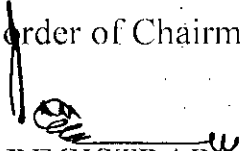


FORM OF ORDER SHEET

Court of _____

Case No. - 1860 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/12/2022	<p>The appeal of Mr. Aman Ullah resubmitted today by Mr. Sarfraz Khan Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Amanullah son of Amir Muhammad Ex-Chowkidar District Office Social Welfare Peshawar received today i.e. on 07.12.2022 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Annexures of the appeal may be attested.
- 3- Law under which appeal is filed is not mentioned.
- 4- Index is not prepared according to rules.
- 5- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 6- Copy of dismissal order mentioned in para-4 of the memo of appeal is not attached with the appeal which may be placed on it. Page No.9 is removal order but not a dismissal.
- 7- Spare copies are not page marked.

No. 3533 /S.T,

Dt. 08/12 /2022

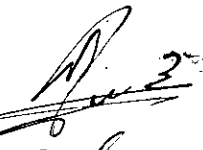

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Sarfraz Khan Mohmand Adv.

Reply to objections.

- 1- Para No 1, the Annexures have to be flagged.
- 2- Para No 2, the Annexures have been attested.
- 3- Para No 3, law has been ^{mentioned} in appeal.
- 4- Para No 4, index has been prepared according to ~~the~~ Rules.
- 5- Para No 5, Annexures of the appeal are in sequence and serial wise.
- 6- Para 6, it was a critical mistake, because the appellant was removed from service, but not dismissed from service, the impugned order, i.e. Removal order is Annexure "B" which is in Page No. 7.
- 7- Para 7, spare copies are also page marked.

Dated 16/12/22

appellant through 
Sarfraz Khan - Advocate.

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1860/22

Amanullah

..... Appellant

Versus

Director, Social Welfare and others

..... Respondents

INDEX

S#	Description of the Documents	Annex	Pages
1.	Grounds of Appeal	*	1 - 4
2.	Affidavit		5
3.	Copy of ^{Transfer} Application dated 29.04.2022	A	6
4.	Copy of Impugned Order dated 22.07.2022	B	7
5.	Copy of Order dated 04.08.2022	C	8
6.	Copy of Arrival Report dated 05.08.2022	D	9
7.	Copy of departmental appeal	E	10-12
8.	Wakalat Nama		13

Amnullah
Appellant

Through

Sarfaraz Khan Mohmand
Sarfaraz Khan Mohmand

Dated: 03.12.2022

Advocate High Court.

①

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Appeal no. 1860/2022

Amanullah S/o Amir Muhammad R/o Outside Yakatoot, Zar gar A bad.
Ex.Chowkidar, District Office, Social Welfare, Peshawar.

..... Appellant

Versus

1. Director, Social Welfare Special Education and Women Empowerment Department, Peshawar, Opposite of Islamia College, Jamrud Road, Peshawar.
2. Secretary, Social Welfare Special Education and Women Empowerment Department, Peshawar, Opposite of Islamia College, Jamrud Road, Peshawar.
3. District officer, Social Welfare Department, Bashir Abad, Pajagai Road near Sarkari Mehman Khana, District Government, Peshawar.

..... Respondents

Appeal U/S 4 of KP Service Tribunal Act, 1974
against the Office Order No. E-14/262
/DSW/2010/1687/92 dated 22.07.2022 of
respondent No. 1, whereby major penalty of
the removal from service was imposed upon
appellant for no legal reason.

Respectfully Sheweth:

1. That on 25.05.2010, the appellant was appointed as Chowkidar in the Directorate of Social Welfare and since then, he was performing official duty to the bet of ability and to the entire satisfaction of the superior without any complaint.
2. That at the time, appellant was performing his official duties at Center Hayatabad, Phase-V, Peshawar and by keeping in view the worse position of the center, he submitted application before respondent No. 3 to post any other employee at the center because not only said center was in miserable condition but was also in clutches of outlaws especially drugs addicts, so on 29.0⁴.2022, he submitted application to said officer for doing the needful. **(Copy is annexed "A")**.
3. That without any show cause notice, charge sheet or inquiry, appellant was straight away removal from service on the score of absence, but he never absented and the allegation of absence was incorrect. **(Copy of Order is annexed "B")**.

3

4. That on one hand, appellant was removed from service on 22.07.2022 by respondent No. 1 while on the other hand, respondent No. 3 transferred him from Autism Center Hayatabad to district office social welfare department Peshawar on 04.08.2022, meaning thereby that order of removal was totally wrong and absolutely incorrect. **(Copy of Order dated 04.08.2022 is annexed "C")**.
5. That on 05.08.2022, appellant made arrival report to District Officer Social Welfare Department. **(Copy of Arrival Report dated 05.08.2022 is annexed "D")**.
6. That on 05.09.2022, appellant submitted departmental appeal before respondent No.2 which met dead respondent till date. **(Copy is annex. "E")**. Hence this appeal, inter-alia, on the following grounds:

GROUND

- A. That on the aforesaid stated facts, it is quite apparent that appellant never absented from duty and the allegations were totally false and absolutely incorrect.

4

4

- B. That even then, neither any show cause notice, charge sheet or inquiry, being mandatory, was carried out in the matter, so impugned order is not only illegal but absolutely void.
- C. That appellant was not afforded opportunity of self defence because neither any statement of any concerned was recorded nor appellant was afforded opportunity of cross-examination.
- D. That absence does not constitute misconduct, when the same is not willful.

It is, therefore, humbly prayed that order dated 22.07.2022 of respondent No. 1 be set aside and appellant be reinstated with all back benefits in service.

W/O/01
Appellant

Through


Sarfaraz Khan Mohmand

Advocate High Court.

Dated: 03.12.2022

5

5

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

In Appeal No. _____/2022

Aman Ullah

VERSUS

Director, Social Welfare Department and others

AFFIDAVIT

I, *Aman Ullah S/o Amir Muhammad R/o Outside Yakatoot, Zargar Abad, Peshawar (Ex-Chowkidar)*, do hereby solemnly affirm and declare on oath that contents of the instant appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble court.

Dated: 03/12/2022

Aman Ullah

DEPONENT

CNIC No: 17301-1475739-3

Aman Ullah

ATTESTED
BY
THE
CLERK
OF
COURT

5-12-2022

Annesette

"A"

6
ATTESTED

6

احفود جناب ڈسٹرکٹ انسپکشن آف پولیس و پبلسٹک ریسپانسیبلٹی سیکشن

عنوان: درخواست مہرہ پبلسٹک ریسپانسیبلٹی سیکشن صبا آباد کے لیے جو کنڈر کی ضرورت

جناب عالی:

میں آج آپ صاحبان کی ٹوجہ ایک ضروری مسئلہ کی طرف مبذول کرانا چاہتا ہوں جناب عالی میں تقریباً 15-16 مہینے سے پبلسٹک ریسپانسیبلٹی سیکشن صبا آباد میں ڈیوٹی کر رہا ہوں۔ دورانہ دورانہ میں نے کئی دفعہ آفسرین بالا کو درخواست دی کہ مجھے دوسرے جو کنڈر کی اسٹڈی ضرورت ہے لیکن آج تک مہری بات کسی نے نہیں سنی۔ اس دورانہ میں صاحب پولیس صاحبہ کیجو جنرل کی ڈسٹریکٹ پبلسٹک ریسپانسیبلٹی سیکشن صبا آباد میں آج بھی وہ کسٹبل بنا جانا تھا جناب عالی: یہ علاقہ کٹر خطرناک ہے اس علاقہ میں بروقت تشفی کے عادی لوگ گھومتے رہتے ہیں تقریباً ایک ہفتہ پہلے ہی انہوں نے مجھ کو لہر لہا لیا اور مجھے تبت مارا گیا میں اسٹیشن میں آئی تھی اور 4 گھنٹے ڈیوٹی کرنا دے دیا ہوں

جناب عالی سٹیشن تک پہنچنے کے بعد میں اسٹیشن میں آئی تھی جو وہاں سے مجھے ان کمروں کے لیے 18 گھنٹے کی اسٹڈی ضرورت ہے اور دوسری بات یہ ہے کہ مجھے ایک جو کنڈر کی اسٹڈی ضرورت ہے جو کونڈر اسٹیشن میں ڈیوٹی کرنا ایک نذر ہے جس کی بات نہیں اس لیے کہ اگر صدر کو اسٹڈی سٹیشن میں مل لیتی ہے تو اس میں اس کی ذمہ داری قبول نہیں کر سکتا

العارض

آپ کا کنڈر آمان اللہ [جو کنڈر] پبلسٹک ریسپانسیبلٹی سیکشن صبا آباد ضلع چناب
المعروفہ: 29/04/2022

Annexure "B"

7

ATTESTED



Government of Khyber Pakhtunkhwa
Directorate of Social Welfare, Special Education
& Women Empowerment Department
Opposite Islamia Collage, Jamrud Road, Peshawar.

Dated Peshawar the 22/07/2022.

ORDER

No. E-14/262/DSW/2010/ 1687-92 Consequence upon report of Deputy Director Admin wherein you Mr. Amanullah. Chowkidar (BPS-03). District Office. Social Welfare. Peshawar presently performing duties at Center for Excellence Special Children with Autism. Peshawar have been found willful absence from duty and your failure to comply for personal hearing in terms of Rule-9 (Efficiency & Discipline) Rules 2011.

2. **Whereas** Under Rule-9 of the Khyber Pakhtunkhwa Government Servant (E&D) Rules-2011 you were issued written notice to appear in person for hearing to the inquiry officer. however you failed to comply.

3. **And whereas** after examining the materials on record, the undersigned being appointing authority is satisfied that you were willfully absent from duty and is not interested to continue your job. therefore. ex-parte decision is hereby taken.

4. **And Now, Therefore.** in exercise of the powers conferred under the rules ibid. I Khalid Iqbal Khattak, Director. Social Welfare. Special Education & Women Empowerment hereby impose major penalty of removal from service upon Mr. Amanullah. Chowkidar (BPS-03). District Office. Social Welfare, Peshawar presently working in Center for Excellence Special Children with Autism, Peshawar with immediate effects.

Sd/--

Director

Social Welfare, SE & WE,
Khyber Pakhtunkhwa.

Copy to: -

1. The Accountant General, Khyber Pakhtunkhwa.
2. The Deputy Director (Admin), Social Welfare, Khyber Pakhtunkhwa, Peshawar.
3. The Project Director, Center for Excellence Special Children with Autism, Peshawar.
4. The District Officer, Social Welfare, Peshawar.
- ✓ P.A to Director, Social Welfare, Khyber Pakhtunkhwa. Peshawar.
- ✓ The official concerned.

Assistant Director
(Establishment-II)

Annexure

8

"0"

ATTESTED

[Signature]



OFFICE OF THE DISTRICT OFFICER
SOCIAL WELFARE DEPARTMENT
BASHIR ABAD, PAJAGAI ROAD,
NEAR SARKARI MEHMAN KHANA,
DISTRICT GOVERNMENT, PESHAWAR
Phone # 091-9331700 Email Add: swpeshawar@gmail.com

Dated Peshawar the 04/08/2022

ORDER

No.DO/SW/ 6-20/1346-47 Mr. Aman Ullah, Chowkidar of this office, presently performing his duty at Autism Center, Hayatabad, Peshawar is hereby directed to report back for his duty at District Office, Social Welfare Department, Peshawar, immediately.

DISTRICT OFFICER
SOCIAL WELFARE DEPARTMENT
PESHAWAR

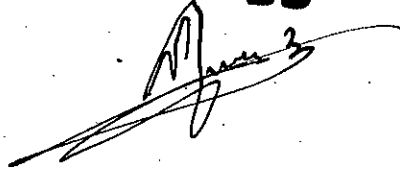
Copy to:-

1. PA to Director, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa.
2. Official concerned.

[Signature]
DISTRICT OFFICER
SOCIAL WELFARE DEPARTMENT
PESHAWAR
4/8/22

Annexure

ATTESTED



9

To,

The District Officer,
Social Welfare Department,
Peshawar.

Subject: ARRIVAL REPORT.

Consequent upon my transfer order bearing No. DO/SW/P/06-20/1346-47 dated 04-08-2022, issued by District Officer, Social Welfare, Special Education & Women Empowerment, Khyber Pakhtunkhwa, wherein I was transferred from TABDEELI Center, Hayatabad, to District Office, Social Welfare, Peshawar.

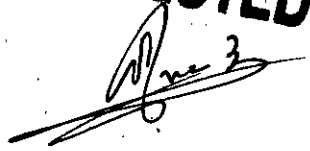
I, **Amanullah** (Chowkidar) BFS-03 hereby submit my arrival report for duty on dated **05.08.2022**.


Mr. Amanullah
Chowkidar (BFS-03)
District Office, Social Welfare, Peshawar

Annexure "E"

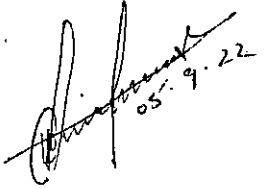
10

ATTESTED



D.No = 3232

05-9-22


05-9-22

To; The Worthy Secretary Social Welfare, Social Education & Women Empowerment Department, Government of Khyber Pakhtunkhwa Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE IMPUGNED ORDER NO. E-14/262/DSW/2010/1687-92 DATED 22/07/2022 (RECEIVED BY THE APPELLANT ON DATED 31/08/2022) ISSUED BY THE DIRECTOR, SOCIAL WELFARE, SPECIAL EDUCATION AND WOMEN EMPOWERMENT DEPARTMENT WHEREBY THE APPELLANT HAS BEEN REMOVED FROM SERVICE WITH IMMEDIATE EFFECT.

Respectfully Sheweth:

The appellant humbly submits as under: -

1. That the appellant joined the present service (Chowkidar) about some 13 years ago and since the date of joining the present service the appellant is performing his duties honestly, diligently, sincerely and to the entire satisfaction of his superior officer.
2. That the appellant always remains punctual to his duty and have never ever provided any sort of complain to any one while undergoing his duty.
3. That the appellant was transferred from Autism Centre for Excellence Hayatabad Peshawar to District Office, Social Welfare Department Peshawar vide order dated 04/08/2022 and subsequent to the appellant transfer, the appellant reported to his new place of duty and also submitted his arrival report on 05/08/2022.

(Copies of Transfer Order and Arrival reports are attached)

4. That the appellant also has been astonish to receive copy of an office order on 31/08/2022 issued by the Director Social Welfare, Special Education and Women Empowerment Khyber Pakhtunkhwa whereby the appellant has been terminated from service with immediate effect vide the impugned order dated 31/07/2022.

(Copy of Impugned termination order is attached)

5. That feeling aggrieved, the appellant approach you honor for setting aside the impugned order on the following grounds inter alia: -



GROUNDS

- A. That the impugned order is illegal and void-ab-initio and against the law.
- B. That no such notice has been served upon the appellant nor the appellant has received any such notice as mentioned in the impugned termination order.
- C. That no any such warning has ever been served upon the appellant and the impugned termination order is based upon malafide and personal grudge, however the appellant is un-aware that what personal vendetta is present against the appellant.
- D. That the appellant has not been treated according to law and rules and my rights guaranteed in constitution and law are badly violated. Moreover, no fair trial opportunity has been provided to the appellant.
- E. That no proper inquiry has been conducted, no evidence was collected and no one was examined in presence of the appellant while passing the impugned order and if any thing has been done the same has never been brought into the notice of the appellant.
- F. That the allegation leveled against the appellant are based on conjectures and surmises and have never ever been committed by the appellant nor the appellant remained absent from his duty.
- G]. That no opportunity of personal hearing has been afforded to the appellant while passing the impugned order.
- H. That even in case of awarding major penalty, conducting regular inquiry is mandatory which has not been conducted in the appellant case.
- I. That the appellant has put in about 13 years unblemish service and no such material against the appellant is present on the record.

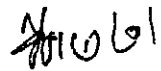
12

J. That malafide is apparent from the impugned order that on one hand the appellants has received has pay upto 31/08/2022 while performing his duties while the impugned order has been issued on 31/07/2022 but it has never been sent to the appellants nor the appellants was aware of the said impugned order. The appellants has received the impugned order from office/ present duty place on 31/08/2022.

It is therefore requested that on acceptance of this Appeal, the impugned order dated 22/07/2022, passed by the Director Social Welfare, Special Education and Women Empowerment Department, Khyber Pakhtunkhwa may kindly be set aside and the appellants may kindly be reinstated in service with all back benefits.

Dated: 05/09/2022

Appellant

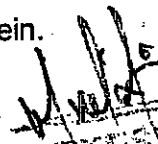
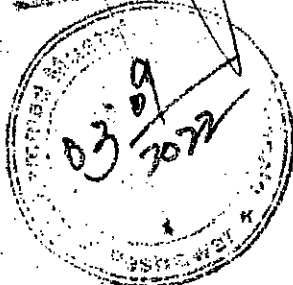


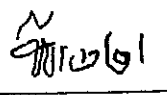
Aman Ullah, Chowkidar (BPS-03)

AFFIDAVIT

It is solemnly affirmed and declared on oath that contents of instant departmental appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein.

ATTESTED


ATTESTED


Deponent 

بعدالت صاحب سروس ٹریبونل

خبرہ و نحو خواہ لٹاؤ

2022 ایپرائزمنٹ
آمان اللہ بنام

ڈائریکٹر سوشل ویلفیئر
ایسٹبلشمنٹ انڈیا
ایسٹ اور فنڈ
دہلی

بائنٹ تحریر آنکہ

مورخہ
تاریخ
مقام
آمان اللہ

ایپرائزمنٹ (ایپرائزمنٹ) آمان اللہ ولد اصغر محمد (۱۹۶۶) ساکن ایسٹ انڈیا ٹریبونل

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیرونی وجوہات دیکھ کر کاروائی متعلقہ

آن مقام لٹاؤ ٹریبونل سے سرگرمی سے آمان اللہ بنام ایسٹ انڈیا ٹریبونل کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کاروائی کا کمال اختیار ہوگا۔ نیز وکیل صاحب کو رضی نامہ کرنے و تقریر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق ذرائع پر منتظر کرے۔ اختیار ہوگا۔ نیز صورت عدم بیرونی یا ڈگری کی طرف یا تیل کی برادگی اور منسوخی نیز دائر کرنے میں نگرانی و نظر ثانی و بیرونی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار۔ اور صاحب مقدمہ شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کے ساتھ ہی ان مقدمہ میں پیش کردہ ہر جائیداد کے مقدمہ کے سبب سے وہاں کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب یا بندہ ہوں گے۔ کہ بیرونی مذکور کریں۔ لہذا اکت نامہ لکھ دیا کہ سند ہے۔

ATTESTED
Accepted &
Attested

2022 دسمبر

مقام
ٹریبونل
کے لئے منظور ہے۔