

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

**SERVICE APPEAL NO. 3181/2020**

Date of institution ... 17.03.2020  
Date of judgement ... 22.10.2021

Abdul Nasir S/O Muhammad Nasir R/O Chamba Gul, Rehman Abad,  
Tehsil and District Hangu. ... (Appellant)

**VERSUS**

Chief Secretary Government of Khyber Pakhtunkhwa Peshawar and four  
others. ... (Respondents)

**Present:**

Mr. NAEEM AHAMD KHATTAK,  
Advocate ... For appellant.

MR. MUHAMMAD ADEEL BUTT,  
Additional Advocate General ... For respondents.

MIAN MUHAMMAD ... MEMBER (EXECUTIVE)  
MR. SALAH-UD-DIN ... MEMBER (JUDICIAL)

**JUDGEMENT**

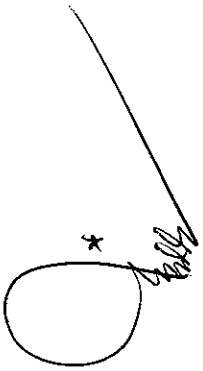
MIAN MUHAMMAD, MEMBER (E):- The Service appeal has been filed against the impugned order dated 03.10.2019 whereby the appellant was awarded major penalty of dismissal from service w.e.f 19.04.2018 as well as minor penalty of recovery of monthly salary drawn. His departmental appeal was regretted vide order dated 16.01.2020. Both the orders are impugned for adjudication before us.

02. Brief facts of the case are that the appellant was working as Mali (BS-03) with respondent No.5 since 18.11.2011. He was

nominated in FIR No. 38 dated 13.01.2016 under Section 302/324-34 PPC at Police Station Hangu City. Departmental proceedings were initiated against him for absence from duty and was placed under suspension vide order of respondent No.5 dated 11.12.2018. Notices were issued to him on 26.12.2018 and 16.01.2019. Enquiry was ordered to be conducted by Additional Assistant Commissioner (Revenue) Hangu on 18.04.2019 who submitted the enquiry report on 28.06.2019 and where-after show cause notice was issued to the appellant on 22.07.2019. Final notice was published in daily "Ajj" and "Ausaf" on 15.09.2019 which culminated in issuance of the impugned order dated 03.10.2019. On criminal side of the case of appellant, the trial court of Additional Sessions Judge-I Hangu convicted him under Section-302 (c) PPC and sentenced to suffer 14 years simple imprisonment vide judgement dated 19.04.2018. However, judgement of the Trial Court was challenged in Peshawar High Court, Peshawar in Cr. Appeal No. 429-P of 2018. Peshawar High Court, Peshawar vide its detailed judgement dated 27.11.2019 set aside judgement of the Trial Court and acquitted the appellant from the charges leveled against him.

03. We have heard learned counsels for the parties and gone through the record with their assistance.

04. Learned counsel for the appellant contended that the appellant had been charged in a false and frivolous criminal case under Section 302/34 PPC by Police Station Hangu City. He was facing court proceedings and convicted for 14 years imprisonment by the Trial Court on 19.04.2018. However, his conviction was set aside and he was acquitted from the charges by Peshawar High Court on 27.11.2019. On acquittal, he approached the authority for reinstatement in service but his departmental appeal was regretted on the sole ground that it was brought before incorrect forum. Moreover, absence from duty was due to the prevailing circumstances beyond the control of appellant. He was behind the bar when departmental proceedings were conducted in absentia and on the back of appellant. He was condemned unheard as no opportunity of personal hearing and fair trial has ever been provided before imposition of major penalty of dismissal from service. The ends of justice have not been met and proper procedure of inquiry has been ignored. His fundamental rights guaranteed under the constitution have been violated. The order with regard to the recovery of drawl of monthly pay w.e.f 19.04.2018 is illegal and untenable on the ground that the appellant was convicted by the Trial Court on the very date which was later on set aside by the Peshawar High Court, Peshawar on 27.11.2019. He was not gainfully employed anywhere during the relevant period. To strengthen his arguments, he placed reliance on 2006 SCMR

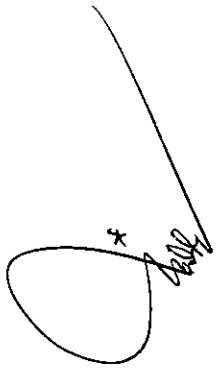


421 and 2007 SCMR 855. Respondent No.5 in utter violation of the principles of fairness, merit and transparency, passed the impugned order dated 03.10.2019 and appellate order dated 10.01.2020 which are against the law, rules, void ab-initio and liable to be set aside.

05. Learned Additional Advocate General conversely argued that the appellant was absent from duty since registration of FIR No. 38 under Section 302,324-34 PPC and the competent authority took cognizance of his long absence without any intimation. He was initially placed under suspension on 11.12.2018. Notices dated 26.12.2018, 16.01.2019 were issued to the appellant directing him to explain his position for unauthorized absence from duty since 13.01.2016. A Proper enquiry was conducted through Additional Assistant Commissioner (Revenue) Hangu and the appellant did not appear for personal hearing on 19.04.2019 and 24.04.2019 to the Enquiry Officer. The Enquiry Officer submitted his report with findings and recommendations on 28.06.2019. The appellant was then issued show cause notice dated 22.07.2019 to which he did not reply. Thereafter final notice was published in two Dailies on 15.09.2019 directing him to appear before the competent authority/respondent No.5 and finally the impugned order dated 03.10.2019 was issued. The appellant was provided ample opportunity of defense but it was failure on his part to


remain absent and did not turn up. Since all codal formalities have been completed before passing the impugned order, the appeal may therefore be dismissed.

06. Perusal and scrutiny of the record reveals that the appellant was charged in a criminal case under Section 302/324-34 PPC in FIR No. 38 dated 13.01.2016 due to which he had been arrested and was facing criminal proceedings as a result of which the Trial Court convicted him for 14 years simple imprisonment and compensation of Rs. 2,00,000/- to be paid to the legal heirs of the deceased vide judgement dated 19.04.2018. Obviously, the appellant was behind the bar and could not attend his duty. The respondent-department was equally ignorant of the situation and not aware of his whereabouts till 26.12.2018 when first notice was issued on his home address mentioning therein his absence w.e.f 13.01.2016 and suspension since 11.12.2018. Enquiry proceedings could only be initiated on 18.04.2019 when Additional Assistant Commissioner (Revenue) Hangu was appointed as Enquiry Officer. The inquiry officer in slipshod manner concluded the proceedings despite the fact that he came to know about the appellant and his ordeal through Patwari Halqa. Since the appellant had been convicted on 19.04.2018 and remained behind the Bar it was therefore, incumbent upon the enquiry officer to have served the charge sheet on the appellant



through Superintendent Jail and provided the appellant an opportunity of personal hearing and recorded his statement. Thus, he was denied and deprived of the right of defence and fair trial as fundamental rights guaranteed under Article-4 and 10-A of the Constitution.

07. Equally important is the fact and duly acknowledged by the respondents in their written reply that "various notices were served upon him through registered mail but most of the notices were received back un-acknowledged". This clearly indicates that the appellant was behind the Bar and circumstances were beyond his control and non conducive to give him the opportunity of fair trial and self-defense before the respondents.




08. It is also astonishing that charge sheet/statement of allegations dated nil and show cause notice dated 22.07.2019 did mention the involvement of appellant in FIR No. 38 dated 13.01.2016 under Section 302/324-34 PPC Police Station Hangu and being in jail, even then one sided inquiry proceedings were carried on which, culminated in issuance of the impugned order dated 03.10.2019. The legal course available to the respondents was to have kept the appellant under suspension as per provisions of CSR 194 till conclusion of the criminal proceedings against him and final order i.e Peshawar High Court dated 27.11.2019 regarding his acquittal.

09. Taking the proceedings from technical aspect, the enquiry was apparently initiated against the appellant under Rule-5(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 by appointing an enquiry officer i.e. Additional Assistant Commissioner (Revenue) Hangu. However, the proceedings were amalgamated with willful absence from duty under Rule-9 of the Rules ibid by publishing notices in newspapers on 15.09.2019, as is evident from the impugned order dated 03.10.2019. Moreover, the order of recovery of pay drawn w.e.f 19.04.2018 (date of his conviction) is not justified on the ground that the appellant was under suspension w.e.f 11.12.2018 till the impugned order passed and issued on 03.10.2019 what to say of his conviction which was set aside and he stood acquitted under the Peshawar High Court, Peshawar judgement dated 27.11.2019. Consequent upon his acquittal by Peshawar High Court, Peshawar the charge of absence did no longer exist and he submitted departmental appeal to respondent No.5 on 02.01.2020.

10. As a sequel to the discussion in the preceding paras, we are of the firmed opinion that on one hand the appellant has not been provided opportunity of fair trial for self-defense and on the other hand, circumstances were beyond the control of appellant. Keeping in view facts and circumstances of the case, the Service Appeal is allowed. The impugned orders dated

03.10.2019 and 16.01.2020 are, therefore set aside and the appellant is reinstated in service with all consequential benefits. Parties are left to bear their own costs. File be consigned to the record room

ANNOUNCED  
22.10.2021



(SALAH-UD-DIN )  
MEMBER (JUDICIAL)



(MIAN MUHAMMAD)  
MEMBER (EXECUTIVE)



**ORDER**

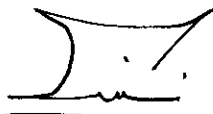
22.10.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. Arguments heard and record perused.

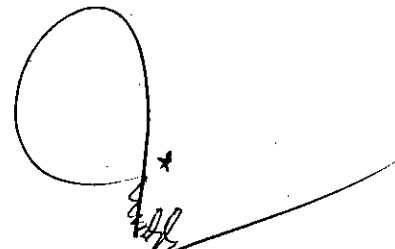
Vide our detailed order of today placed on file, we are of the firmed opinion that on one hand the appellant has not been provided opportunity of fair trial for self-defense and on the other hand, circumstances were beyond the control of appellant. Keeping in view facts and circumstances of the case, the Service Appeal is allowed. The impugned orders dated 03.10.2019 and 16.01.2020 are, therefore set aside and the appellant is reinstated in service with all consequential benefits. Parties are left to bear their own cost. File be consigned to the record room.

Announced:

22.10.2021



(SALAH-UD-DIN)  
MEMBER(J)



(Mian Muhammad)  
Member(E)

02.02.2021

Counsel for the appellant and Addl. AG alongwith Latif Khan S.O, Muhammad Zahid Assistant and Nizamud Din, Assistant for the respondents present.

The respondents have submitted reply to the application for carrying out correction in the memo of appeal. They have not objected to the application, therefore the same is allowed. The requisite correction be carried out by the office in the memorandum of appeal.

In response to another application for correction in the calendar of respondents is also not objected to by Mr. Muhammad Zahid, Assistant-representative of respondent No.5. It is also allowed. The office is directed to enter the requisite changes in the memo of appeal.

The respondents, except respondent No. 3, have already submitted their respective reply(ies)/comments. The respondent No. 3, despite many chances, has preferred not to submit the requisite reply, therefore, the matter is posted for arguments before D.B on 10.05.2021. The appellant may provide rejoinder, within one month, if so advised.

  
Chairman

10.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 30.08.2021 for the same as before.

  
Reader

30.08.2021

Due to summer vacations, the case is adjourned to ~~22.10.~~2021 for the same as before.

  
READER

**3181/2020**

09.12.2020

Counsel for the appellant and Sajid Superintendent for respondent No. 2 and Muhammad Zahid, Assistant for respondent No. 5 alongwith Addl. AG for the respondents present.

Respondents No. 1, 3 and 4 have not submitted the requisite reply. A last chance is given to the said respondents for the needful. Adjourned to 02.02.2021 before S.B.

The appellant has submitted an application for correction in some dates noted in the Memorandum of Appeal. Another application for re-settling respondents No. 4 & 5 has also been submitted. The respondents shall also submit reply to the applications on next date. The respondents shall be sent notices alongwith copy of instant order.

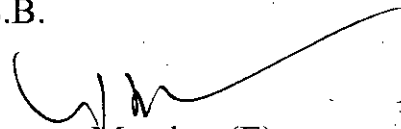
  
Chairman

31.08.2020

Learned counsel for the appellant and Mr. Kabirullah Khattak Addl. AG alongwith Mr. Sajid Superintendent for respondent No.2 present. None present on behalf of respondent No. 3, 4 & 5.

Written reply/comments on behalf of official respondent No.1 to 5 not submitted. Representative of respondent No.2 seeks time to furnish written reply/comments. Notice be issued to the respondents No. 1 to 5 to attend the court and submitted written reply/comments on the next date positively.

Adjourned to 21.10.2020 before S.B.

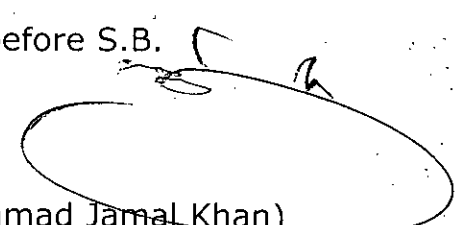


Member (E)

21.10.2020

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today, therefore, learned counsel for appellant is not available today. Mr. Kabirullah Khattak, Additional Advocate General for respondents is present.

Joint para-wise comments on behalf of respondents No. 2, 4 & 5 submitted which is placed on record. None present on behalf of respondents No. 1 & 3 nor written reply on their behalf submitted, therefore, notices be issued to them for submission of written reply/comments for 09.12.2020 before S.B.



(Muhammad Jamal Khan)  
Member (Judicial)

3181/2020

03.06.2020

Counsel for the appellant present.

Contends that the appellant was dismissed from service through office order dated 03.10.2019 against which a departmental appeal was preferred. The appeal was regretted by respondent No. 5 solely on the ground that it was brought before incorrect forum. It is also the argument of learned counsel that not only the impugned order dated 03.10.2019 was given retrospective effect but also the respondent No. 5 failed to communicate the departmental appeal of the appellant to the appropriate forum in accordance with the rules.

In view of the available record and arguments of learned counsel, instant appeal is admitted to regular hearing subject to all just exceptions. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments on 24.07.2020 before S.B.

Appellant Deposited  
Security & Process Fee  
3/6/20

Chairman



24.07.2020

Mr. Naeem Ahmad Khattak, Advocate for appellant, is present. Mr. Kabirullah Khattak, Additional AG for the respondents is also present. Learned counsel for the appellant submitted two applications, one for correction in the dates/reference in para-6 of the appeal mistakenly date is mentioned as 09.04.2018 instead of 19.04.2018 while the other is for grant of order of placing the respondents No. 4 & 5 in the amended form a proper party. The applications are placed on record. To come up for reply and arguments on the said application on 31.08.2020 before S.B.

(MUHAMMAD JAMAL KHAN)  
MEMBER

19.05.2020 Nemo for the appellant. Adjourned. To come up for preliminary hearing on 03.06.2020 before S.B. Notice be issued to the appellant and his counsel.

*MA*  
(M. Amin Khan Kundi)  
Member (J)

19.05.2020

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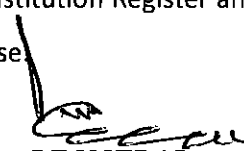
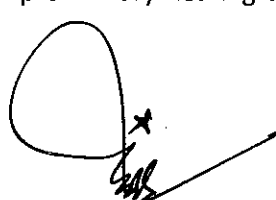
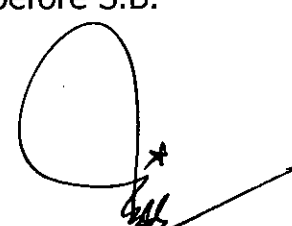
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Form- A

### FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 3181 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	17/04/2020	<p>The appeal of Mr. Abdul Nasir resubmitted today by Mr. Naeem Ahmad, Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 17/4/2020</p>
2-	11.05.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>11.05-2020</u></p> <p style="text-align: right;"> MEMBER</p> <p>Nemo for the appellant. Adjourned To come up for preliminary hearing on 19.05.2020 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member</p>

The appeal of Mr. Abdul Nsir son of Muhammad Nasir r/o Chamba Gul Rehman Abad Tehsil and District Hangu received today i.e. on 17.03.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures- C, D of E of the appeal are illegible which may be replaced by legible/better one.
- 3- The authority to whom the departmental appeal was made/preferred has not been made arrayed a necessary party.
- 4- Eight more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 965 /S.T,

Dt. 18-03 /2020.

*Mr. Naeem Ahmad Khattak*  
*Adv. Pesh.*

Mr. Naeem Ahmad Khattak Adv. Pesh.

*Law*  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

*Objection cleared  
and file submitted today.*  
*AS*



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

Service Appeal No: 3481 of 2020

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. \_\_\_\_\_

Dated \_\_\_\_\_

Abdul Nasir

(Appellant)

**VERSUS**

Chief Secretary Government of Khyber Pakhtunkhwa Peshawar &  
others. (Respondents)

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Appellant

Through:

(NAEEM AHMAD KHATTAK)

Advocate,

High Court, Peshawar

Dated:- 17-03-2020

①

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

Service Appeal No: 3181 of 2020

Khyber Pakhtunkhwa  
Service Tribunal

Plary No. 2140

Dated 17/3/2020

Abdul Nasir S/O Muhammad Nasir R/O Chamba Gul, Rehman Abad,  
Tehsil and District Hangu.

Appellant

**VERSUS**

1. Chief Secretary Government of Khyber Pakhtunkhwa Peshawar.
- ✓ 2. Secretary Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary Government of Khyber Pakhtunkhwa Law & Parliamentary Affairs and Human Rights Department.  
*Commissioner Kohat*
4. ~~Secretary Government of Khyber Pakhtunkhwa, Establishment Department.~~  
*vide order sheet dated 02-02-2021 the same is corrected.*  
✓ ~~Muhammad Tayyab Abdullah, Deputy Commissioner, Hangu~~  
Government of Khyber Pakhtunkhwa. *(Necessary Party)*

(Respondents)

**SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER OF THE RESPONDENT NO. 5 DATED 6/01/2020 WHO REJECTED THE DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE IMPUGNED ORDER OF TERMINATION FROM SERVICE VIDE OFFICE ORDER DATED: 03-010-2019.**

File  
Registrar  
17/3/2020.

**PRAYER:-**

**ON ACCEPTANCE OF THE INSTANT APPEAL THE IMPUGNED ORDERS OF THE RESPONDENT NO. 5 DATED: 6/01/2020 & ORDER DATED: 3/10/2019 MAY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATED ON HIS POST OF MALI IN THE DEPUTY COMMISSIONER OFFICE HANGU.**

**Respectfully Sheweth:-**

Precisely stating the facts of the case out of which present Appeal arises are as under:-

**FACTS:-**

1) That the appellant was working as Mali in the office of Deputy Commissioner, District Hangu with great zeal and devotion and to the entire satisfaction of his superiors without any complaint.

**(Copy of CNIC of the appellant is annexed as "A").**

2) That the appellant was charged in a false and frivolous Criminal Case under the section 302/34 PPC by Police Station Hangu.

3) That appellant being innocent joined the court proceedings and was later on acquitted by the Hon'ble Peshawar High Court vide order/judgment date 27-11-2019

**(Copy of the Peshawar High Court Peshawar Acquittal Order/Judgment is annexed as annexure "B")**

4) That forthwith after acquittal the appellant approached before respondent No. 5 to resume his duties. But found that without any complaint and error on the part of appellant, and justification

departmental Inquiry has been initiated against the appellant on 28-06-2019.

**(Inquiry Letter is attached as Annexure "C").**

- 5) That the respondent no 05 vide Letter number 2295 dated 22-07-2019 has also issued Show cause Notice,

**(Show Cause Notice on dated 22-07-2019 is Annexure "D").**

- 6) That the respondent no 5 without informing/sending show cause notice to appellant also filed reference no. 173 dated 03-10-2019.

More so without giving an opportunity of hearing and fair trial imposed a major penalty of dismissal from service w.e.f 09-04-2018. It is pertinent to mention here that as the appellant was convicted by the trial court on 9/4/2018 which order was later on set aside by the Hon'ble High Court and the meanwhile the appellant was behind the bar.

*vide order sheet dated 02-02-2021, the same is corrected*

*19-04-2018*

**(Dismissal order is Annexure as "E")**

- 7) That the appellant on dated 02-01-2020 preferred for departmental appeal before the respondent no 05, and appellate authority of Respondent no 05 (Commissioner Kohat), for restoration of service of appellant. But respondent No. 5 through letter dated 04-03-2020 directed the appellant to file the appeal in the competent forum for redressal of his grievance thus; the appellant being aggrieved was constrained to file this appeal inter-alia on the following grounds.

**(Copy of Departmental Appeal and reply is attached as Annexure F & F-1)**

**GROUND:** -

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- A. That the impugned order of respondents dated: 09-04-2018 and order dated 16/01/2020 are against law, facts, hence liable to be set-aside.
- B. That it has been incumbent upon the respondents to follow the mandatory provisions of service laws before initiating any action and impose any penalty any civil servant but in the present case, all that have been blatantly violated, hence the impugned order dated: 09-04-2018 is not tenable.
- C. That no formal inquiry has been conducted nor any statement of allegations has been issued by the respondent, hence the impugned order is nullity in the eyes of law.
- D. That the applicant was charged in frivolous and concocted case and all the circumstances was beyond the control of applicant. More so the absence of applicant was thus unintentional and deliberate. Hence the impugned order is by itself against the law and rights of applicant.
- E. That issuing of impugned order without adopting proper criteria and codal requirements by the respondents is against the worthy ruling of the Hon'ble Superior Courts of Pakistan and therefore, the same are illegal practice and such practice adversely effects efficiency of incumbents and also reduces their confidence and faith in public, hence the impugned order referred above is liable to be un-held on this score also.
- F. That the appellant had been made victim of discrimination, demerits, partiality and without any just and reasonable cause thereby offending the fundamental rights of the appellant as provided by the constitution of 1973, hence the impugned orders detailed above are liable to be set at naught.
- G. That the respondents in utter disregard to the principles of the fairness, merit and transparency, passed the impugned order which is against the law, illegal, unlawful and void ab initio and liable to be turned down.
- H. The appellant crave for leave of the Hon'ble Tribunal to raise additional grounds at the time of arguments.

IT IS, THEREFORE, HUMBL Y PRAYED THAT ON ACCEPTANCE OF THE INSTANT APPEAL THE IMPUGNED ORDERS OF THE RESPONDENT NO. 5 DATED: 6/01/2020 & ORDER DATED: 3/10/2019 MAY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATED ON HIS POST OF MALI WITH ALL BACK BENEFITS, SALARY ETC IN THE DEPUTY COMMISSIONER OFFICE HANGU.

*Nasir*  
Appellant

Through:

(Naeem Ahmad Khattak)

(Shah Khanzeb)

Jahanadad Khan  
Advocate,  
High Court, Peshawar

Dated:-17-03-2020

NOTE:-

No such Appeal has earlier been filed by the Appellant before this Honourable Court.

*Jahanadad Khan*  
Advocate

(6)

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

Service Appeal No: \_\_\_\_\_ of 2020

Abdul Nasir

(Appellant)

**VERSUS**

Chief Secretary Government of Khyber Pakhtunkhwa Peshawar & others

(Respondents)

**AFFIDAVIT**

I, Abdul Nasir S/O Muhammad Nasir R/O Chamba Gul, Presently Rehman Abad Tehsil and District Hangu, do hereby solemnly affirm and declare on Oath that all the contents of accompanied **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed OR withheld from this Honourable Court.

**ATTESTED**

Identified by:-

(Naeem Ahmad Khattak)

Advocate,  
High Court, Peshawar

  
DEPONENT

CNIC # 141019-678034-3

*Through Power of Attorney  
Magbool Ahmad.*

(77)

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

Service Appeal No: \_\_\_\_\_ of 2020

Abdul Nasir

(Appellant)

**VERSUS**

Chief Secretary Government of Khyber Pakhtunkhwa Peshawar &  
others. (Respondents)

**ADDRESSES OF THE PARTIES**

**APPELLANT**

Abdul Nasir S/O Muhammad Nasir R/O Chamba Gul, Rehman Abad, Tehsil and  
District Hangu.

**RESPONDENTS**

1. Chief Secretary Government of Khyber Pakhtunkhwa Peshawar:
2. Secretary Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary Government of Khyber Pakhtunkhwa Law & Parliamentary Affairs  
and Human Rights Department.
4. Secretary Government of Khyber Pakhtunkhwa Administration Department.
5. Muhammad Tayyab Abdullah, Deputy Commissioner, Hangu, Government of Khyber  
Pakhtunkhwa.

(Respondents)

Appellant

Through:

**(NAEEM AHMAD KHATTAK)**

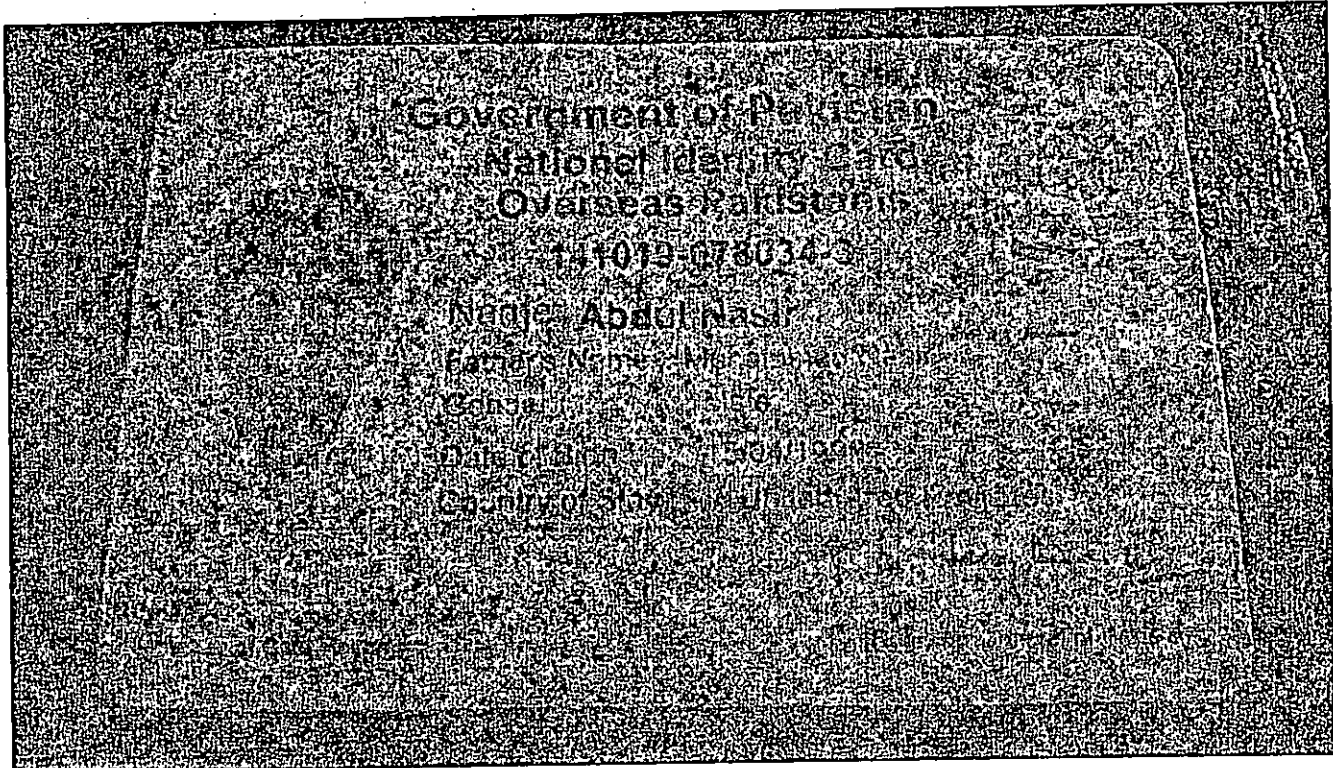
Advocate,

High Court, Peshawar

Dated:-17-02-2020

*vide order  
sheet dated  
02-02-2021 the  
same is corrected*





ATTESTED



ANNEXURE "B"

10  
A**IN THE PESHAWAR HIGH COURT, PESHAWAR  
OPENING SHEET FOR CRIMINAL BRANCH**

Case No. \_\_\_\_\_

Date of Filing: /04/2018

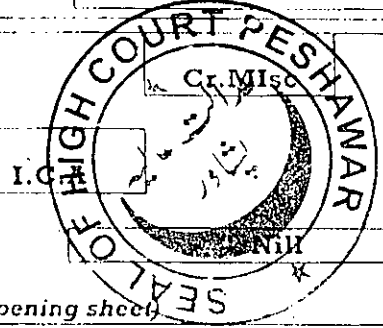
District: Hangu

Case Type: Criminal Appeal

Crl. Appeal

Cr. Revision

TA (Crl)



1. Category Code \_\_\_\_\_ Review In \_\_\_\_\_

(Categories &amp; Sub-Categories are given at back of opening sheet)

Case lies against	FIR#/ Police Station (in state case)	Decided by Court/ Forum	Date of Decision	Results/ Sentence	Whether decisions are concurrent or at variance
Original Order/ Proceedings					At Variance
Review : Revision : Appeal (tick whichever is applicable)	FIR No.38 PS: City Hangu	ASJ-I, Hangu.	19/04/2018	Sentence to life imprisonment with fine of Rs.500,000/-	

**Particulars of Petitioner/ Appellant & Respondent\***

1. Appellant(s)/ Petitioner(s)* (Accused/ complainant)	Abdul Nasir	CNIC**	Nil
S/o or D/o	Muhammas Nasir	Phone No.	Nil
Mobile No	Nil	E-mail	Nil
Address	Chamba Gul, Hangu		
Name of Jail in which appellant/ Pett/ confined if in custody	District Jail, Hangu		
2. Appellant(s)/ Petitioner(s)* Counsel* (Accused/ Complainant)	Abdul Fayaz	CC**	
Mobile No	0333-9333878	Phone	Nil
E-mail	lawyerfayaz@gmail.com		
Address	31-B, Karachi Market, Khyber Bazar, Peshawar.		
Name of Jail in which appellant/ Pett/ Respondent confined if in custody	Nil		
3. Respondent(s)* (Acc Complainant)	Muhammad Sulman	S/o	Muhammad Nazir
Address	Babu tang, Hangu		
Name of Jail in which Respondent confined, if in custody	Nil		

**Legal Status:**

Relevant Law(s) (name of the law(s))	Relevant Section(s)/ Clause(s) Sub-Sections(s)/ Sub-clause(s)
PPC, CrPC	302/34 PPC
CNSA	
Special Law (Give name of enactment)	

**Prayer (in Brief)** On acceptance of this appeal the order and judgment dated 19/04/2018 of ASJ-I, Hangu may kindly be set aside and the appellants may please be acquitted from the charges mentioned above.

Signature of Appellant/ Petitioner or Counsel

S/w

Dated

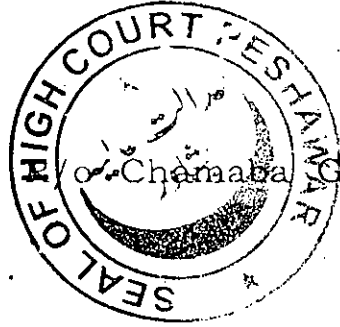
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Peshawar High Court

(1) (11)

**IN THE PESHAWAR HIGH COURT, PESHAWAR**

Cr. Appeal. No. 4298/2018



1. Abdul Nasir S/o Muhammad Nasir  
District Hangu.
  2. Noor Rehman S/o Said Malook
  3. Shah Rez Noor S/o Noor Rehman, both residents of  
Mohallah Rehman Abad, Thall Road, District Hangu.
- ..... Accused/Appellants).

**VERSUS**

1. The State.
2. Muhammad Suleman S/o Muhammad Nazir R/o Babu  
Tang, District Hangu.....(Complainant/Respondent)

**CASE F.I.R NO. 38 DATED 13/01/2016 CHARGE U/S 302, 34**  
**PPC, POLICE STATION CITY HANGU.**

**APPEAL U/S 410 CR.PC AGAINST THE JUDGMENT**  
**DATED 19/04/2018 OF LEARNED**  
**SPECIALADDITIONAL SESSIONS JUDGE-I, HANGU,**  
**WHEREBY THE LEARNED TRIAL COURT**  
**CONVICTED AND SENTENCE,**

- i. **THE APPELLANT NOOR REHMAN U/S 302 (B)**  
**OF PPC TO LIFE IMPRISONMENT WITH FINE**  
**OF RS.500,000/- AS COMPENSATION TO THE**  
**LEGAL HEIRS OF THE DECEASED UNDER**  
**SECTION 544-A CR.PC, IN DEFAULT OF**  
**PAYMENT 6 MONTH SI.**
- ii. **SIMILARLY THE APPELLANTS ABDUL NASIR**  
**AND SHAH REZ NOOR U/S 302 (C) OF PPC TO**

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14 YEARS SI WITH FINE OF RS.200,000/-  
EACH AS COMPENSATION TO THE LEGAL  
HEIRS OF THE DECEASED UNDER SECTION  
544-A CR.PC, IN DEFAULT OF PAYMENT 6  
MONTH SI.

ALL THE SENTENCES SHELL RUN CONCURRENTLY  
AND BENEFIT OF SECTION 382 (B) CR.PC IS  
EXTENDED TO THE APPELLANT.

PRAYER IN APPEAL:

*On acceptance of this appeal the order and judgment dated 19/04/2018 of the learned Add; Sessions Judge-I, Hangu, may kindly be set aside and the appellants may please be acquitted from the charges mentioned above.*

Respectfully Sheweth:

1. That the appellants being charged in the above cited case, were tried whereby convicted and sentenced by the Learned Add; Sessions Judge-I, Hangu, to the sentence mentioned above vide his order and judgment dated 19/04/2018. (Copy of order and judgment dated 07/06/2019/04/2018 is attached as annexure "A").

Now the appellants approached this Hon'ble Court against the impugned order/ judgment on the following grounds:

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**GROUND:**

- A. That the order/ judgment of the learned Trial Court is against the law, material and facts on record, hence liable to be set aside.
- B. That the persecution has miserably failed to prove the case beyond shadow of doubts. The learned Trial Court while not extending the benefit of doubts has acted against the law and canon of justice.
- C. That there is no direct as well as circumstantial evidence against the appellants.
- D. That the learned Trial Court deciding the matter/ case has misread and miss-appreciated the evidence on record, hence reached an erroneous decision.
- E. That the learned trial court has ignore the fact that the appellant Noor Rehman is having only one hand and the firing with one hand cannot be made.
- F. That the learned Trial Court has shown its indifferences to the well celebrated cannons of criminal justice.
- G. That there are material contradictions in the statements of the PW's but the learned Trial Court has not taken into consideration this aspect of the case at all.

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H. That there are numerous loop holes in the prosecution's story, which create serious doubts regarding the prosecution story.

It is, therefore, most humbly prayed that on acceptance of this appeal the order and judgment dated 19/04/2018 of the Learned Add; Sessions Judge-I, Hangu, may kindly be set aside and the appellants may please be acquitted from the charges mentioned above.

Accused/Appellants

Through

Dated: 03/04/2018

*B*

Bashir Ahmad Khan

*N*

Syed Abdul Fayaz

*H*

Hidayat Shah

&

*S*

Zahir Shah Marwat  
Advocates, High Court  
Peshawar.

**NOTE:**

As per instruction of my client/ appellant no such appeal has earlier been filed before this Hon'ble Court.

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03 MAY 2018

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ADVOCATE  
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EXAMINER  
Peshawar High Court

THE PESHAWAR HIGH COURT, PESHAWAR

15

Cr. M. No. 1337/2018

In:

Cr. Appeal No. 429P/2018

Abdul Nasir and others.....(Accused/ Appellants)

VERSUS

The State and another.....(Complainant/ Respondents)

CASE F.I.R NO. 38 DATED 13/01/2016 CHARGE U/S 302, 34  
PPC, POLICE STATION CITY HANGU.

APPLICATION U/S 426 Cr.P.C FOR THE  
SUSPENSION OF THE SENTENCE AND RELEASE  
OF THE ACCUSED/ APPELLANTS IN THE ABOVE  
TITLED CASE TILL THE FINAL DISPOSAL OF  
THE MAIN CRIMINAL APPEAL.

Respectfully Sheweth:

That the petitioner/ appellant was tried by learned  
Additional Session Judge-IV, Nowshera vide order  
dated 13/12/2016 and was convicted and sentence

- i. The appellant Noor Rehman u/s 302 (b) of PPC to life imprisonment with fine of Rs.500,000/- as compensation to the legal heirs of the deceased under section 544-A Cr.PC, in default of payment 6 month SI.
- ii. Similarly the appellants Abdul Nasir and Shah Rez Noor u/s 302 (c) of PPC to 14 years SI with

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fine of Rs.200,000/- each as compensation to the legal heirs of the deceased under section 544-A Cr.PC, in default of payment 6 month SI. All the sentences shell run concurrently and benefit of section 382 (b) Cr.PC is extended to the appellant.

Now the petitioner /appellant approaches this Hon'ble Court inter alia in the following grounds:

**GROUND:**

- A. That the above titled petition against the impugned order mentioned above is pending before this Hon'ble Court in which no date of hearing has yet been fixed.
- B. That the applicants are sanguine about the success of his appeal.
- C. That the appellant Noor Rehman is having only one hand and the firing with one hand cannot be made.
- D. That from the tentative assessment of the evidence it is clear that learned Trial Court had not appreciated the evidence on its true perspective and in accordance with the principle of criminal justice.

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03 MAY 2018

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E. That the grounds of the accompanying appeal may also be considered the grounds of this application.

F. That the petitioner/ appellants belong to respectable family and resident of settled area, as such there is no apprehension of their abscondence.

It is, therefore most humbly prayed that on acceptance of this application the sentence imposed upon the petitioner/ appellants may kindly be suspended till the final disposal of the main appeal and may kindly be released on bail.

Accused/Appellant

Through

*Bashir*

Bashir Ahmad Khan

*Syed Abdul Fayaz*

Syed Abdul Fayaz

*Hidayat Shah*

Hidayat Shah

&

*Zahir Shah Marwat*

Zahir Shah Marwat  
Advocates, High Court  
Peshawar.

Dated: 03/05/2018

**NOTE:** As per instruction of my client appellant such like application has earlier been filed before this Hon'ble Court.

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03 MAY 2018

*S M*  
ADVOCATE  
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EXAMINER  
Peshawar High Court

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**BEFORE THE HON'BLE PESHAWAR HIGH COURT**

**PESHAWAR**

Cr. Appeal No. 4297/2018

Cr. M 1337/078

**Abdul Nasir and others ..... Accused / Appellants**

**VERSUS**

**The State and another ..... Respondents**

**AFFIDAVIT**

I, Amir Ghani S/o Ghani ur Rehman R/o Thal Road, House Rehman Abad Hangu, do hereby solemnly affirm and declare on oath that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

**DEPONENT**

CNIC # 17301-7084560-1

Identified by:

**SYED ABDUL FAYYAZ**  
ASC.

**CERTIFIED TO BE TRUE COPY**  
EXAMINER  
Peshawar High Court, Peshawar  
Authorised Under Article 57 of  
The Qanun-e-Mahkamat Order 1984  
**30 DEC 2019**  
**FILED TODAY**  
Deputy Registrar  
**03 MAY 2018**

No: 21591  
Certified that the above was verified on solemnly affirmation before me in office, this 22nd day of May 2018, by Amir Ghani S/o Ghani ur Rehman Hangu as identified by Dadul Gajay personally known to me:  
Commissioner  
Peshawar High Court, Peshawar

**ATTESTED**

  
**EXAMINER**  
Peshawar High Court

JUDGMENT SHEET  
PESHAWAR HIGH COURT, PESHAWAR  
JUDICIAL DEPARTMENT

Cr. Appeal No. 429-P of 2018  
Abdul Nasir etc Vs The State



Date of hearing 27-11-2019.

Petitioner (by) Syed Nadeem Fayaz Advocate

State (by) Ms. Palwasha Rehmani

Respd: by Amir Waqar Chamlani & Gulam Mohyuddin  
Advocates

JUDGMENT

MUSARRAT HILALI, J.- Through the instant criminal appeal filed under Section 410 Cr.PC, the appellants Abdul

Nasir, Noor Rehman and Shah Rez Noor have challenged

the impugned judgment dated 19.4.2018 rendered by learned Additional Sessions Judge-1 Hangu, whereby the appellant Noor Rehman was convicted under Section 302-B PPC and sentenced to life simple imprisonment with fine of Rs. 500,000/- as compensation to the legal heirs of the deceased under Section 544-A Cr.PC or in default thereof to suffer further six months SI.

*man*

Likewise, vide same judgment appellants Abdul Nasir and Shah Rez Noor were convicted under

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Section 302(C) PPC and sentenced each to undergo 14 years SI with fine of Rs.200,000/- each as compensation to the legal heirs of the deceased under Section 544-A Cr.PC or in default thereof to suffer further six months SI. It was also directed that the sentences shall run concurrently and benefit of Section 382-B Cr.PC was extended to the appellants.

2. According to prosecution case, complainant Muhammad Suleman alongwith Majid Saleem and PWs Anwar Khan and Muhammad were present on the spot in connection with refueling purpose when in the meanwhile a Suzuki carry van emerged and parked near Multan Abad Chowk wherefrom appellants/convicts duly armed with firearms were boarded. Out of the accused, Noor Rehman alias Kabalu raised Lalkara towards Majid Saleem that they had committed Qatle Amd of his uncle Farid Khan the then MPA and in the same mode and manner, he will be also killed. Thereafter, the accused/appellant Noor

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Rehman started indiscriminate firing at Majid Saleem as a result of which he sustained injuries while from the said firing the co-appellant Abdul Nasir also received injuries. The accused after commission of offence decamped from the spot while Majid Saleem was shifted to the hospital where complainant lodged report to the local police, on the basis of which initially a case vide FIR No.38 dated 13.1.2016, under Sections 324/34 PPC was registered at Police Station City, District Hangu. Lateron, the injured Majid Saleem succumbed to his injuries therefore, the section of law was converted from 324 PPC to 302 PPC.

3. On completion of investigation, complete challan against appellants Abdul Nasir and Noor Rehman alias Kabalu as well as under Section 512 Cr.PC against appellant Shah Rez Noor was submitted before the learned trial Court where trial was commenced. In the meanwhile, accused Shah Rez Noor was also arrested so supplementary challan was submitted against him before the learned trial.

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Formal charge was framed against all the accused/appellants who did not plead guilty and claimed trial. In order to prove its case, the prosecution examined as many as thirteen (13) PWs. On close of prosecution evidence, statements of accused were recorded under Section 342 Cr.PC wherein they denied all the allegations levelled against them, however, they did not opt to be examined on oath or to produce defence evidence. At conclusion of trial, the learned trial Court convicted and sentenced all the accused/appellants vide impugned judgment, hence the instant criminal appeal has been preferred by the appellants while Shamsur Rehman (father of deceased) filed Criminal Revision No.57-P/2018 for enhancement of sentences awarded to the appellants. As the above appeal and criminal revision have been preferred against one and same impugned judgment therefore, we would like to decide the same through this single judgment.

4. Arguments heard and record gone through.

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5. In order to prove its case, the prosecution examined 13 witnesses in all. The accused-appellants were examined under Section 342 Cr.P.C, wherein they denied the charges leveled against them and claimed trial, however, no defence was led.

PW-6 lodged the FIR, wherein it was mentioned that he alongwith Majid Saleem (since deceased), eye witnesses Anwar and Muzamil Shah were present on the spot when in the meanwhile, the accused/appellants came there in a Suzuki Carry Van, got down from it, accused/appellant Noor Rehman raised Lalkara that as they had killed his uncle Farid Khan, MPA, now it was his turn. On this, the accused appellant Noor Rehman started firing at Majid Salim, as a result of which he was hit. It was also mentioned in the FIR that with the firing of accused Noor Rehman, his own companion Abdul Nasir also sustained injuries. Both the injured were shifted to the Shaheed Farid Khan Hospital Hangu, where the complainant reported the

*man*

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matter to the police at casualty. We may notice that in the initial version of FIR, the role of firing was attributed to the accused-appellant Noor Rehman however, during trial while recording his statement as PW.6, the witness resiled from his earlier statement, made in the FIR and stated that Abdul Nasir and Shah Rez made firing upon the deceased Majid Salim. He further stated that Majid Saleem died on the same day in LRH, Peshawar. Since the statement of PW-6 was antagonistic to the interest of the complainant party, therefore, he was declared hostile. The complainant party was allowed to cross examine his own witness PW-6 under Article 150 of Qanun-e-Shahadat Order, 1984, however, his version in examination-in-chief remained unshattered, nothing has been elicited in his cross examination to find favour to support the case of defence. PW-6 in his report Ex.PW 6/1 has also mentioned the presence of other eye witnesses namely Anwar (PW.7) and Muzamil Shah who was abandoned being won over by the prosecution.

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Peshawar High Court

6. It is well established proposition of law that even if a witness is declared hostile and permission is accorded to the prosecution to put question on the witness in the nature of cross examination, his evidence cannot be brushed aside in toto and the evidence which favours the prosecution has to be accepted, however, in the instant case, the witness has completely exonerated accused-appellant Noor Rehman alias Kabalo, who was assigned the specific role of firing at deceased Majid Salim, and attributed the role of firing to co-accused appellants, Shah Rez and Abdul Nasir while PW-7, who is the cousin of deceased Majid Salim and was allegedly present on the spot, attributed the role of firing to accused-appellant Noor Rehman. According to this witness he accompanied the deceased then injured to Hangu hospital a little before 4.00 PM while as per the FIR the occurrence took place at 4.10 PM. Thus, we have two versions on record i.e. the version of PW-6 who did not speak about the presence of accused appellant Noor Rehman at the scene of occurrence whereas

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PW-7 spoke about the presence of accused-appellant Noor Rehman at the scene of occurrence. With these two contradictory versions on record, we have to see which version to be accepted.

7. On close scrutiny of the statements of these two eyewitnesses, we have noted that none of them have disclosed in their statements about the type of weapon used by the accused in the commission of offence. According to PW-7, he was present in the hospital with PW-6 at the time of report but surprisingly he did not move for lodging the FIR being the cousin of deceased Majid Salim nor did he accompany him to LRH, Peshawar. The statement of this witness was recorded after 20 days of the occurrence with no explanation for the delay caused and as has been held by the august Supreme Court of Pakistan in case titled, "Syed Saeed Muhammad Shah & others Vs The State"

reported in 1993 SCMR 550, the statements recorded by police after delay and without explanation are to be ruled

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out of consideration. In addition to the above, nothing is said about as to on whose pointation, the site plan was prepared.

8. ✓ The next piece of evidence relied upon by the prosecution is the dying declaration Ex.PW 11/9 allegedly made by deceased Majid Salim. In his statement, the deceased while in ICU had explained the circumstances of his death. Dying declaration is a valuable piece of evidence made by a person in the extremity when he/ she is at the point of death and every hope of world has gone. Since the deponent cannot be subjected to cross examination, therefore, close scrutiny of dying declaration should be made so as to ascertain its reliability and therefore, before taking such statement into consideration the Court in order to satisfy itself regarding fitness of mind of deceased then injured, shall look into the medical opinion. Since the statement of deceased Majid Saleem was recorded in ICU therefore, the certificate of the doctor or record of the

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**ATTESTED**  
*[Signature]*  
**EXAMINER**  
Peshawar High Court

hospital should have been appended with the dying declaration of deceased showing that on the day of making statement, the deceased then injured was conscious and in full senses, able to make statement before police, which has not been done. Neither the dying declaration was signed by the deceased nor his thumb impression was taken on it, besides, it does not bear the date on which it was recorded, thus the Ex.PW.11/9 is not free from infirmities and is doubtful. The august Supreme Court of Pakistan in case titled "Mst. Zahida Bibi .Vs. the State" reported in PLD 2006 SC 255, has held that the dying declaration like the statement of an interested witness requires close scrutiny and is not to be believed merely for the reasons that the person is not expected to tell a lie.

9. It is also worth mentioning here that as per deposition of PW-6, the deceased used to move with four bodyguards (Levy Bodyguard) due to enmity however, none from the said bodyguards has been examined by

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prosecution nor any written correspondence are placed on file which could confirm that the Levies authorities have been contacted in respect of Muzamil Shah who was serving in levy.

10. When the testimony of both the eye witnesses was found inconsistent both on facts and time of occurrence, then the testimony of Muzammil Shah was necessary in order to arrive at a just and fair conclusion of the case but he was abandoned by prosecution being won over, which shows that the prosecution has withheld its best evidence by abandoning the said witness, which give adverse presumption against the prosecution in view of Article 129 (g) of the Qanoon-e-Shahadat Order, 1984.

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Reliance be placed on case of “Muhammad Shah Khesro & another Vs The State & others” (2016 P.Cr.L.J 606),

wherein this Court has held as under:-

*Article-129 (g)—Withholding of evidence—Presumption—If a best piece of evidence is available with a party and the same is withheld by*


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*him, then it is presumed that the party has some evil motive behind it in not producing that evidence."*

Likewise, the apex Court in case of "Riaz Ahmad Vs The State" (2010 SCMR 846) has held as under:-

*S.302(b) – Qanun-e-Shahadat (10 of 1984), Article. 129, Illus. (g)-Qatl-i-amd--appraisal of evidence- Prosecution case rested only on the solitary statement of the complainant. One eye witness of the occurrence had expired and the other eye witness had been given up by the prosecution being unnecessary—Presumption under illustration (g) of Art. 1299 of Qanun-e-Shahadat, Order 1984, could fairly be drawn that had the given up eye-witness been examined in the Court, his evidence would have been unfavourable to the prosecution."*

11. Keeping in view the above judgments, we are of the view that when the said witness was present on the spot at relevant time then his examination before the trial Court was necessary for just decision of the case but he was abandoned by prosecution meaning thereby that he was not favouring the version of prosecution that's why he was not examined.

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12. Dr. Muhammad Hayat (PW.12) who had conducted autopsy on the body of deceased, stated in cross examination that the deceased then injured had received one firearm injury while PW.2 Dr. Meer Raza Shah, who initially examined the deceased, was unable to disclose that how much entry wounds were there in the first wound due to the position of the wound being intercommunicated one. For the said solitary injury, appellant Noor Rehman has been charged but during spot inspection, two empties of 7.62 bore, three empties of 9 MM and one empty of .30 bore have been recovered, showing that beside the accused Noor Rehman, other persons have also made firing which is not the stance of the prosecution. In absence of specifying the type of weapon used by each accused, it could not be ascertained that which weapon was used by accused appellant Noor Rehman at the time of alleged firing upon the deceased, besides the .30 bore pistol recovered from the accused-appellant Noor Rehman was sent to FSL alongwith



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empty recovered from the spot, the result whereof is in negative.

13. Neither owner of the fruit shop from which the complainant has allegedly purchased fruits nor the staff of the Filling Station in which the vehicle of the complainant party was parked, has been examined in support of the prosecution case. Even the vehicle of deceased has not been taken into custody by local police nor its point has been mentioned in the site plan however, in the site plan of cross case it has been mentioned at point No.4, wherein the complainant party including the deceased had come to the spot for attacking the accused of the instant case, which creates doubt regarding mode and manner of the occurrence.


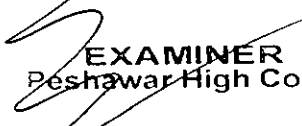
14. Apart from above, one of the appellant Abdul Nasir sustained injury due to alleged firing of his companion Noor Rehman as per version of prosecution, but this version was denied by the Investigation Officer, who

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opined that a cross case FIR No.39 dated 13.1.2016, has been registered against the complainant party of the instant case, wherein the time, date and place of occurrence are one and same. This version is also admitted by the prosecution witness (PW.11), who also investigated the case FIR No.39 dated 13.1.2016, which according to him is cross case of the instant case, wherein the complainant party of the instant case has been nominated by Abdul Nasir (appellant in the instant case) for causing injuries to him.

15. In view of above discussion, we are of the firm view that the ocular account, coupled with alleged dying declaration of deceased then injured are full of doubts particularly when the complainant was declared hostile witness, the other witness was abandoned by prosecution being won over and the third eye witness failed to establish his presence on the spot at relevant time while the dying declaration lacks the required legal formalities. Moreover,

  
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the active participation of co-appellants Abdul Nasir and Shah Rez in the commission of offence with the co-accused have also not been proved. They have also not been assigned any role of firing nor the type of weapon which they were carrying at the time of occurrence. All the above contradictions and lacuna in the prosecution evidence creates doubt in the prosecution case, the benefit of which must be given to the accused-appellants. It is repeatedly held by the apex Court that while giving the benefit of doubt to an accused it is not necessary that there should be many circumstances creating doubt. If there is a circumstance which creates reasonable doubt in a prudent mind about the guilt of the accused, then the accused would be entitled to the benefit of such doubt, not as a matter of grace and concession, but as a matter of right.

16. For reasons discussed above, this criminal appeal is allowed, the conviction and sentence awarded by the learned trial Court vide judgment dated 19.4.2018 is set

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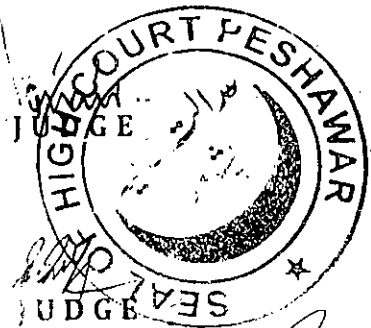
**EXAMINER**  
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aside and the accused-appellants are acquitted from the charges levelled against them. They are in custody, be released forthwith if not wanted in any other case.

17. So far as the Criminal Revision No. 57-P/2018 filed by father of deceased is concerned, since accused have been acquitted by this Court from the charges levelled against them therefore, this Criminal Revision Petition has become infructuous, which is dismissed.

18. The above are reasons of our short order of even date.

**Announced**  
27.11.2019



*M*  
(D.B)  
Hon'ble Justice Musarrat Hilali.  
Hon'ble Mr. Justice Muhammad Nasir Mahfooz.

"A.Qayum PA".

*[Signature]*  
CERTIFIED TO BE TRUE COPY  
EXAMINER  
Peshawar High Court, Peshawar  
Authorized Under Article 37 of  
The Constitution of Pakistan  
30 DEC 2019

250004  
No. ....  
Date of Presentation of Application. 30/12/19  
No of Pages 26  
Copying fee 104/-  
Total .....  
Date of Preparation of Copy 30/12/19  
Date of Delivery of copy 30/12/19  
Received By. *[Signature]*



OFFICE OF THE  
ADDL. ASSISTANT COMMISSIONER (REV)  
HANGU

NO. 305 /AAC(R)/HANGU  
Dated: 28 / 6 / 2019

To  
The Deputy Commissioner,  
Hangu.  
Subject: INQUIRY AGAINST MR. ABDUL NASIR MALI (BPS-03) ON ACCOUNT OF CONTINUES ABSENTLEE.  
Memo: Please refer to your office order No. 1367/Nasir/EA/DC.(H) dated, 18/04/2019.

PROCEEDINGS:

The undersigned has been appointed as Inquiry officer by the Deputy Commissioner Hangu vide office order No. 1367/Nasir/EA/DC.(H) dated, 18/04/2019 (Page-02) to conduct inquiry and submit recommendations against Mr. Abdul Nasir Mali BPS-03, who has already been suspended vide Deputy Commissioner Hangu's office order 3845/Nasir/EA/DC(H) dated 11-12-2018.(P-03).

Inquiry received to this office on 19-04-2019. The accused official was summoned for 24-04-2019, but he did not appear before the Inquiry officer on the dates fixed nor on other proceeding dates. On 24-04-2019 Patwari Halqa was directed to ensure / serve the notice to the accused official and report on the date fixed. Patwari Halqa on 2-05-2019 reported that the accused official is in Jail. Patwari Halqa again summoned and directed to produce the copy of the court order/Judgment to know the facts of the case and to confirm his sentence/conviction. Today on 19-06-2019 the Patwari Halqa re-appeared before the Inquiry Officer and submitted case file / Court order dated 19-04-2018 (annexed at Page-14 to-76)

FINDINGS:

1. Mr. Abdul Nasir (Mali-03) was continuously absent from duty without permission/approval from the competent authority, who has already been suspended vide office order 3845/Nasir/EA/DC (H) dated 11-12-2018 (Page-03)
2. Accused official (Abdul Nasir Mali) involved in case FIR No. 38 dated 13/01/2016 u/s 302/34 PPC P.S Hangu. He is in Jail. In this regard the court order / Judgment dated 19-04-2018 is at page 14 to 76.

RECOMMENDATIONS:

From the perusal of Court order / Judgment dated 19-04-2018 (Page-14 to 76), it is evident that the accused namely Abdul Nasir (Mali) has been convicted and sentenced with imprisonments for 14 years.

Therefore it is suggested the official / accused may be proceeded under the E & D Rules 2011. (at Page-79 to 82 vide Flag-A&B)

With the aforesaid recommendations, the inquiry file in hand (containing Pages#82) is submitted, please.

D.C.	<i>AA</i>
	EA
	4958
	04-7-019

Addl. Assistant Commissioner (Rev)  
Inquiry Officer, Hangu 28/6/19

ATTESTED



Deputy Commissioner Hangu  
Tel: 0925 / 621175 - 621466 - 622366 - 623968  
Fax: 0925 / 620050, Email: dc.hangu@mail.com  
No. 2210 / Estab/DC(H)  
Dated: 22-07-2019

REGISTERED

To:  
Mr. Abdul Nasir, Mali (BPS-03)  
s/o Muhanimad Nasir r/o Chamba Gul,  
presently r/o Rehman Abad, Teshil & District, Hangu

SHOW CAUSE NOTICE

I, Muhanimad Tayyab Abdullah, Deputy Commissioner, Hangu as competent authority, under the Khyber Pakhtunkhwa Government servants (Efficiency and Discipline) Rules, 2011, do hereby serve you Mr. Abdul Nasir, Mali as follows:

- (I) That consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing vide Communication No. Nil dated 19.04.2019 and 24.04.2019; and
- (II) On going through the findings and recommendations of the Inquiry Officer the material on record and other connected papers before the Inquiry Officer, I am satisfied that you have committed the following acts/omissions specified in Rule 3 of the said rules:
  - (a) That you while posted as Mali (BPS-03) remained continuously absent from duty w.e.f. 15.01.2016 without permission approval from the competent authority.
  - (b) That you are involved in Case FIR No. 38 dated 13.01.2016 under Section 302/34 PPC PS Hangu and is in jail as convicted and sentenced with imprisonment for 14 years vide court order/judgment dated 19.04.2018.
  - (c) That despite repeated communications vide No. 3996/Nasir/Estab/DC (H) dated 26.12.2018 and No. 196/Nasir/Estab/DC (H) dated 16.01.2019 and communication issued by Inquiry Officer vide No. Nil dated 19.04.2018 and 24.04.2019, you did not submit any reply.

2. As a result thereof, I as competent authority, have tentatively decided to impose upon you the penalty of dismissal from service together with recovery of illegal draws under rule 4 of the said rules.

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

4. If no reply to this notice is received within 07 days or not more than 15 days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action will be taken against you.

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

REGISTERED

Deputy Commissioner  
Hangu



**Deputy Commissioner Hangu**

Tel: 0925 / 621175 - 621466 - 621366 - 623968

Fax: 0925 / 620050, Email: dc.hangu@gmail.com

No. 3173 / Nasir / Estab/DC(H)

Dated: 03 / 10 / 2019

**OFFICE ORDER**

WHEREAS, you Mr. Abdul Nasir, Mali (BPS-03) was serving in this office remained absent from duty w.e.f. 13.01.2016 having been charged in FIR No. 38 dated 13.01.2016 u/s 302/324-34 PPC PS City Hangu.

WHEREAS, you were suspended from duty vide order No. 3845/Nasir/Estab/DC (H) dated 11.12.2018 (extended vide order No. 1368/Nasir/Estab/DC (H) dated 18.04.2019).

WHEREAS, notices vide this office No. 3996/Nasir/Estab/DC (H) dated 26.12.2018; No. 196/Nasir/Estab/DC (H) dated 16.01.2019 were served upon you through registered post with the direction to appear before undersigned and submit your reply in defence, but you did not turned up.

WHEREAS, Additional Assistant Commissioner (Revenue) Hangu was appointed as Inquiry Officer vide No. 1367/Nasir/Estab/DC (H) dated 18.04.2019. Statement of Allegations and Charge Sheet were issued to you vide above reference.

WHEREAS, the Additional Assistant Commissioner (Revenue) Hangu conducted full-fledged Inquiry and submitted his report/findings/recommendations vide No. 308/AAC(R)/ Hangu dated 28.06.2019.

WHEREAS, Show Cause Notice with copy of Inquiry Report was served upon you through registered post vide No. 2295/Nasir/Estab/DC (H) dated 22.07.2019 with direction to appear before the undersigned but you failed to do so.

WHEREAS, Final Notice was published in the Daily Newspapers "Aaj" and "Ausaq" dated 15.09.2019 which was served upon you vide No. 3072/Nasir/Estab/DC (H) dated 25.09.2019 through registered post.

WHEREAS, despite above, you failed to appear before the undersigned nor you submitted reply in writing in your defence.

Now, I, Muhammad Tayyab Abdullah, Deputy Commissioner Hangu going through the Inquiry Report, evidence on record, am satisfied with the findings and recommendations of the Inquiry Officer hereby impose upon you major penalty of dismissal from service w.e.f. 19.04.2018 (i.e. date of conviction) under Rule 8(a) and 4(1)(b)(iv) and minor penalty of recovery of illegal draws under Rule 4(1)(a)(iii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

*[Signature]*  
Deputy Commissioner  
Hangu

Encl: No. & Even dated

Copy to:

1. The Commissioner Kohat Division, Kohat.
2. The Additional Deputy Commissioner, Hangu.
3. The Assistant Commissioner, Hangu for information.
4. The Additional Assistant Commissioner (Revenue), Hangu/ Inquiry Officer.
5. The District Accounts Officer, Hangu.
6. The Accounts Officer D/O Deputy Commissioner Hangu for further necessary action under the rules.
7. The official concerned (Abdul Nasir s/o Muhammad Nasir) on his addresses s/o Chanda Gul, presently s/o Rehman Abad Teshil & District, Hangu.

*[Signature]*  
Deputy Commissioner  
Hangu

(PC-430/09.2019/Nasir)

**ATE/STED**

302  
34

سلسلہ نمبر 38 رج 1/13 قلعہ فیصلہ نومبر 2016

39

6

درخواست گزار صاحبہ کے لئے  
بہترین قیمت پر خریدی جائے۔

جناب عالی! درخواست دہندہ کے لئے

کے لئے درخواست گزار صاحبہ کے لئے  
بہترین قیمت پر خریدی جائے۔

سے 2019/11/22 کے لئے درخواست گزار صاحبہ  
کے لئے درخواست گزار صاحبہ کے لئے

کے لئے درخواست گزار صاحبہ کے لئے  
بہترین قیمت پر خریدی جائے۔

141019-678034-3

ATTESTED

ATTESTED





**Deputy Commissioner Hangu**

Tel: 0925 / 621175 - 621466 - 622366 - 623968

Fax: 0925 / 620050, Email: dc.hangu@gmail.com

No. 701 / Abdul Nasir / Estab/DC(H)

Dated: 16/01/2020

39A

To

Mr. Abdul Nasir, Ex-Mali,  
DC Office Hangu

Subject: APPLICATION FOR RESTORATION IN SERVICE

Your application dated 02.01.2020 on the subject noted above, is regretted on the basis that it falls beyond the competency of the undersigned. You may approach the competent appellate authority.

  
Deputy Commissioner  
Hangu

~~ATTESTED~~  


محفوظ جناب کسٹرن صاحب کو خاتہ ڈویژن، چیئرمین چیئرمین خواہ

درخواست برآمد صدر والی ذمہ من مسائل پر طرف ملازمت بطور  
مال واقع DC آفس پینٹوں، فریڈی خواہ

جناب عالی!

مسائل حسب ذیل عرض دساں ہیں۔

- 1- یہ کہ مسائل ڈیپٹی کسٹرن بیگلو میں بطور مالی سرکاری ملازم تھا
- 2- یہ کہ ملازمت کے دوران جب مقدمہ ملک غیر 386 مورخہ 13/03/2016 عائدہ سے بیگلو جرم 327/2016 میں میرے خلاف درج کیا گیا۔
- 3- یہ کہ اسی دوران مجھے پولیس نے گرفتار کیا اور جیل بعد میں ضمانت پر رہا ہوا۔ اور کہیں کہہ سکتا ہوں لیکن عدالت نے سزا سنائی۔
- 4- یہ کہ مجھے محرم عدالت عالیٰ کوٹہ نے میری اپیل منظور کر لی اور میرے سزا کا عدم فوری۔
- 5- یہ کہ مجھ پر 02/09/2020 کے مسائل نے محرم ڈیپٹی کسٹرن صاحب بیگلو کی دفتر میں درخاستت برائے حادد زمانی۔ مگر DC صاحب نے خارج کر دی (کامیاب آڈیو ہے)
- 6- یہ کہ مسائل آج بھیور کہ دفتر میں درخواست گزار عالی تیزی اور دیگر مسائل کو کو حل نہیں۔
- 7- یہ کہ مسائل اب ملازمت پر دوبارہ بحالی کا ضمن دار ہے۔ اور اس پر حسب ضابطہ قانون کہ مطابق مسائل کو ملازمت پر بحال فرمایا جائے اور اس پر حسب ضابطہ

07/02/2020

141019-678034-3  
محمد انوار دلچسپ تارستان  
Attest

ATTESTED

40A

OFFICE OF THE  
COMMISSIONER KOHAT DIVISION,  
KOHAT

No. 431 /Reader

Dated -04-03-2020

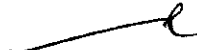
To

Mr. Abdul Nasir S/O Muhammad Nasir,  
R/O Chamba Gul, Distt: Hangu.

**SUBJECT: APPLICATION**

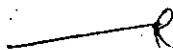
Memo:

I am directed to refer to your application dated 07-02-2020 on the above noted subject and to advise you to file a proper appeal in competent forum for redressal of your grievances.

  
Secretary to Commissioner,  
Kohat Division, Kohat.

Copy forwarded to the :-

1. PS to Commissioner, Kohat Division, Kohat.
2. Applicant.

  
Secretary to Commissioner,  
Kohat Division, Kohat.

**ATTESTED**  


40-B

NOTICE (1) - The Post Office is not responsible for loss or damage in the case of fire



Deputy Commissioner Hangu

Tel: 0925/621175 - 621466 - 622366 - 623968

Fax: 0925/620050, Email: dc.hangu@gmail.com

No. 634 / Nasir/Mali / Estab/DC(H)

Dated: 20/02/2020

To: The Commissioner  
Kohat Division, Kohat.

Subject: APPLICATION

Kindly refer to your office letter No. 425/Reader/Cmr-Kt dated 10.02.2020 on the subject noted above and to submit that:

1. The applicant as a Mali was performing his duty in the office of the undersigned.
  2. The applicant on long absence from duty was suspended vide order No. 3845/Nasir/Estab/DC(H) dated 11.12.2018 (as Anex-A).
  3. A notice to the official was issued vide this office memo No. 3996/Nasir/Estab/DC(H) dated 26.12.2018 (as Anex-B).
  4. An inquiry against the absent official was conducted vide this office order No. 1367/Nasir/Estab/DC(H) dated 18.04.2019 (as Anex-C).
  5. Another notice upon the absent official was served vide memo No. 196/Nasir/Estab/DC(H) dated 16.01.2019 (as Anex-D).
  6. The Additional Assistant Commissioner (Revenue) Hangu / Inquiry Officer conducted full-fledged inquiry and submitted his report/findings/recommendations vide No. 305/AAC(R)/Hangu dated 28.06.2019 (as Anex-G).
  7. An absence notice against the absent official was published in daily Aaj on 15.09.2019 which as a final notice was served upon the official vide this office memo No. 3072/Nasir/Estab/DC(H) dated 25.09.2019 (as Anex-E&F).
  8. Consequently, Show Cause Notice with copy of Inquiry Report was served upon the official vide No. 2295/Nasir/Estab/DC (H) dated 22.07.2019 (as Anex-H).
  9. Finally after going through the legal formalities the official was dismissed from the service vide this office order No. 3173/Nasir/Estab/DC (H) dated 03.10.2019 (as Anex-I).
- Submitted please.

Deputy Commissioner  
Hangu

(PC-1/18.02.2020//Nasir)

**ATEXSTED**



Deputy Commissioner Hangu  
Tel: 0925 / 621175 - 621466 - 622366 - 623968  
Fax: 0925 / 620050, Email: dc.hangu@gmail.com  
No. 3845 / Nasir / Estab/DC(H)  
Dated: 11/12/2018

**OFFICE ORDER**

It has been known through checking of record that one Mr. Abdul Nasir, Mali (BPS-03) is continuously absent from duty without permission/approval from the undersigned. He is hereby suspended under Rule 5 (b)(ii) read with Rule 6 under E&D Rules, 2011 w.e.f. 13.01.2016 till further order.

*[Signature]*  
Deputy Commissioner  
Hangu  
11-12-18

Encls: No. & Even dated

Copy to:

1. The Additional Deputy Commissioner, Hangu.
2. The Assistant Commissioner, Hangu.
3. The District Accounts Officer, Hangu with the direction to stop his pay till further order.
4. The Accounts Officer O/O Deputy Commissioner Hangu with the direction to stop his pay till further order.
5. PS to Commissioner Kohat Division, Kohat.
6. The official concerned (Abdul Nasir, Mali (BPS-03), s/o Muhammad Nasir) on his addressed r/o Chamba Gul, preschly r/o Rehman Abad Teshil & District, Hangu. He is directed to report for duty and furnish cause of his absence. In case of failure an ex-parte action will be taken against him which will tantamount to minor or major penalties.

*[Signature]*  
Deputy Commissioner  
Hangu  
11-12-18

**ATTESTED**  
*[Signature]*

*[Handwritten mark]*

17.16.20  
17.30.20  
15.12.20  
15.12.20



Deputy Commissioner  
Tel: 0925 / 621175 - 621  
Fax: 0925 / 620650. En  
19E-1N

Deputy Commissioner: Hangu  
Tel: 0925 / 621175 - 621466 - 622366 - 623968  
Fax: 0925 / 620050. Email: dc.hangu@gmail.com  
No. 3496/Nasir/Estab/DC(H)  
Dated: 26/12/2018

To

Mr. Abdul Nasir, Mali (BPS-03),  
s/o Muhammad Nasir,  
r/o Chamba Gul, presently r/o Rehman Abad Teshil & District, Hangu

Subject: NOTICE

It has been reported through reliable source that you are found absent from duty since 13.01.2016 without permission/approval from the undersigned. You have been placed under suspension vide this office order No. 3845/Nasir/Estab/DC (H) dated 11.12.2018. Your this unprofessional attitude liable to be proceeded under E&D Rules, 2011. You are directed to explain your position within 03 days of the issuance/receipt of this letter positively without fail. If no reply is received from your side within stipulated time period it will be presumed that you have nothing to defend yourself and an ex-parte action will be taken under the rules which will tantamount to major/minor penalties as prescribed in the rules ibid.

Deputy Commissioner  
Hangu  
26-12-18

Even No. & Date:

Copy w/r to above is forwarded to:

1. The Assistant Commissioner, Hangu.
2. The District Accounts Officer, Hangu.
3. The Accounts Officer, O/O Deputy Commissioner Hangu.

Deputy Commissioner  
Hangu  
26-12-18

ATTESTED

7  
7  
9



Deputy

Tel: 0925 / 6

Fax: 0925 / 6

No: 196

Dated: 16-01-2019

Deputy Commissioner Hangu

5-622366

623968

de.hangu@gmail.com

Estab/DC(H)

9

To

Mr. Abdul Nasir, Mali (BPS-03),  
s/o Muhammad Nasir,  
r/o Chamba Gul, presently r/o Rehman Abad Teshil & District, Hangu

Subject:

**NOTICE**

It has been reported through reliable source that you are found absent from duty since 13.01.2016 without permission/approval from the undersigned. You have been placed under suspension vide this office order No. 3845/Nasir/Estab/DC (H) dated 11.12.2018. Notice vide No. 3896/Nasir/Estab/DC (H) dated 26.12.2018 has been sent to you but you did not turned up. Your this unprofessional attitude liable to be proceeded under E&D Rules, 2011. You are directed to explain your position within 03 days of the issuance/receipt of this letter positively without fail.

If no reply is received from your side within stipulated time period it will be presumed that you have nothing to defend yourself and an ex-parte action will be taken under the rules which will tantamount to major/minor penalties as prescribed in the rules ibid.

Deputy Commissioner  
Hangu

16-01-19

Even No. & Date:

Copy w/r to above is forwarded to:

1. The Assistant Commissioner, Hangu.
2. The District Accounts Officer, Hangu.
3. The Accounts Officer, O/O Deputy Commissioner Hangu.

Deputy Commissioner  
Hangu

16-01-19

ATESTED



Deputy Commissioner Hangu  
Tel: 0925 / 621175 - 621466 - 622366 - 623968  
Fax: 0925 / 620050. Email: dc.hangu@gmail.com  
No. 1362 / Nasir / Estab/DC(H)  
Date: 18/1/2019

**OFFICE ORDER**

Mr. Hameed Khan Additional Assistant Commissioner (Revenue) Hangu is hereby appointed as Inquiry Officer to conduct Inquiry and submit recommendations against Mr. Abdul Nasir, Mali (BPS-03) who has already been suspended vide this office order No. 3845/Nasir/Estab/DC (H) dated 11.12.2018 (copy attached).

*[Signature]*  
Deputy Commissioner  
Hangu

Endst. No. & Even dated.  
Copy to:

1. The Additional Deputy Commissioner, Hangu
2. The Additional Assistant Commissioner (Revenue), Hangu, Inquiry Officer, along with charge sheet, statement of allegations and suspension order of the official.
3. The District Accounts Officer, Hangu.
4. The Accounts Officer O/O Deputy Commissioner Hangu.
5. PS to Commissioner Kohat Division, Kohat.
6. The official concerned: (Abdul Nasir, Mali (BPS-03), s/o Muhammad Nasir) along with charge sheet, statement of allegations on his addresses r/o Chamba Gul, presently r/o Rehman Abad Teshil & District, Hangu in continuation with notices issued vide this office No. 3996/Nasir/Estab/DC (H) dated 26.12.2018 and No. 196/Nasir/Estab/DC (H) dated 16.01.2019. He is time and again directed to report for duty and furnish cause of his absence in case of failure an ex-parte action will be taken against him which will tantamount to minor or major penalties.

AAC (Rev.) Hangu  
566  
Dated 19/1/19

**ATTESTED**  
*[Signature]*

*[Signature]*  
Deputy Commissioner  
Hangu  
*[Signature]*  
Pls. issue summons to the accused  
(Mr. Abdul Nasir Mali (BPS-3))  
19/1/19  
AAC (R)

IPC-410.04.2019

0.11





Deputy Commissioner Hangu  
Tel: 0925/621175 - 621466 - 622366 - 623968  
Fax: 0925/623950, Email: dc.hangu@gmail.com  
No. 3072-NASIR/Estab/DC(H)  
Date: 26.12.2019


Registered

To  
Mr. Abdul Nasir, Mali (BPS-03),  
s/o Muhammad Nasir, c/o Chamba Gul,  
presently c/o Rehman Abad Teshil & District, Hangu

Subject: FINAL NOTICE


In continuation of this office order No. 3845/Nasir/Estab/DC (H) dated 11.12.2018, No. 3996/Nasir/Estab/DC (H) dated 26.12.2018, No. 196/Nasir/Estab/DC (H) dated 16.01.2019, No. 1368/Nasir/Estab/DC (H) dated 18.04.2019, No. 1367/Nasir/Estab/DC (H) dated 18.04.2019 and No. 2295/Nasir/Estab/DC (H) dated 22.07.2019C (H).

In view of the inquiry conducted by Additional Assistant Commissioner (Revenue)/Inquiry Officer, Hangu vide No. 305/AAC(RY)/Hangu dated 28.06.2019, the undersigned being competent authority hereby serve upon you Final Notice published in The Daily Aaj dated 15.09.2019 with the direction to appear before the undersigned and furnish your reply within stipulated time period, failing which action will be initiated under E&D Rules-2011 with imposition of major penalties which may tantamount to your dismissal/termination/removal from service with other penalties as well.

  
Deputy Commissioner  
Hangu

File No. & Even dated  
Copy to:

- 1. The Additional Assistant Commissioner (Revenue)/Inquiry Officer, Hangu.
- 2. PS to Commissioner, Kohat Division, Kohat.

  
Deputy Commissioner  
Hangu

**ATTACHED**  


1. (1) ... (2) ... (3) ... (4) ... (5) ... (6) ... (7) ... (8) ... (9) ... (10) ... (11) ... (12) ... (13) ... (14) ...

1361 ... 14/10/19 ... 17/08/19 ...

اورینٹیشن پریس اور فنڈ رائٹنگ ایجنسی جی پی آئی

ORIENTAL PRESS AND FUND RAISING AGENCY (P) LTD

Finance & Policy Project, Khyber Pakhtunkhwa ... and Development Department, Government of Khyber Pakhtunkhwa

Communication Firm (GPP-KP)

Khyber Pakhtunkhwa (GPP-KP) is a Multi Donors' Tru ... ed project, functioning under the Government of ... & Development Department and has been assisting ... khtunkhwa in Governance Sector Reforms in the ...

(P) Khyber Pakhtunkhwa intends to hire the services ... on retainer ship basis to assist the Project in relation ... its implementation partners. Detailed TORs of the ... from our website [www.pcna.gkn.pk](http://www.pcna.gkn.pk) under the link ...

... should provide information demonstrating that ... ion and relevant experience to perform the services ...

Selection Criteria	Points
Providing communication services	40
Public sector	40
	10
	10
	100

... Consultants is drawn to paragraph 1.9 of the World ... Employment of Consultants under IDA Loans and ... Bank Borrowers (January 2011 (Revised July 2014)) ... ing Firm will be selected in accordance with the CQS ... Guidelines.

... must be delivered to the address below clearly ... gment (through Courier (registered mail)) by or ...

... (P) Khyber Pakhtunkhwa ...

... (1) ... (2) ... (3) ... (4) ... (5) ... (6) ... (7) ... (8) ... (9) ... (10) ... (11) ... (12) ... (13) ... (14) ...

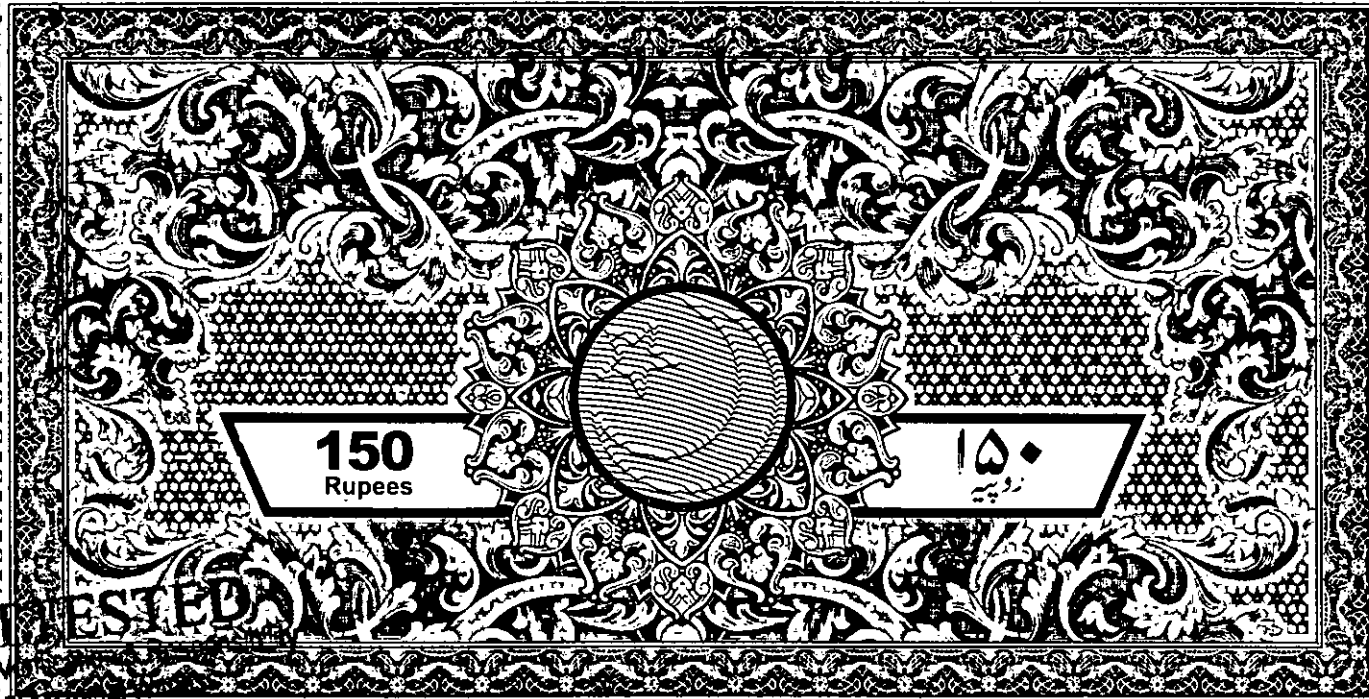
... (1) ... (2) ... (3) ... (4) ... (5) ... (6) ... (7) ... (8) ... (9) ... (10) ... (11) ... (12) ... (13) ... (14) ...

ان دفترو دیتوں کے شیڈول میں

- 3845/Nasir/Estab/DC(H) مورخہ 11.12.2018
- 3996/Nasir/Estab/DC(H) مورخہ 26.12.2018
- 196/Nasir/Estab/DC(H) مورخہ 16.01.2019
- 1368/Nasir/Estab/DC(H) مورخہ 18.04.2019
- 1367/Nasir/Estab/DC(H) مورخہ 18.04.2019
- 2295/Estab/OH(H) مورخہ 22.07.2019
- 302/34 مورخہ 13-01-2016

... 2019 ...

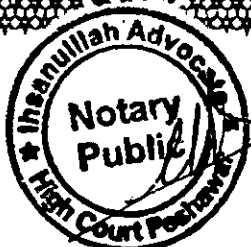
... 26 ... 37 ... 38 ... 39 ... 40 ... 41 ... 42 ... 43 ... 44 ... 45 ... 46 ... 47 ... 48 ... 49 ... 50 ... 51 ... 52 ... 53 ... 54 ... 55 ... 56 ... 57 ... 58 ... 59 ... 60 ... 61 ... 62 ... 63 ... 64 ... 65 ... 66 ... 67 ... 68 ... 69 ... 70 ... 71 ... 72 ... 73 ... 74 ... 75 ... 76 ... 77 ... 78 ... 79 ... 80 ... 81 ... 82 ... 83 ... 84 ... 85 ... 86 ... 87 ... 88 ... 89 ... 90 ... 91 ... 92 ... 93 ... 94 ... 95 ... 96 ... 97 ... 98 ... 99 ... 100 ...



150 Rupees

۱۵۰ روپیہ

AT On the  
Notary Public  
12 FEB 2020



### بیچار نامہ خاص برائے پیروی مندرجہ ذیل

ملک عبدالنور ولد محمد نامہ  
 محمد علی صاحب کو اختیار  
 در بوقت بقاشی خوش و حواس اقرار کر کے لکھ دیتے ہیں کہ من اقدیر  
 سندہ کا مقدمہ ذریعہ از بر حاجت ہے جس میں من مقرران بوجہ بھرونیات سے اصالتاً عدالت کو حضور سے اپنے سے قاصر ہیں اس لئے اپنی جانب سے  
 سہیل احمد ولد امیر احمد سہیل صاحب کو اختیار  
 دیتے ہیں کہ وہ میری جانب سے عدالت میں حاضری دے، وکیل مقرر کرے، شہادت منجانب اختیار دہندگان تسلیم کرے، راضی نامہ کرے، جواب  
 دہنی داخل کرے، فہرست گواہان پیش کرے، مقدمہ میں اپیل از جمع پیش جج تاہا ٹیکورٹ داخل کرے، نظر ثانی کرے، ہم اختیار دہندگان کو جملہ ساختہ  
 پرداختہ منظور قبول ہوگا اور جملہ کارروائی روز مقدمہ منجانب اختیار دہندگان قبول و منظور ہے۔ المرقوم۔ 12/02/20

لہذا اختیار نامہ خاص برائے پیروی مقدمہ لکھ دیا تاکہ سند ہے اور بوقت ضرورت کام آئے۔

عبدالنور اختیار دہندہ

عبدالنور

Shahid

14301-8271166-3

سہیل احمد ولد امیر احمد

~~Handwritten signature/initials~~

میرزا محمد گواہ شد

میرزا محمد گواہ شد

میرزا محمد نام

میرزا محمد نام

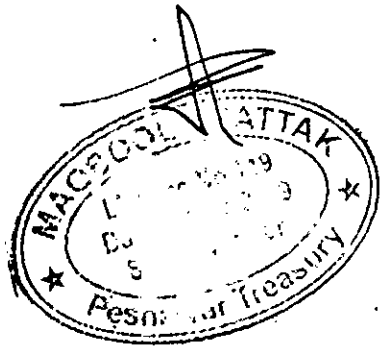
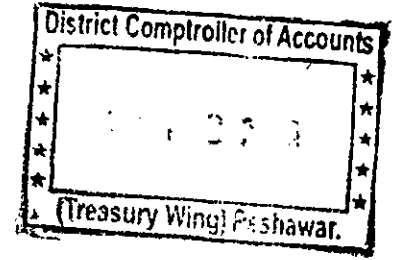
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ولدیت: میرزا محمد

شناختی کارڈ نمبر: 14301-499813-9

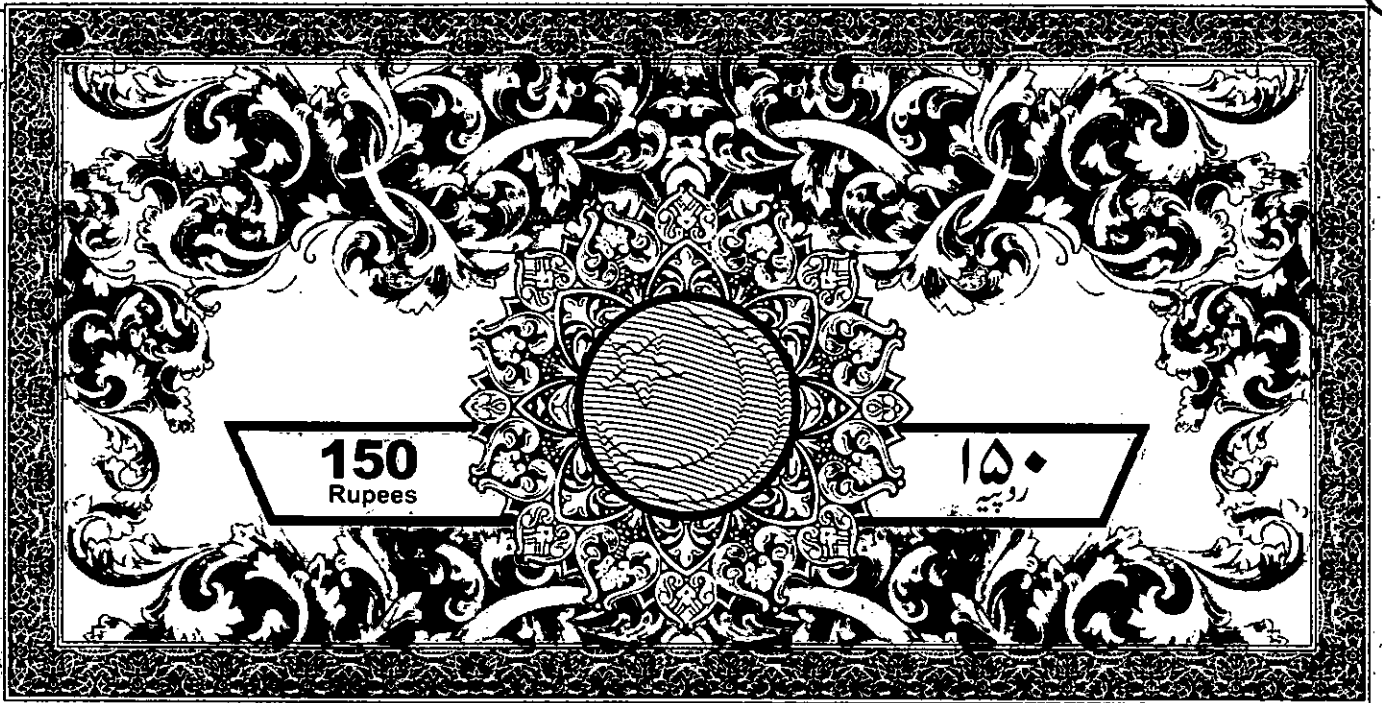
شناختی کارڈ نمبر: 17201-2146488

عبد الناصر محسنيان، فاضل محاسب الحداد، الحداد  
19/02/2020





42






الذی استوفیت فستانام ۴۴۳

عبد السلام خلیل / 12 / 2020

District Comptroller of Accounts  
07 FEB 2020  
(Treasury Wing) Peshawar

MAJBOOL KHATTAK  
No. 119  
07-2010  
District Comptroller  
Peshawar

قیمت روپے 50 41557 ایڈویٹ: <u>نعیم احمد صاحب</u> بار کونسل ایسوسی ایشن نمبر BC-17-7422 رابطہ نمبر: <u>0345554461</u>	  
پشاور بار ایسوسی ایشن، خیبر پختونخواہ بعد االت جناب: <u>سر کورٹ سروسز کورٹ کتیاہ</u>	

منجانب: <u>عبدانامر</u> بنام <u>گورکھ سنگھ وغیرہ</u>	دعویٰ: <u>Service Appeal</u> علت نمبر: مورخہ: جرم: تھانہ:
<b>باعت تحریر آنگہ</b>	

*[Handwritten signature]*

اہلکار ریٹرو  
 اظہار و سنو خان  
 18/02/2020

*[Handwritten signature]*

Accepted  
 A. Alley  
 18/02/2020

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کارروائی مشعلقہ  
 آن مقام کتیاہ کیلئے نعیم احمد صاحب / شاہ خازن زبیر کی طرف سے  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زاریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی طرفہ 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 تقریر کا اختیار ہوگا اور صاحب  
 مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا حاختہ پر داخہ منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جانبہ 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 بند رہے  
 المرقوم: 18/02/2020  
DESHAWAR DAK AR  
KHYBER PAKHTUNKHWA

مقام سروسز ٹریبونل کتیاہ  
 کے لیے منظور ہے

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی

عبدانامر طلبہ نامہ سلسلہ بندو لگان آبا 7 ہزار بجب جتیا خاص مقبول لکھ

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

**Appeal No. 3181/2020**

Abdul Nasir s/o Muhammad Nasir r/o Chamba Gal, Rehman Abad, Tehsil & District Hangu.....Appellant

**VERSUS**

Deputy Commissioner Hangu and others ..... Respondents

**PARA WISE REPLY ON BEHALF OF DEPUTY COMMISSIONER HANGU RESPONDENT NO.05**  
**IN CONNECTION WITH THE APPLICATION FILED BY COUNCIL FOR THE APPELLANT FOR**  
**CORRECTION IN APPEAL NO. 3181/2020**

Respectfully Sheweth:

1. Correct

2. Services of the appellant were dismissed w.e.f 19.04.2018 vide order No.3173/Nasir/Estab/DC(H) dated 03.10.2019 (Annex-A).

3. As per record of this office, services of the appellant were dismissed vide order No. 3173/Nasir/Estab/DC(H) dated 03.10.2019 (Annex-A).

(Respondent No.05)  
Deputy Commissioner  
Hangu  
Deputy Commissioner  
Hangu





**Deputy Commissioner Hangu**  
 Tel: 0925 / 621175 - 621466 - 621366 - 623968  
 Fax: 0925 / 620050, Email: dc.hangu@gmail.com  
 No. 3173 / NASIR / Estab/DC(H)  
 Dated: 03 / 10 / 2019

Q

*Anneauxa - H*  
*Page - 12*

**OFFICE ORDER**

WHEREAS, you Mr. Abdul Nasir, Mali (BPS-03) was serving in this office remained absent from duty w.e.f. 13.01.2016 having been charged in FIR No. 38 dated 13.01.2016 u/s 302/324-34 PPC PS City Hangu.

WHEREAS, you were suspended from duty vide order No. 3845/Nasir/Estab/DC (H) dated 11.12.2018 (extended vide order No. 1368/Nasir/Estab/DC (H) dated 18.04.2019).

WHEREAS, notices vide this office No. 3996/Nasir/Estab/DC (H) dated 26.12.2018; No. 196/Nasir/Estab/DC (H) dated 16.01.2019 were served upon you through registered post with the direction to appear before undersigned and submit your reply in defence, but you did not turned up.

WHEREAS, Additional Assistant Commissioner (Revenue) Hangu was appointed as Inquiry Officer vide No. 1367/Nasir/Estab/DC (H) dated 18.04.2019. Statement of Allegations and Charge Sheet were issued to you vide above reference.

WHEREAS, the Additional Assistant Commissioner (Revenue) Hangu conducted full-fledged Inquiry and submitted his report/findings/recommendations vide No. 30/AAC(R)/Hangu dated 28.06.2019.

WHEREAS, Show Cause Notice with copy of Inquiry Report was served upon you through registered post vide No. 2295/Nasir/Estab/DC (H) dated 22.07.2019 with direction to appear before the undersigned but you failed to do so.

WHEREAS, Final Notice was published in the Daily Newspapers "Aaj" and "AusaF" dated 15.09.2019 which was served upon you vide No. 3072/Nasir/Estab/DC (H) dated 25.09.2019 through registered post.

WHEREAS, despite above, you failed to appear before the undersigned nor you submitted reply in writing in your defence.

Now, I, **Muhammad Tayyab Abdullahi, Deputy Commissioner Hangu** going through the Inquiry Report, evidence on record, am satisfied with the findings and recommendations of the Inquiry Officer hereby impose upon you major penalty of dismissal from service w.e.f. 19.04.2018 (i.e. date of conviction) under Rule 8(a) and 4(f)(b)(iv) and minor penalty of recovery of illegal draws under Rule 4(1)(a)(iii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

*[Signature]*  
 Deputy Commissioner  
 Hangu

Endst. No. & Even dated  
 Copy to:

1. The Commissioner Kohat Division, Kohat.
2. The Additional Deputy Commissioner, Hangu.
3. The Assistant Commissioner, Hangu for information.
4. The Additional Assistant Commissioner (Revenue), Hangu/ Inquiry Officer.
5. The District Accounts Officer, Hangu.
6. The Accounts Officer O/O Deputy Commissioner Hangu for further necessary action under the rules.
7. The official concerned (Abdul Nasir s/o Muhammad Nasir) on his addresses r/o Chamba Gul, presently r/o Rehman Abad Teshil & District, Hangu.

*[Signature]*  
 Deputy Commissioner  
 Hangu

*cc*

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBERPAKHTUN

PESHAWAR

Abdul Nasir — (Appellant)

Vs

Chief Secretary and others — (Respondant)

Application for Correction in the dates/Reference of  
the Suit mentioned below in detail.

Respectfully Sheweth;

1. That this case is pending before His Honble Court for adjudication.
2. That in para # 06 of the Suit the mistakenly date is mentioned as 09. 04. 2018, correctly it is as 19-04. 2018. Correct Date as 19-04. 2018 may kindly be considered.
3. That "Ground A" of the petition in which date is mentioned (wrong) 09-04. 2018, but the correct one is 19-04. 2018 / 3173, 03-10-2019 may kindly be considered as correct.

It is most humbly prayed that the same application may kindly be considered and Admitted

24.07.2020

Appellant  
Nasir

Nasir Ahmad Khan

Peshawar  
Spencer

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

PESHAWAR

Abdul Nasir — Appellant

Vs

Chief Secretary and others — (Respondents)

Application for grant of Order of Placing the Respondents  
No 4 and 5 in the amended form as the property  
Party

Respectfully Sheweth;

- 1- That the above captioned case is pending for adjudication before this learned Hon'ble Court.
2. That the Page #01 and 07 of the petition are amended and place before this Hon'ble Court, for order and allowing the same.
3. That this application may kindly be allowed for the quick dispensation and disposal of the matter.

24.07.2020

Appellant  
Therige  
Nasir Ahmad Khan  
Advocate Peshawar

Abdul Ghafar

Presented by  
[Signature]

PESHAWAR

Abdul Nasir — Appellant

Vs

Chief Secretary and others — (Respondents)

Application for grant of Order of Placing the Respondents  
No 4 and 5 in the amended form as the property  
Party.

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3. That this application may kindly be allowed for the quick dispensation and disposal of the matter.

Appellant

Theray

Nasir Ahmad Khan

Advocate Peshawar

24.07.2020

PESHAWAR

Abdul Nasir — Appellant

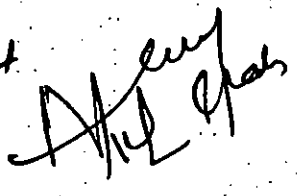
Vs

Chief Secretary and others — (Respondents)

Application for grant of Order of Placing the Respondents  
No 4 and 5 in the amended form as the Property  
Party

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2. That the page #01 and 07 of the petition are amended and place before this Hon'ble Court, for order and allowing the same.
3. That this application may kindly be allowed for the quick dispensation and disposal of the instant

Appellant  
Therige 

Nasir Ahmad Khan  
Advocate Peshawar

24.07.2020

Peshawar  
Spencer

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

PESHAWAR

Abdul Nasir — Appellant

Vs

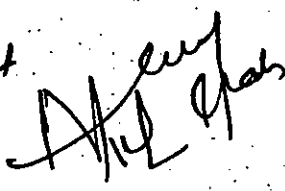
Chief Secretary and others — (Respondents)

Application for grant of Order of Placing the Respondents  
No 4 and 5 in the amended form as the Property  
Party.

Respectfully Sheweth;

- 1- That the above captioned case is pending for adjudication before this learned Hon'ble Court.
2. That the Page #01 and 07 of the petition are amended and place before this Hon'ble Court, for order and allowing the same.
3. That this application may kindly be allowed for the quick dispensation and disposal of the interest.

24.07.2020

Appellant  
Therage   
Nasir Ahmad Khan  
Advocate Peshawar

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

PESHAWAR

Abdul Nasir ——— (Appellant)

Vs

Chief Secretary and others — (Respondant)

Application for Correction in the dates/Reference of  
the Suit mentioned below in detail.

Respectfully Slaves,

1. That this case is pending before His Honble Court for adjudication.
2. That in para # 06 of the Suit the mistakenly date is mentioned as 09. 04. 2018, correctly it is as 19-04. 2018. Correct Date. as 19-04. 2018 may kindly be considered.
3. That "Ground A" of the petition in which date is mentioned (wrong) 09. 04. 2018, but the correct one is 19-04. 2018 / 3173, 03-10-2019 may kindly be considered as correct.

It is most humbly prayed that the same application may kindly be considered and Admitted

24. 07. 2020

Appellant  
Nasir

Nasir

Nasir  
Nasir  
Nasir

Journal

The first part of the day was spent in the laboratory, where I conducted several experiments on the effect of temperature on the rate of reaction. The results were as follows:

Temperature (°C)	Rate of Reaction
10	0.05
20	0.10
30	0.20
40	0.40
50	0.80

It is evident that the rate of reaction increases with temperature, and that the increase is not linear. This is due to the fact that the activation energy of the reaction is high, and therefore only a small fraction of the molecules possess sufficient energy to undergo a successful collision.

In the afternoon, I attended a lecture on the theory of chemical equilibrium, given by Professor Smith. He discussed the relationship between the equilibrium constant and the Gibbs free energy of the reaction, and the effect of changes in concentration and pressure on the position of equilibrium.

The lecture was very interesting, and I was able to gain a better understanding of the principles of chemical equilibrium. I also attended a lecture on the kinetics of chemical reactions, given by Professor Jones. He discussed the factors that affect the rate of reaction, such as temperature, concentration, and the presence of a catalyst.

The day was very busy, and I was able to complete all of my assignments. I also had a chance to discuss my research with Professor Smith, and he gave me some very helpful advice.



Abdul Nasir — Appellant

Vs

Chief Secretary and others — (Respondents)

Application for grant of Order of Placing the Respondents  
No 4 and 5 in the amended form as the Property  
Party.

Respectfully Submitted;

- 1- That the above captioned case is pending for adjudication before this deemed Hon'ble Court.
2. That the Page #01 and 07 of the petition are amended and place before this Hon'ble Court, for order and allowing the same.
3. That this application may kindly be allowed for the quick dispensation and disposal of the matter.

24.07.2020

Appellant  
Therage  
Nisar Ahmad Khan  
Advocate Peshawar

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA

PESHAWAR

Abdul NASIR — Appellant

Vs

Chief Secretary — (Respondent)

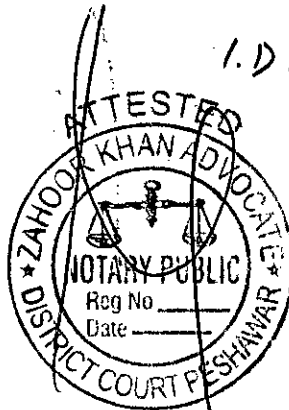
AFFIDAVIT

I ~~Muhammad~~ <sup>Abdul</sup> Nasir s/o Muhammad Nasir  
R/o Pottangan, Chamba Gul, Teh and Dist Hangu  
Dakshin do hereby declare and state on  
oath that the contents of the application  
are true and best of my knowledge,  
and nothing has been concealed from  
His Honble Court.

*Abdul Nasir*  
Deponent

29-07-2020

I.D.# : 14109-578034-3



24 JUL 2020

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



**Appeal No. 3181/2020**

Abdul Nasir s/o Muhammad Nasir r/o Chamba Gul, Rehman Abad, Tehsil & District Hangu.....Appellant

**VERSUS**

Deputy Commissioner Hangu and others ..... Respondents

**INDEX**

S.No	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1	Para-wise comments	-	01 & 02
2	FIR	A	03 & 04
3	Decision of the Court of District & Session Judge Hangu	B	05 & 06
4	Absence Notices	C, D&E	07, 08 & 09
5	Show Cause Notice	F	10
6	Absence Notice in Dially Aaj	G	11
7	Dismissal Order	H	12
8	Disposing of Appellant Appeal	I	13
9	Inquiry Report	J	14

1

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

**Appeal No. 3181/2020**

Abdul Nasir s/o Muhammad Nasir r/o Chamba Gul, Rehman Abad, Tehsil & District Hangu.....Appellant

**VERSUS**

Deputy Commissioner Hangu and others ..... Respondents

**JOINT PARA WISE COMMENTS ON BEHALF OF DEPUTY COMMISSIONER HANGU  
RESPONDENT NO.05, COMMISSIONER KOHAT DIVISION, KOHAT RESPONDENT NO.04,  
SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA FINANCE DEPARTMENT  
RESPONDENT NO.02:-**

**PRELIMINARY OBJECTIONS:**

- (i) That the Appellant has got no locus stand.
- (ii) That the Appellant has miss interpreted, miss-represented and concealed the facts.
- (iii) That the Appeal is not maintainable in its present form.
- (iv) That the Appeal is liable to be dismissed.

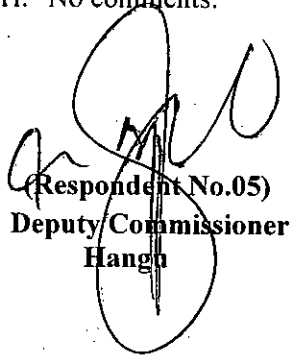
**FACTS OF THE CASE:**

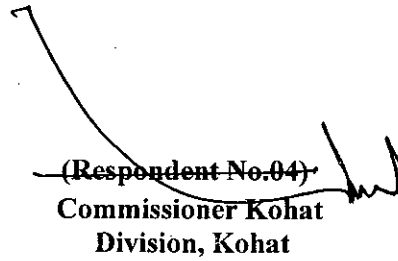
1. Correct:- The Appellant was working as Mali in the office of the undersigned.
2. Correct; to the extent that the Appellant was charged U/S 302,324-34 PPC PS H City Hangu vide FIR No.38 dated 13.01.2016 (**Annex-A**). However, the Appellant did not inform the department.
3. The Appellant was sentenced 14 years Simple Imprisonment and also imposed compensation of Rs.200000/- (Two Lac) by the Court of Law of Additional Session Judge-I Hangu order dated 19.04.2018 (**Annex-B**).
4. Incorrect:- The Appellant remained absent from duty since FIR registered against him without informing the department about his involvement. Due to long absence inquiry was conducted and various notices (**Annex-C,D&E**) were served upon him through registered mail but most of the notices were received back un-acknowledged. To provide opportunity, Show Cause notice vide (**Annex-F**) was served upon the Appellant. Absence notice was published in the Daily Publication Aaj dated 15.09.2019 (**Annex-G**). Going through the inquiry report, evidence on record findings and recommendations of the Inquiry Officer major penalty of dismissal from the service together with recovery of illegal drawls w.e.f. 19.04.2018 (date of conviction) were imposed under Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary Rules 2011).
5. Correct; as mentioned in Para-4 above.
6. Incorrect:- The Appellant was issued show cause notice and properly informed through registered mails and by publishing Absence Notice as mentioned in Para-04 above. Office order No.3173/Nasir/Estab/DC(H) dated 03.10.2019 (**Annex-H**) was rightly issued under the rules.

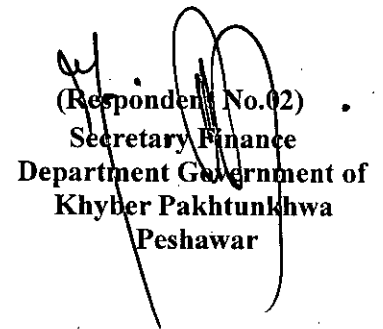
7. Correct; to the extent that Appellant preferred appeal on dated 02.01.2020 which was disposed of with the direction to approach Appellate Authority (Commissioner Kohat) for redressal of his grievances vide letter No. 201/Abdul Nasir/Estab/DC(H) dated 16.01.2020 (Annex-I).

**GROUNDS:**

- A. Incorrect. All orders issued, are in accordance with the prescribed rules and laws.
- B. Incorrect. All orders issued, are in accordance with the prescribed rules and laws.
- C. Incorrect. Proper inquiry was conducted. Inquiry Report (Annex-J).
- D. Incorrect. All orders, after perusal of inquiry report, evidence on record / considering all aspects of the case, have been rightly issued.
- E. Incorrect. All orders, after perusal of inquiry report, evidence on record / considering all aspects of the case, have been rightly issued.
- F. Incorrect. As mentioned above.
- G. Incorrect. As mentioned above.
- H. No comments.

  
(Respondent No.05)  
Deputy Commissioner  
Hangh

  
(Respondent No.04)  
Commissioner Kohat  
Division, Kohat

  
(Respondent No.02)  
Secretary Finance  
Department Government of  
Khyber Pakhtunkhwa  
Peshawar





شہزاد علی احمد  
6/5/17  
17/3/17  
SC no 40/17  
Annexure - B



19/4/18

Page - 5

301/34 (P) 13/1/16 no 38

0 27 19-04-2018

Copies of Judgment received  
ذرا پخت  
ذرا ریم نوور  
ذرا ناصر

Accused Noor Rehman alias Kabalu in custody produced while accused Shah Rez Noor and Abdul Nasir present on bail. APP for the state present. Arguments have already been heard and record perused.

Vide detailed judgment of today consisting of (61) pages placed on file, whereby accused facing trial Noor Rehman alias Kabalu is hereby convicted u/s 302 (b) PPC and he is sentenced to life simple imprisonment as Tazir and also imposed compensation rupees 05 lac (Rs: 5,00,000/-) to be paid to legal heirs of deceased, within the meaning of section 544-A Cr.PC, failing which he shall further undergo Six Months Si. While accused Shah Rez Noor and Abdul Nasir are also convicted u/s 302 (c) PPC & sentenced to suffer 14 years S.I each and also imposed compensation of rupees two lac (Rs: 2,00,000/-) to be paid to the legal heirs of the deceased Majid Saleem by each convict, within the meaning of section 544-A Cr.PC, failing which

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20/4/18  
EXAMINER  
COPYING AGENCY HANGS





they shall further undergo six months SI. All the above sentences shall run concurrently. Benefits of section 382 Cr.PC extended to the accused/convicts. Accused Noor Rehman is already in custody while accused Shahzeb Noor and Abdul Nasir are on bail in this case; therefore, they are also taken into custody and thus all the convicts along with warrants of conviction be sent to Superintendent Jail of District, Kohat for undergoing the aforementioned sentences. Case property shall however be kept intact till expiry of the period of revision/appeal where after be disposed of in accordance with law. Copy of this judgment delivered to the convicts free of cost and in this respect, their thumb impressions obtained on the margin of order sheet. Copy of this judgment be also sent to In-Charge prosecution in compliance with Section 373 Cr.PC.

File be consigned to Record Room after completion and compilation while the requisitioned record be returned forthwith to the quarter concerned alongwith copy of this judgment.

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 20/4/18  
 EXAMINED  
 COPYING AGENCY HANGU

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 Date of Delivery

**ANNOUNCED**  
 19-04-2018

(AJMAL SHAH)  
 Additional Sessions Judge-I, Hangu.



Annexure - C  
Page - 7  
7

Deputy Commissioner  
Tel: 0925 / 621175 - 621  
Fax: 0925 / 620080. Email: 196-1N

8

Deputy Commissioner Hangu  
Tel: 0925 / 621175 - 621466 - 622366 - 623968  
Fax: 0925 / 620050. Email: dc.hangu@gmail.com  
No: 3446 / Nasir / Estab / DC (H)  
Dated: 26/12/2018

To

Mr. Abdul Nasir, Mali (BPS-03).  
s/o Muhammad Nasir,  
r/o Chamba Gul, presently r/o Rehman Abad Teshil & District, Hangu

Subject: NOTICE

It has been reported through reliable source that you are found absent from duty since 13.01.2016 without permission/approval from the undersigned. You have been placed under suspension vide this office order No. 3845/Nasir/Estab/DC (H) dated 11.12.2018. Your this unprofessional attitude liable to be proceeded under E&D Rules, 2011. You are directed to explain your position within 03 days of the issuance/receipt of this letter positively without fail.

If no reply is received from your side within stipulated time period it will be presumed that you have nothing to defend yourself and an ex-parte action will be taken under the rules which will tantamount to major/minor penalties as prescribed in the rules/bid.

Even No. & Date:

Copy w/r to above is forwarded to:

1. The Assistant Commissioner, Hangu.
2. The District Accounts Officer, Hangu.
3. The Accounts Officer, O/O Deputy Commissioner Hangu.

*[Signature]*  
Deputy Commissioner  
Hangu  
26-12-18

*[Signature]*  
Deputy Commissioner  
Hangu  
26-12-18

ack

(PC-1/24.12.2018/Nasir)

Hangu  
*[Signature]*

9

Annexure

Page 18

Deputy Commissioner Hangu  
Tel: 0925 / 621175 - 621466 - 622366 - 623288  
Fax: 0925 / 620050. Email: dc.hangu@gmail.com  
No. 196 / Nasir / Estab / DC (H)  
Dated: 16 / 01 / 2019



To


Mr. Abdul Nasir, Mali (BPS-03)  
s/o Muhammad Nasir,  
#6 Chamba Gul, presently r/o Rehman Abad Teshil & District, Hangu

Subject:

**NOTICE**

It has been reported through reliable source that you are found absent from duty since 13.01.2016 without permission/approval from the undersigned. You have been placed under suspension vide this office order No. 3845/Nasir/Estab/DC (H) dated 11.12.2018. Notice vide No. 3896/Nasir/Estab/DC (H) dated 26.12.2018 has been sent to you but you did not turned up. Your this unprofessional attitude liable to be proceeded under E&D Rules, 2011. You are directed to explain your position within 03 days of the issuance/receipt of this letter positively without fail.


If no reply is received from your side within stipulated time period it will be presumed that you have nothing to defend yourself and an ex-parte action will be taken under the rules which will tantamount to major/minor penalties as prescribed in the rules ibid.

  
Deputy Commissioner  
Hangu  
16-01-19

Even No. & Date:

Copy w/r to above is forwarded to:

1. The Assistant Commissioner, Hangu.
2. The District Accounts Officer, Hangu.
3. The Accounts Officer, O/O Deputy Commissioner Hangu.

  
Deputy Commissioner  
Hangu  
16-01-19

MLC



Deputy Commissioner Hangu

Tel: 0925 / 621175 - 621466 - 622366 - 623968

Fax: 0925 / 620050; Email: dc.hangu@gmail.com

No. 3072 / Nasir / Estab/DC(H) -

Dated: 26/09/2019

Registered

Annexure - E  
Page - 09


To

Mr. Abdul Nasir, Mali (BPS-03),  
s/o Muhammad Nasir r/o Chamba Gul,  
presently r/o Rehman Abad Teshil & District, Hangu

Subject: FINAL NOTICE

In continuation of this office order No. 3845/Nasir/Estab/DC (H) dated 11.12.2018, No. 3996/Nasir/Estab/DC (H) dated 26.12.2018, No. 196/Nasir/Estab/DC (H) dated 16.01.2019, No. 1368/Nasir/Estab/DC (H) dated 18.04.2019; No. 1367/Nasir/Estab/DC (H) dated 18.04.2019 and No. 2295/Nasir/Estab/DC (H) dated 22.07.2019C (H).

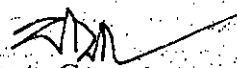
In view of the inquiry conducted by Additional Assistant Commissioner (Revenue)/Inquiry Officer, Hangu vide No. 305/AAC(R)/Hangu dated 28.06.2019, the undersigned being competent authority hereby serve upon you Final Notice published in The Daily Aaj dated 15.09.2019 with the direction to appear before the undersigned and furnish your reply within stipulated time period. Failing which action will be initiated under E&D Rules-2011 with imposition of major penalties which may tantamount to your dismissal/termination/removal from service with other penalties as well.


  
Deputy Commissioner  
Hangu

Endst: No. & Even dated

Copy to:

1. The Additional Assistant Commissioner (Revenue)/Inquiry Officer, Hangu.
2. PS to Commissioner, Kohat Division, Kohat.

  
Deputy Commissioner  
Hangu

  
Deputy Commissioner  
Hangu

Annexure - F

Page - 10.

Deputy Commissioner Hangu  
Tel: 0925 / 621175 - 621466 - 622366 - 623968  
Fax: 0925 / 620050, Email: dc.hangu@gmail.com  
No. 2295 / /Estab/DC(H)  
Dated: 22/07/2019



**REGISTERED**

To

Mr. Abdul Nasir, Mali (BPS-03),  
s/o Muhammad Nasir r/o Chamba Gul,  
presently r/o Rehman Abad Teshil & District, Hangu

**SHOW CAUSE NOTICE**

I, Muhammad Tayyab Abdullah, Deputy Commissioner, Hangu as competent authority, under the Khyber Pakhtunkhwa Government servants (Efficiency and Discipline) Rules, 2011, do hereby serve you Mr. Abdul Nasir, Mali as follows:

1. (I) That consequent upon the completion of inquiry conducted against you by the Inquiry Officer for which you were given opportunity of hearing vide Communication No. Nil dated 19.04.2019 and 24.04.2019; and
- (II) On going through the findings and recommendations of the Inquiry Officer the material on record and other connected papers before the Inquiry Officer. I am satisfied that you have committed the following acts/omissions specified in Rule 3 of the said rules:
  - (a) That you while posted as Mali (BPS-03) remained continuously absent from duty w.e.f. 13.01.2016 without permission/approval from the competent authority.
  - (b) That you are involved in Case FIR No. 38 dated 13.01.2016 under Section 302/34 PPC PS Hangu and is in jail, as convicted and sentenced with imprisonment for 14 years vide court order/judgment dated 19.04.2018.
  - (c) That despite repeated communications vide No. 3996/Nasir/Estab/DC (H) dated 26.12.2018 and No. 196/Nasir/Estab/DC (H) dated 16.01.2019 and communication issued by Inquiry Officer vide No. Nil dated 19.04.2018 and 24.04.2019, you did not submit any reply.
2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of dismissal from service together with recovery of illegal draws under rule 4 of the said rules.
3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within 07 days or not more than 15 days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.
5. A copy of the findings of the inquiry officer is enclosed.

Deputy Commissioner  
Hangu

Communication Firm GPP-KP  
 Khyber Pakhtunkhwa (GPP-KP) is a Multi Donors-Trust-aided project, functioning under the Government of Khyber Pakhtunkhwa in Governance Sector Reforms in the

Khyber Pakhtunkhwa intends to hire the services of a communication firm on retainer ship basis to assist the Project in relation to its implementation partners. Detailed TORs of the firm can be downloaded from our website [www.pcna.gkp.pk](http://www.pcna.gkp.pk) under the link

Applicants should provide information demonstrating that they have the necessary skills, knowledge and relevant experience to perform the services.

Selection Criteria	Points
Providing communication services	40
Public sector	10
	10
	100

Selection process is drawn to paragraph 1.9 of the World Bank *Employment of Consultants under (BRD Loans and Bank Borrowers January 2011 (Revised July 2014))*. The short-listing Firm will be selected in accordance with the CQS Guidelines.

Proposals must be delivered to the address below clearly marked and signed (through Courier /registered mail) by or

**Coordinator**  
 Project (GPP) Operational Support Unit (OSU)  
 Near Jan's Bakers Peshawar Cantt. (Pakistan)  
 Phone: +92-91-9211845

روزنامہ 4 15 ستمبر 2019ء  
 صدر عدالت دستخط جج بینکنگ کوٹ اے صوبہ خیبر پختونخوا

### از دفتر ڈپٹی کمشنر منگو

## نوٹس غیر حاضری

ہر گاہ آپ عدالتا صرمالی (بی بی ایس-3) ولد محمد ناصر سکنہ چیمبر گل موجود پتہ رحمان آباد تحصیل ضلع منگو مورخہ 13.01.2016 سے اپنی ڈیوٹی سے غیر حاضر ہیں۔ آپ کو آپ کے پتہ جات پر بذریعہ نوٹس / معطلی آرڈر نمبر 3845/Nasir/Estab/DC مورخہ (H) مورخہ 11.12.2018 نمبر 3996/Nasir/Estab/DC (H) مورخہ 26.12.2018 نمبر 196/Nasir/Estab/DC (H) مورخہ 16.01.2019 نمبر 1368/Nasir/Estab/DC (H) مورخہ 18.04.2019 نمبر 1367/Nasir/Estab/DC (H) مورخہ 18.04.2019 اور اظہار وجوہ نوٹس نمبر 2295/Estab/DH (H) مورخہ 22.07.2019 پر آگاہ کیا جا چکا ہے اور آپ کو ڈیوٹی پر حاضر ہونے کی ہدایت کی گئی ہے۔ باوجود آپ اپنی ڈیوٹی پر حاضر نہ ہوئے۔ مزید برآں برائے انکوائری وصول از ایڈیشنل اسسٹنٹ کمشنر یونٹ منگو آپ برائے FIR نمبر 38 مورخہ 302/34 U/S آپ کو آخری بار بذریعہ اشتہار ہذا متنبہ کیا جاتا ہے کہ نوٹس ہذا کی اشاعت کے پندرہ دن کے اندر زبردستی کے رو برو پیش ہو کر اظہار وجوہ برائے غیر حاضری تحریری طور پر پیش کریں۔ بصورت دیگر آپ کے خلاف قانون کے مطابق یکطرفہ کارروائی کی جائے گی جو کہ آپ کی ملازمت سے برطرفی اور خاتمی پر منتج ہو سکتی ہے۔

محمد طیب عبداللہ: ڈپٹی کمشنر منگو

Also available on [www.khyberpakhtunkhwa.gov.pk](http://www.khyberpakhtunkhwa.gov.pk), INF (P) 3965/19

وکیل  
 کاملاً  
 برائے  
 نگران  
 126  
 کے تریو  
 حاضری  
 میں 93  
 ہیں اب  
 معائنے  
 ہسپتال  
 محمد انور  
 تیار ہے  
 زہریلی کما  
 ورائے کے  
 ہرادیور کے  
 گئے 3 کما  
 نکل گیا ہے  
 خیر نہیں ہوا  
 لالی گی۔  
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 قریب خطرناک  
 باعث ڈرائیور  
 ہوئے قریبان  
 وارث خان اور  
 ہمارا دلدار  
 فقیر کے پتہ اور  
 ڈولیا



Deputy Commissioner Hangu

Tel: 0925 / 621175 - 621466 - 623366 - 623964

Fax: 0925 / 620050, Email: dc.hangu@gmail.com

No. 3173/1481/Estab/DC(H)

Dated: 03/10/2019

Annexure - H  
Page - 12

OFFICE ORDER

WHEREAS, you Mr. Abdul Nasir, Mali (BPS-03) was serving in this office remained absent from duty w.e.f. 13.01.2016 having been charged in FIR No. 38 dated 13.01.2016 u/s 302/324-34 PPC PS City Hangu.

WHEREAS, you were suspended from duty vide order No. 3845/Nasir/Estab/DC (H) dated 11.12.2018 (extended vide order No. 1368/Nasir/Estab/DC (H) dated 18.04.2019).

WHEREAS, notices vide this office No. 3996/Nasir/Estab/DC (H) dated 26.12.2018; No. 199/Nasir/Estab/DC (H) dated 16.01.2019 were served upon you through registered post with the direction to appear before undersigned and submit your reply in defence, but you did not turned up.

WHEREAS, Additional Assistant Commissioner (Revenue) Hangu was appointed as Inquiry Officer vide No. 1367/Nasir/Estab/DC (H) dated 18.04.2019. Statement of Allegations and Charge sheet were issued to you vide above reference.

WHEREAS, the Additional Assistant Commissioner (Revenue) Hangu conducted full-fledged inquiry and submitted his report/findings/recommendations vide No. 306/AAC(R)/Hangu dated 18.06.2019.

WHEREAS, Show Cause Notice with copy of Inquiry Report was served upon you through registered post vide No. 2295/Nasir/Estab/DC (H) dated 22.07.2019 with direction to appear before the undersigned but you failed to do so.

WHEREAS, Final Notice was published in the Daily Newspapers "Aaj" and "Ausaf" dated 15.09.2019 which was served upon you vide No. 3072/Nasir/Estab/DC (H) dated 25.09.2019 through registered post.

WHEREAS, despite above, you failed to appear before the undersigned nor you submitted reply in writing in your defence.

Now, I, Muhammad Tayyab Abdullah, Deputy Commissioner Hangu going through the Inquiry Report, evidence on record, am satisfied with the findings and recommendations of the Inquiry Officer hereby impose upon you major penalty of dismissal from service w.e.f. 19.04.2018 (i.e. date of conviction) under Rule 8(a) and 4(1)(b)(iv) and minor penalty of recovery of illegal draws under Rule 4(1)(a)(iii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

Deputy Commissioner  
Hangu

Endst. No. & Even dated  
Copy to:

1. The Commissioner Kohat Division, Kohat.
2. The Additional Deputy Commissioner, Hangu.
3. The Assistant Commissioner, Hangu for information.
4. The Additional Assistant Commissioner (Revenue), Hangu/ Inquiry Officer.
5. The District Accounts Officer, Hangu.
6. The Accounts Officer O/O Deputy Commissioner Hangu for further necessary action under the rules.
7. The official concerned (Abdul Nasir s/o Muhammad Nasir) on his addresses r/o Chamba Gul presently r/o Rehman Abad Teshil & District, Hangu.

Deputy Commissioner  
Hangu

Annexure - I  
Page - 13

Deputy Commissioner  
Tel: 0925 / 621175 - 621466 - 622366 - 623968  
Fax: 0925 / 620050, Email: dc.hangu@gmail.com  
No. 201 / Abdul Nasir / Estab / DC(H)  
Dated: 16 / 01 / 2020



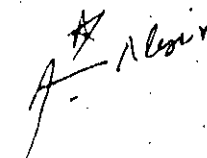
To  
Mr. Abdul Nasir, Ex-Mali,  
DC Office Hangu

Subject:

**APPLICATION FOR RESTORATION IN SERVICE**

Your application dated 02.01.2020 on the subject noted above, is regretted on the basis that it falls beyond the competency of the undersigned. You may approach the competent appellate authority.

  
Deputy Commissioner  
Hangu ✓.

  
16-1-2020





Immediate.  
Page - 14

OFFICE OF THE  
ADDL. ASSISTANT COMMISSIONER (REV)  
HANGU  
NO. 305 /AAC(R)/HANGU  
Dated: 28/6/2019

To

The Deputy Commissioner,  
Hangu.

Subject:

**INQUIRY AGAINST MR. ABDUL NASIR MALI (BPS-03) ON ACCOUNT OF CONTINUES ABSENTEE.**

Memo:

Please refer to your office order No. 1367/Nasir/EA/DC (H) dated, 18/04/2019.

**PROCEEDINGS:**

The undersigned has been appointed as Inquiry officer by the Deputy Commissioner Hangu vide office order No. 1367/Nasir/EA/DC (H) dated, 18/04/2019 (Page-02) to conduct inquiry and submit recommendations against Mr. Abdul Nasir Mali BPS-03, who has already been suspended vide Deputy Commissioner Hangu's office order. 3845/Nasir/EA/DC(H) dated 11-12-2018.(P-03)

Inquiry received to this office on 19-04-2019. The accused official was summoned for 24-04-2019, but he did not appear before the Inquiry officer on the dates fixed nor on other proceeding dates. On 24-04-2019 Patwari Halqa was directed to ensure / serve the notice to the accused official and report on the date fixed. Patwari Halqa on 02-05-2019 reported that the accused official is in Jail. Patwari Halqa again summoned and directed to produce the copy of the court order/Judgment to know the facts of the case and to confirm his sentence/conviction. Today on 19-06-2019 the Patwari Halqa re-appeared before the Inquiry Officer and submitted case file / Court order dated 19-04-2018 (annexed at Page.14 to 76)

**FINDINGS:**

1. Mr Abdul Nasir (Mali-03) was continuously absent from duty without permission/approval from the competent authority, who has already been suspended vide office order. 3845/Nasir/EA/DC (H) dated 11-12-2018.(Page-03)
2. Accused official (Abdul Nasir Mali) involved in case FIR No.38 dated, 13/01/2016 w/s 302/34 PPC P.S Hangu, he is in Jail. In this regard the court order / Judgment dated 19-04-2018 is at page 14 to 76.

**RECOMMENDATIONS:**

From the perusal of Court order / Judgment dated 19-04-2018 (Page-14 to 76), it is evident that the accused namely Abdul Nasir (Mali) has been convicted and sentenced with imprisonments for 14 years.

Therefore it is suggested the official / accused may be proceeded under the E & D Rules 2011. (at Page-79 to 82 vide Flag-A&B)

With the aforesaid recommendations, the inquiry file in hand (containing Pages#82) is submitted, please.

*[Signature]*  
Addl. Assistant Commissioner (Rev)/  
Inquiry Officer, Hangu 28/6/19

D.C.	<i>[Signature]</i>
	EA
	4953
	04-7-2019

(1)

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

Service Appeal No: \_\_\_\_\_ of 2020

Abdul Nasir S/O Muhammad Nasir R/O Chamba Gul, Rehman Abad,  
Tehsil and District Hangu.

\_\_\_\_\_ Appellant

**VERSUS**

1. Chief Secretary Government of Khyber Pakhtunkhwa Peshawar.
2. Secretary Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary Government of Khyber Pakhtunkhwa Law & Parliamentary Affairs and Human Rights Department.
4. *Commissioner Kohat, Cantt, Khyber Pakhtunkhwa*
5. *Deputy Commissioner Hangu*  
Government of Khyber Pakhtunkhwa. *No 55 e say Party*

(Respondents)

---

**SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER OF THE RESPONDENT NO. 5 DATED 6/01/2020 WHO REJECTED THE DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE IMPUGNED ORDER OF TERMINATION FROM SERVICE VIDE OFFICE ORDER DATED: 03-010-2019.**



**KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

No. 2160 /ST

Dated: 29/10 /2021

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

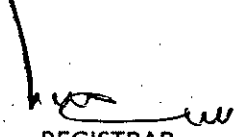
To

The Deputy Commissioner,  
Government of Khyber Pakhtunkhwa  
Hangu.

Subject: JUDGMENT IN APPEAL NO. 3181/2020 MR. ABDUL NASIR.

I am directed to forward herewith a certified copy of Judgement dated 22.10.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

## DISCIPLINARY ACTION

I, **Muhammad Tayyab Abdullah, Deputy Commissioner, Hangu** as competent authority, am of the opinion that **Mr. Abdul Nasir, Mali (BPS-03)** has rendered himself liable to be proceeded against, as he committed the following acts/omission, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

### STATEMENT OF ALLEGATIONS

- i. As learnt through reliable source you are charged in case FIR No. 38 dated 13.01.2016 Police Station Hangu City.
  - ii. That you are continuously absent from duty since 13.01.2016 without permission or approval of the competent authority.
2. For the purpose of inquiry against the said accused with reference to the above allegations, the Additional Assistant Commissioner (Revenue) Hangu, is appointed as Inquiry Officer under rule 10(1)(a) of the ibid rules.
3. The inquiry officer shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused/official, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.
4. The accused official and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer.

  
**Deputy Commissioner**  
**Hangu**

BEFORE THE HONOURABLE, SERVICE TRIBUNAL, KHYBER PAKHTUN

PESHAWAR

Abdul Nasir — (Appellant)

Vs

Chief Secretary and others — (Respondant)

Application for Correction in the dates/Reference of  
the Suit mentioned below in detail.

Respectfully I state,

1. That this case is pending before this Honble Court for adjudication.
2. That in para # 06 of the Suit the mistakenly date is mentioned as 09. 04. 2018, correctly it is as 19-04. 2018. Correct Date. as 19-04. 2018 may kindly be considered.
3. That "Ground A" of the petition in which date is mentioned (wrong) 09-04. 2018, but the correct one is 19-04. 2018 (3173, 03-10-2019 may kindly be considered as correct.

It is most humbly prayed that the same application may kindly be considered and Admitted

24. 07. 2020

Appellant  
Nasir

Neer Ahmed Khan

BEFORE THE HONOURABLE, SERVICE TRIBUNAL, KHYBERPAKHTUN

PESHAWAR

Abdul Nasir — (Appellant)

Vs

Chief Secretary and others — (Respondant)

Application for Correction in the dates/Reference of  
the Suit mentioned below in detail.

Respectfully I state,

- 1- That this case is pending before His Honble Court for adjudication.
- 2- That in para # 06 of the Suit the mistakenly date is mentioned as 09. 04. 2018, correctly it is as 19-04. 2018. Correct Date. as 19-04. 2018 may kindly be considered.
- 3- That "Ground A" of the petition in which date is mentioned (Wrong) 09-04-2018, but the correct one is 19-04-2018 / 3173, 03-10-2019 may kindly be considered as correct.

It is most humbly prayed that the same application may kindly be considered and Admitted

24. 07. 2020

Appellant  
Nasir

Chief Secretary  
Nasir Ahmad Khan

PESHAWAR

Abdul Nasir — Appellant

Vs

Chief Secretary and others — (Respondents)

Application for grant of Order of Placing the Respondents  
No 4 and 5 in the amended form as the property  
Party.

Respectfully Sheweth;

- 1- That the above captioned case is pending for adjudication before this learned Hon'ble Court.
2. That the Page #01 and 07 of the petition are amended and place before this Hon'ble Court, for order and allowing the same.
3. That this application may kindly be allowed for the quick dispensation and disposal of the matter.

24.07.2020

Appellant  
Theray  
Nasir Ahmad Khan  
Advocate Peshawar

is mentioned as 01.04.2018, as 19-04.2018. Correct Date. as 19-04.2018 may kindly be considered.

3. That "Ground A" of the petition in which date is mentioned (wrong) 09-04.2018, but the correct one is 19-04.2018 (3173), 03-10-2019 may kindly be considered as correct.

It is most humbly prayed that the same application may kindly be considered and Admitted

24.07.2020

Appellant  
Nasir Ahmad Khan  
Advocate Peshawar

**CHARGE SHEET**

**I, Muhammad Tayyab Abdullah, Deputy Commissioner, Hangu** as competent authority, hereby charge you, Abdul Nasir, Mali (BPS-03) as follows:

**That you, as Mali (BPS-03) committed the following irregularities:**

- i. As learnt through reliable source you are charged in case FIR No. 38 dated 13.01.2016 Police Station Hangu City.
  - ii. That you are continuously absent from duty since 13.01.2016 without permission or approval of the competent authority
2. By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.
3. You are, therefore, required to submit your written defence within seven days of the receipt of this Charge Sheet to the inquiry officer.
4. Your written defence, if any, should reach the inquiry officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.
5. Intimate whether you desire to be heard in person.
6. A statement of allegations is enclosed.

  
**Deputy Commissioner**  
**Hangu** *Ar*



(2)

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

Service Appeal No: \_\_\_\_\_ of 2020

Abdul Nasir S/O Muhammad Nasir R/O Chamba Gul, Rehman Abad,  
Tehsil and District Hangu.

\_\_\_\_\_ Appellant

**VERSUS**

1. Chief Secretary Government of Khyber Pakhtunkhwa Peshawar.
2. Secretary Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary Government of Khyber Pakhtunkhwa Law & Parliamentary Affairs and Human Rights Department.
4. *Commissioner Kohat, Cantt, Khyber Pakhtunkhwa*
5. *Deputy Commissioner Hangu*  
Government of Khyber Pakhtunkhwa. *Nesseary Party*

(Respondents)

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**SERVICE APPEAL UNDER SECTION-4 OF THE SERVICE**  
**TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER OF**  
**THE RESPONDENT NO. 5 DATED 6/01/2020 WHO REJECTED**  
**THE DEPARTMENTAL APPEAL OF THE APPELLANT**  
**AGAINST THE IMPUGNED ORDER OF TERMINATION FROM**  
**SERVICE VIDE OFFICE ORDER DATED: 03-010-2019.**

(3)

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

Service Appeal No: \_\_\_\_\_ of 2020

Abdul Nasir

(Appellant)

**VERSUS**

Chief Secretary Government of Khyber Pakhtunkhwa Peshawar &  
others.

(Respondents)

**ADDRESSES OF THE PARTIES**

**APPELLANT**

Abdul Nasir S/O Muhammad Nasir R/O Chamba Gul, Rehman Abad, Tehsil and  
District Hangu.

**RESPONDENTS**

1. Chief Secretary Government of Khyber Pakhtunkhwa Peshawar.
2. Secretary Government of Khyber Pakhtunkhwa Finance Department.
3. Secretary Government of Khyber Pakhtunkhwa Law & Parliamentary Affairs  
and Human Rights Department.
4. *Commissioner Kohat, Cantt, Khyber Pakhtunkhwa*
5. *Deputy Commissioner, Hangu, Government of Khyber  
Pakhtunkhwa.*

(Respondents)

Appellant

Through:

**(NAEEM AHMAD KHATTAK)**

Advocate,

High Court, Peshawar

Dated:-17-02-2020