Admn dated 27th October, 2017 but no reply has been received from her, therefore she was finally informed through News Paper (Daily Mashriq) dated 18th December, 2017 for attending of her official duties within 15-days, but till-date neither she attended official duties nor replied to the undersigned.

Therefore, in consequent of the above, being a competent authority the undersigned is pleased to terminate the services of Mrs. Rabia Akbar, Family Welfare Assistant (Female) BPS-07 with effect from 1st October, 2017 in the best public interest and favour of the department.

(Ikramullah Marwat)
District Population Welfare Officer
Mardan

Copy to:

1. District Nazim, Mardan.
2. Deputy Commissioner, Mardan.
3. District Accounts Officer Mardan.
4. PS to Advisor to CM for PWD, KPK, Peshawar.
- ✓ 5. PS to Secretary, Population Welfare Deptt. KPK, Peshawar.
6. PS to Director General, Population Welfare Deptt. KPK, Peshawar.
7. Accountant / Office Assistant (local office)
8. Official concerned.
9. Personal File.
10. F.No. 1(4)/2017-18/Admn.

District Population Welfare Officer
Mardan

طرحیت چھاپا ڈائریکٹر جنرل محکمہ ایجوکیشن آف پاکستان

Revive / حالی سائلہ سمیل اسٹٹ محکمہ ایجوکیشن آف پاکستان

پہلے ان لوگوں کے ذمے لیا گیا ہے

Date: 16/3/15
No: 23-7-2015

1۔ یہ کہ من سائلہ طور سمیل اسٹٹ محکمہ ایجوکیشن آف پاکستان میں سال 2010 سے ایسی دینی بنیادیں قائم کی گئی ہیں جن سے ایسے ایسے لوگوں کو فائدہ پہنچا رہا ہے

2۔ یہ کہ من سائلہ کے گروہوں میں جو گروہوں نے باہمی مباحثوں میں حصہ لیا ہے وہیں سے شروع کیا گیا ہے

3۔ یہ کہ اس سائلہ میں ایسی ہی حالتوں کی خاطر من سائلہ کے بر خلاف ایسے فاؤنڈیشن کے عہدہ استغاثہ 107/151 CRPC (نقل لیا ہے)

4۔ یہ کہ بالادرجہ کی سائلہ کو انتہائی ذہنی کوفت و پریشانی کا شکار بنا کر اور نفسی ڈاکٹر سے علاج کرایا گیا ہے

5۔ یہ کہ من سائلہ کی سائلہ میں 010 سہ ماہی کے عہدہ استغاثہ نے بھی سائلہ کو فائدہ پہنچا رہا ہے

6۔ یہ کہ من سائلہ میں ایسی ہی حالتوں کی خاطر من سائلہ کے متعلق میں بلاؤں/خبریں

7۔ یہ کہ اس سائلہ میں سائلہ کے ایسے لوگوں نے جن کے پاس D.P.O ایسے ایسے لوگوں کو فائدہ پہنچا رہا ہے

لکھنا اس سائلہ کے متعلق درج ذیل سائلہ کے Revive / حالی کے اہلکاروں کو فائدہ پہنچا رہا ہے تاکہ ان کے خلاف ایسے ایسے لوگوں کو فائدہ پہنچا رہا ہے

Handwritten signatures and stamps including "on file" and "ASST" are present at the bottom of the page.

(12)

Annexure "G"



GOVERNMENT OF KHYBER PAKHTUNKHWA
DIRECTORATE GENERAL POPULATION WELFARE
Plot No.18, Sector E-8, Phase-VII, Hayatabad, Peshawar

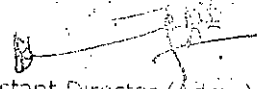
F.No.4(33)/2019/Admn 14521-23
Dated Peshawar the 23/09/2019.

To

Mrs. Rabia Akbar W/O Islam Shah,
Saken Bikat Gang District: Mardan.


Subject:- REQUEST FOR RE-INSTATEMENT INTO SERVICE

I am directed to refer to your application dated nil on the above noted subject and to state that your appeal for re-instatement into Service against the post of Family Welfare Assistant (F) has been examined and regretted by the Competent Authority being devoid of merit.


Assistant Director (Admn)

Copy to:-

1. DPWO Mardan w/r to his letter No. 1 (4)/2019-20/Admn/4371 dated 22.07.2019
2. PS to Director General, PW, Khyber Pakhtunkhwa, Peshawar.


Assistant Director (Admn)

قیمت 50 روپے	30417			
ایڈویٹ: 		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: BC-12-3659				
رابطہ نمبر: 03329197729				

بعدالت جناب: خیبر پختونخواہ سروس ٹریڈینگز پرائیویٹ لمیٹڈ

مخاتب: ایس ایچ آر	دعویٰ: سروس ایس
مسماة رابعہ اکبر	علت نمبر:
بنام	مورخہ:
سکیم ٹریڈینگز پرائیویٹ لمیٹڈ	جرم:
	تھانہ:

باعث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
آن مقام کیے انور علی خان + کامران خان کے درمیان مقرر
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی 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
کارروائی 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 داخستہ 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: 23/9/2016

العبد العبد العبد العبد العبد

مقام کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

Attested & Accepted
Kaway

مسماة رابعہ اکبر
Rabiee

"B"

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

No.

Appeal No. 1370 of 20 19

Mst. Rabia Akbar Appellant/Petitioner

The Secy. Population ^{versus} KPK Respondent

Respondent No. 2

The Director General Population
welfare Deptt. KPK Peshawar.

Notice to: —

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 11/11/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

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

Given under my hand and the seal of this Court, at Peshawar this..... 31/8

Day of..... Aug 21

(For Reply)

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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

“B”

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

No.

Appeal No. 1370 of 2019

Mst. Rabia Akbar Appellant/Petitioner

Regd
The Secy. Population ^{Versus} KPK Respondent

Respondent No. 3

Notice to: —

The Distt. Population Welfare Officer
Distt. Mardan.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 11/11/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

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

Given under my hand and the seal of this Court, at Peshawar this 31st

Day of Aug 20 21

(for Reply)



Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

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

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

Appeal No.1370/2019.

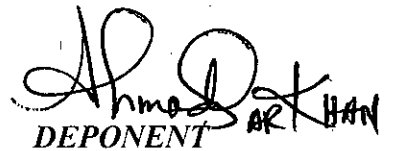
Mst. Rabia Akbar (Appellant)

VS

Secretary Population Welfare Department, Khyber Pakhtunkhwa and Others ...(Respondents)

INDEX

S.No.	Documents	Annexure	Page
1.	Para-wise comments.		1-5
2.	Affidavit		6
3	1 st Explanation call dated 10 th October,2017	A	7
4	2 nd Explanation call dated 23rd November, 2017	B	8
5	Charge Sheet	C	9
6	Absenteeism Report	D	10
7	Termination order dated 16-01-2018	E	11


DEPONENT

Ahmad Yar Khan
Assistant Director (Lit)

01 sheet
15-4-2021

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

Appeal No.1370/2019.

Mst. Rabia Akbar (Appellant)

VS

Secretary Population Welfare Department, Khyber Pakhtunkhwa and Others ...(Respondents)

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

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

1. That the appellant has got no locus standi to file the instant appeal.
2. That no discrimination / injustice has been done to the appellant.
3. That the instant appeal is bad in the eye of law.
4. That the appellant has not come to this Tribunal with cleaned hands.
5. The appeal is based on distortion of facts and is not tenable in eye of law.
6. That the appellant has been estopped by her own conduct to file the appeal.
7. The present service appeal is based upon malicious/vexations and frivolous grounds.
8. That the service appeal is based on conjecture and surmises.
9. That the service appeal is not maintainable in its present form.
10. That the service appeal is bad due to mis-joinder and non-joinder of the parties.
11. That the appellant has filed the present service appeal contrary to Law and facts.
12. That the appellant has concealed material facts from this Tribunal.
13. That Rule 9 of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 clearly laid down the procedure of willful absence which is **“Notwithstanding anything to the contrary contained in these rules, in case of willful absence from duty by a Government Servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice”**

19

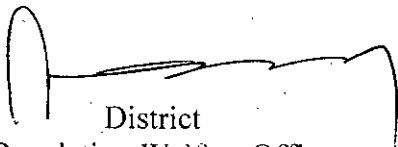
failing which an ex-parte decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government Servant.

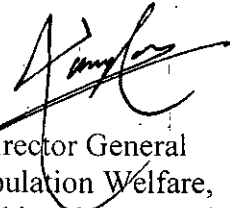
- 14.** That proper procedure was adopted by the competent authority while terminating the service of the appellant.
- 15.** That the appellant was unable to show that her alleged illness during relevant time was of such nature that she was prevented from communication with others for informing her department regarding her inability to attend her duty.
- 16.** That 1st explanation was called from the appellant on 10th October 2017 (**Annex-A**) which was not replied by the appellant. Thereafter 2nd explanation were called from appellant on 23rd November 2017 (**Annex-B**) which was also not replied by the appellant. Charge sheet was also sent to the appellant (**Annex-C**) but the appellant was least bothered to respond. The appellant neither replied to the explanations and charge sheet nor associated herself to the proceedings.
- 17.** That Fundamental Rule 67 provided that leave could not be claimed as of right and an application for leave should not be anticipated as grant of leave. Rules, Regulations and office procedure provided that a civil servant requiring leave was supposed to apply formally for it and as a matter of principle she could not and should absent herself from office prior to sanction of leave. Mere submitting an application for leave ipso facto could not be construed to be sanction of leave. Prospective presumption had to be based on some legal ground. Civil Servant could leave his headquarter/ office only with prior approval of the competent Authority in order to avoid subsequent complications.
- 18.** That the service appeal is **time barred** and warrants dismissal as the services of the appellant were terminated on 16-01-2018.
- 19.** That the delay of each day is required to be explained by the appellant in filling of the petition beyond the limitation period. In this regard 1998 SCMR 1863 is referred.
- 20.** That the appellant is required to give justifiable reasons for delay of each day. In this regard 1995 SCMR 1419 is referred.

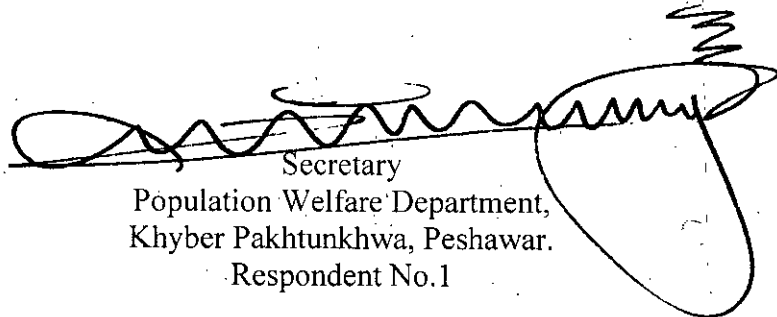
I. Para-I of the Service Appeal is legal. Hence needs no comments however the respondents also seek permission to advance other grounds at the time of hearing.

PRAYER:-

Keeping in view the above mentioned comment/reply, it is most humbly prayed that the instant appeal of the appellant may kindly be dismissed with cost.


District
Population Welfare Officer,
Mardan , Respondent No. 3


Director General
Population Welfare,
Khyber Pakhtunkhwa, Peshawar.
Respondent No.2


Secretary
Population Welfare Department,
Khyber Pakhtunkhwa, Peshawar.
Respondent No.1

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

Appeal No.1370/2019.

Mst. Rabia Akbar (Appellant)

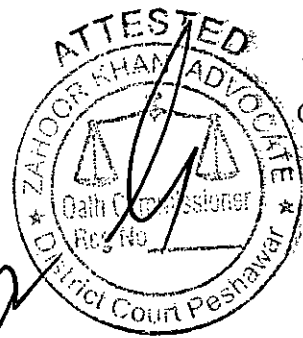
VS

Secretary Population Welfare Department, Khyber Pakhtunkhwa and Others ...(Respondents)

AFFIDAVIT

I Mr. Ahmad Yar Khan , Assistant Director (Litigation) Directorate General of Population Welfare, do solemnly affirm and declare that the contents of Para-wise comments are true and correct to the best of my knowledge and belief and that nothing has been concealed therein from this Honorable Court.

15/4/2022



Ahmad Yar Khan
DEPONENT
CNIC: 17301-1165852-9
Cell No.0345-9023308

OFFICE OF THE DISTRICT POPULATION WELFARE
OPP: GPO MALL ROAD MARDAN CANTT
PH# 0937-9230035

F.No. 1(9)/2016/Admn 2980-85

Mardan 10/Oct. 2017


To

Mrs. Rabia Akbar, Family Welfare Assistant (Female), FWC
Sikandari.

SUBJECT: EXPLANATION.


As per written statement of Family Welfare Worker, I/C family Welfare Center Sikandari on 11-10-2017, it has come to the notice of the undersigned that your leave period has been expired on 30-09-2017 and since then i.e. 01-10-2017, you were found absent from your duty without any prior permission / intimation to this office till date. The act of unauthorized absence from duty is not only affecting service provision and deprive clients from availing service but also comes under misconduct of office discipline.

You are therefore directed to explain reasons for your absence within 3 days after receipt of this letter and also join the duty immediately, failing which ex-parte disciplinary action will be initiated against you under the rules.


(Ikramullah Marwat)
District Population Welfare Officer
Mardan

Copy to:

1. PS to Director General, Population Welfare Deptt. KPK, Peshawar.
2. Accountant (Local) with the direction to immediately stop the salary till further orders please.
3. I/C FWC Sikandari with reference to her written statement on 11-10-2017.
4. PF of the officials concerned.


District Population Welfare Officer
Mardan

OFFICE OF THE DISTRICT POPULATION WELFARE OFFICER
OPP: GPO MALL ROAD MARDAN CANTT
PH# 0937-9230035

F.No. 1(9)/2017-18/Admn./3480-84

Mardan the 23 Nov. 2017.

To Mrs. Rabia Akbar Ali d/o Akbar Ali,
Family Welfare Assistant (Female)
Res. Address: Mohallah Doctor Latif Begat Ganj,
Mardan.

SUBJECT: NOTICE - ABSENCE FROM DUTY.

Refer to the subject noted above and to say that your leave approved for 90-days were expired on 30th September, 2017 (A.N) and it was essential that you assumed your duties on 1st October, 2017, but you have not submitted any application to the undersigned for assuming your duties and remained absent since 1st October, 2017. In consequent you have issued a charge-sheet vide this office letter F.No.1(9)/2017-18/Admn dated 27th Oct. 2017, wherein you were instructed to attend your duties and also explain your position of your willful absence, but till-date neither you have assumed your duties nor replied to the undersigned, therefore you are issuing final notice to immediately attend / join your duties within 7-days from the date of issuance of this letter.

You are further directed to compliance the orders otherwise strict disciplinary action will be initiated against you under the rules.

MATTER IS MOST URGENT.

(Ikramullah Marwat)

ok District Population Welfare Officer
Mardan

Copy to:

1. PS to Secretary, Population Welfare Department, KPK, Peshawar.
2. PS to Director General, Population Welfare Department Khyber Pakhtunkhwa Peshawar
3. PS to Deputy Commissioner, Mardan.
4. PA to Advisor to CM for Population Welfare Deptt. KPK, Peshawar.

ok District Population Welfare Officer
Mardan

F.No.1 (9)/2016-17/Admn 3045-46 Mardan the 27 Oct/ 2017.

CHARGE SHEET:

I, Mr. Ikramullah, District Population Welfare Officer, as competent authority, charge you Mrs. Rabia Akbar, Family Welfare Asstt:(female) BPS-7as follows: -

That you, while posted as Family Welfare Assistant (female) District Population Welfare Office Mardan committed the following irregularities.

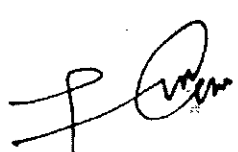
- (i) You have not joined/reported for duty at FWC Sikandari after availing your leave w.e.f. 01-07-2017 to 30-09-2017.
- (ii) You remained absent from your Official duties w.e.f 01-10-2017 to till dated.

2 By reason of the above, you appear to be guilty of misconduct under section 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline Rules 2011 and have rendered yourself liable to all or any of the penalty 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 undersigned as the case may be.

4. Your written defense if any should reach the undersigned within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

5. Intimate whether you desire to be heard in person.


(IKRAMULLAH MARWAT)
DISTT POPULATION WELFARE
OFFICER
MARDAN

Mrs. Rabia Akbar, FWA (female)
District Mardan.

کجڑت دینا - DPWO سے صاحب مردان
مہینہ گزارنے کی رپورٹ

2017

فہرست

مہینہ گزارنے سے کہ علاقہ میں مرکز سکندر کی

ایف ڈی بلو A فیلڈ راجہ اکبر کی طرف سے 30/9/2017

یونی اور ملنگورہ راجہ اکبر کی طرف سے 10/11/2017

تاکا مل غیر حاضر ہے

اس کے مذکورہ کاروائی کے لیے رپورٹ

فہرست

Dt- 11/10/2017

الکافور

آج کل کے سب سے زیادہ امن سے فیلڈ راجہ اکبر کی طرف سے

DDPWO
If another in
immediately from the
duty show will disciplinary
action will be initiated
against you

Am
16/10/17

ADPWO:-
Please do the needful &
report accordingly

Am
16/10

6560747

OFFICE OF THE DISTRICT POPULATION WELFARE OFFICER
OPP: GPO MALL ROAD MARDAN CANTT
PH# 0937-9230035

F.No. 1(9)/2017-18/Admn 3816-25

Mardan the 16/Jan. 2018.

Office order:

In consequent of expiry of Earned-leave on 30.09.2017 in respect of Mrs. Rabia Akbar, Family Welfare Assistant (Female) BPS-07, since then i.e. 1st October, 2017 she is absent from her official duties, therefore a letter subject to explanation vide office letter F.No.1(9)/2016/Admn/2980-85 dated 10th October, 2017 were issued to her, but in response she did not reply, then issued another letter vide F.No. 1(9)/2017-18/3480-84 dated 23.11.2017 subject to "Notice - Absence from duty" & sent to the accused official on home address, which was returned with the remarks that "she is not present / available at home" therefore issued a charge-sheet vide F.No. 1(9)/2016-17/3045-46/Admn dated 27th October, 2017 but no reply has been received from her, therefore she was finally informed through News Paper (Daily Mashriq) dated 18th December, 2017 for attendaning of her official duties within 15-days, but till-date neither she attended official duties nor replied to the undersigned.

Therefore, in consequent of the above, being a competent authority the undersigned is pleased to terminate the services of Mrs. Rabia Akbar, Family Welfare Assistant (Female) BPS-07 with effect from 1st October, 2017 in the best public interest and favour of the department.

(Ikramullah Marwat)

District Population Welfare Officer
Mardan

Copy to:

1. District Nazim, Mardan.
2. Deputy Commissioner, Mardan.
3. District Accounts Officer Mardan.
4. PS to Advisor to CM for PWD, KPK, Peshawar.
5. PS to Secretary, Population Welfare Deptt. KPK, Peshawar.
6. PS to Director General, Population Welfare Deptt. KPK, Peshawar.
7. Accountant / Office Assistant (local office)
8. Official concerned.
9. Personal File.
10. F.No. 1(4)/2017-18/Admn.

District Population Welfare Officer
Mardan



حکومت خیبر پختونخوا، ضلعی دفتر محکمہ بہبود آبادی، مال روڈ بالمقابل جنرل پوسٹ آفس مردان

نوٹس غیر حاضری

آپ رابعہ اکبر دختر اکبر علی فیملی ویلفیئر اسٹنٹ (فی میل) فلاحی مرکز سکندری ضلعی بہبود آبادی مردان رہائشی محلہ ڈاکٹر لطیف بکٹ سنج تحصیل مردان مورخہ یکم اکتوبر 2017 سے بغیر کسی اطلاع کے مسلسل غیر حاضر ہو۔ آپ کو دفتر میں موجود پتہ پر بذریعہ چٹھی 3045-46 Admn/ F.No. 1 مورخہ 27 اکتوبر 2017 کو چارج شیٹ جاری کی۔ مزید مراسلہ نمبر 17/2016-17/9 مورخہ 23 نومبر 2017 پر غیر حاضری نوٹس بھی بھیج دیا گیا کہ فی الفور اپنی ڈیوٹی پر حاضر ہو کر وضاحت کریں۔ مگر تا حال آپ نے جواب دیا اور نہ اپنی ڈیوٹی پر حاضر ہو سکیں۔ لہذا آپ کو بذریعہ اشتہار اطلاع دی جاتی ہے کہ آپ اس اشتہار کے شائع ہونے سے 15 یوم کے اندر اندر اپنی حاضری کی رپورٹ کر کے وجہ غیر حاضری بیان کریں ورنہ آپ کے خلاف یکطرفہ محکمہ کارروائی عمل میں لائی جائے گی۔ یہ نوٹس بحکم مجاز اتھارٹی جاری کیا جاتا ہے۔

بوساطت: (اکرام اللہ مروت)

ضلعی آفیسر محکمہ بہبود آبادی مردان

فون نمبر: 0937-9230035

