

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 1086/2020

Date of Institution ... 20.02.2020

Date of Decision ... 26.04.2022

Muhammad Usman, Junior Clerk (BPS-11), O/O Assistant
Agriculture Engineer, Tarnab.

... (Appellant)

VERSUS

The Secretary Agriculture Department, Khyber Pakhtunkhwa,
Peshawar and another.

... (Respondents)

MR. NOOR MUHAMMAD KHATTAK,
Advocate

--- For appellant.

MR. MUHAMMAD ADEEL BUTT,
Additional Advocate General

--- For respondents.

MR. SALAH-UD-DIN
MS. ROZINA REHMAN

--- MEMBER (JUDICIAL)
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Through the instant service
appeal, the appellant has invoked jurisdiction of this Tribunal with
the prayer copied as below:-

*"On acceptance of this appeal, the
impugned order dated 25.09.2019 may very
kindly be set-aside and the respondents may
be directed to restore/release the two annual
increments of the appellant with all back
benefits. Any other remedy which this august
Tribunal deems fit that may also be awarded
in favour of the appellant".*

2. Precisely stated the facts necessary for decision of the
instant appeal are that the appellant while serving as Junior
Clerk in the office of Assistant Agricultural Engineer, Tarnab



Peshawar was proceeded against departmentally on the allegations of smoking in public area, harassment of female officer and insulting an officer. On conclusion of the inquiry, the appellant was awarded penalty of stoppage of two annual increments without cumulative effect with a warning to remain careful in future. Service Appeal No. 703/2018 of the appellant was however partially allowed by this Tribunal vide judgment dated 30.04.2019 and department was directed to conduct de-novo inquiry in the mode and manner as prescribed by Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. De-novo inquiry was thus conducted in the matter and on conclusion of the same, the appellant was again awarded the same minor penalty i.e stoppage of two annual increments without cumulative effect with a warning to remain careful in future, vide order dated 25.09.2019 passed by competent Authority. The departmental appeal of the appellant was not responded within the statutory period of 90 days, therefore, the appellant approached this Tribunal through filing of instant service appeal for redressal of his grievance.



3. Respondents were summoned, who appeared through their representative and contested the appeal by way of filing reply/comments, wherein they denied the assertions made by the appellant in his appeal.

4. Learned counsel for the appellant has contended that vide judgment dated 30.04.2019 passed by this Tribunal in previous service appeal of the appellant, the respondents were categorically directed to conduct de-novo inquiry in the mode and manner as prescribed in Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 but the de-novo inquiry proceedings were again conducted in sheer violation of mandatory provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011; that the statements of the witnesses were recorded in shape of questionnaire, which practice has been time and again deprecated by worthy apex court; that the

statements of the witnesses were recorded in absence of the appellant and he was thus deprived of his right of cross-examination; that the appellant had not committed any misconduct, however a baseless inquiry was initiated against him for the purpose of damaging his service career; that the impugned order is bereft of any legal sanctity, hence the same may be set-aside and the appeal of the appellant may be allowed as prayed for.

5. On the other hand, learned Additional Advocate General for the respondents has contended that a regular de-novo inquiry was conducted in the matter and the appellant was associated in the inquiry proceedings by providing him ample opportunity of self defense; that the inquiry proceedings were conducted by complying the mandatory provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011; that final show-cause notice was issued to the appellant and he was also provided opportunity of personal hearing, however he was unable to rebut the allegations leveled against him; that the charges leveled against the appellant were proved in a regular inquiry, therefore, the impugned order may be kept intact and the appeal in hand may be dismissed.



6. We have heard the arguments of learned counsel for the appellant as well as learned Additional Advocate General for the respondents and have perused the record.

7. A perusal of the record would show that a committee comprising of Engineer Naseem Javed Agricultural Engineer, Kohat, Engineer Nazeer Abbas Assistant Agricultural Engineer, Tarnab Peshawar and Engineer Maria Javed Assistant Agricultural Engineer, Mansehra was nominated for de-novo inquiry regarding the allegations leveled against the appellant. Copies of statements of the witnesses examined during the inquiry are available on the record, which would show that their statements were recorded by the inquiry committee in the shape of questionnaire. Such practice has been time and again deprecated by worthy apex court. Inquiry

committee was required to have recorded the statements of the witnesses in the shape of narration in presence of the appellant by providing him opportunity of cross-examination of the witnesses so examined during the inquiry. Disciplinary action was taken against the appellant on the complaint of Engineer Kalsoom Rehman, Assistant Agricultural Engineer, however the appellant was not even provided any opportunity of cross-examination upon the complainant. The inquiry committee has not complied the mandatory provision of Rule-11 (1) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, which fact has created material dent in the inquiry proceedings. Moreover, the inquiry committee has not given any specific finding in its report that the charges leveled against the appellant were proved. Similarly, the inquiry committee has mentioned in its recommendations that punishment of *stoppage of two annual increments with a warning to be careful in future* may be awarded to the appellant. According to Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, recommending the nature of penalty to be awarded to an employee is not the domain of the inquiry officer or inquiry committee as the case may be. The impugned order dated 25.09.2019 is, therefore, not sustainable in the eye of law and is liable to be set-aside.

8. In view of the above discussion, the impugned order stands set-aside and the two annual increments of the appellant stand restored with all consequential benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
26.04.2022


(ROZINA REHMAN)
MEMBER (JUDICIAL)

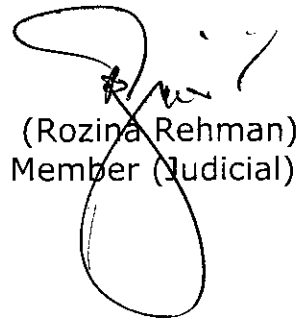

(SALAH-UD-DIN)
MEMBER (JUDICIAL)

ORDER
26.04.2022

Appellant alongwith his counsel present. Engineer Shah Fahad, Deputy Director alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the impugned order stands set-aside and the two annual increments of the appellant stand restored with all consequential benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
26.04.2022



(Rozina Rehman)
Member (Judicial)

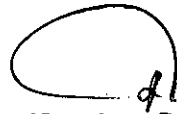


(Salah-Ud-Din)
Member (Judicial)


31.03.2022

Appellant alongwith junior of his counsel present. Mr. Janat Khan, Superintendent alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is out of station today. Adjourned. To come up for arguments on 25.04.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

25.04.2022

Learned counsel for the appellant present. Mr. Janat Khan Superintendent alongwith Mr. Muhammad Adeel Butt, learned Additional Advocate General for the respondents present.

Partial arguments heard. To come up for remaining arguments on 26.04.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-Ud-Din)
Member (J)

05.04.2021

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Ibrar UI Wahab Assistant for respondents present.

Representative of respondent submitted reply/comments which is placed on file. To come up for rejoinder if any, and arguments on 27.07.2021 before D.B.



(Atiq Ur Rehman Wazir)
Member (E)

27.07.2021

Counsel for the appellant present.

Mr. Muhammad Adell Butt, learned Additional Advocate General for respondents present.

Learned counsel for the appellant seeks adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 16.12.2021 before D.B.



(Rozina Rehman)
Member(J)



Chairman

16-12-21

DB is on Tony case to come up
For the same on Dated. 31-3-22

Reader

14.01.2021

Mr. Mir Zaman Safi, Advocate, for appellant is present.

What the learned counsel representing appellant has agitated at the bar, is that one sided inquiry proceedings were initiated against the appellant in pursuance of a complaint containing hollow allegations devoid of any substance. His transfer was effected in consequence thereof posting him as Junior Clerk in the office of Assistant Agriculture Engineer Chitral. The departmental proceedings/inquiry resulted into awarding of minor penalty of stoppage of two annual increments with cumulative effect conjointly with minor punishment of censure thus impugned order dated 04.01.2018 was issued sans any conformity with the legal enactment. Departmental appeal was moved followed by service appeal which was accepted vide judgment dated 30.04.2019 of this Tribunal whereby the authority concerned was directed to conduct de-novo inquiry. Again on handing over the copy of judgment passed by this Tribunal respondent No. 2 issued charge sheet coupled with statement of allegations which was replied. Show-cause notice dated 06.09.2019 was issued and consequently served upon appellant however, no inquiry was conducted and the impugned order dated 25.09.2019 was issued awarding him the same quantum of punishment as imposed earlier. The departmental appeal moved for the purpose remained un-responded hence, the present service appeal.

The point so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 05.04.2021 before S.B.

Appellant Deposited
Security & Process Fee

18/1/21

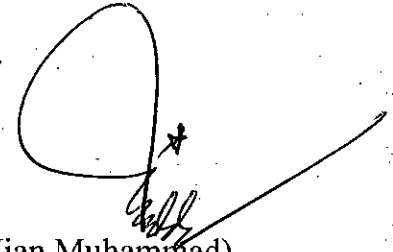
(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

20.08.2020

Junior to counsel for the appellant present.

Former requests for adjournment as senior learned counsel is not available today.

Adjourned to 29.10.2020 before S.B.



(Mian Muhammad)
Member(E)

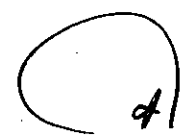
20/08/2020

29.10.2020

Appellant present in person.

20/08/2020

Lawyers are on general strike, therefore, case is adjourned to 14.01.2021 for preliminary hearing, before S.B.







(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1086 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/02/2020	The appeal of Mr. Muhammad Usman presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please. decrease  REGISTRAR 20/2/2020
2-	20/02/2020	This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>03/04/2020</u> .  MEMBER
03.04.2020		Due to public holiday on account of COVID-19, the case is adjourned to 29.06.2020 for the same. To come up for the same as before S.B.  Reader
29.06.2020		The Worthy Chairman is on leave, therefore, the case is adjourned. To come up on 20.08.2020 before S.B.  Reader



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

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

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

No. _____/ST Dated ____/____/2022

To:

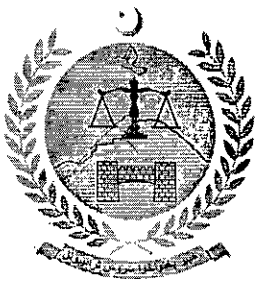
The Director Agriculture Engineering Tarnab, Khyber Pakhtunkhwa, Peshawar.

SUBJECT:- JUDGMENT IN SERVICE APPEAL NO. 1086/2020, MUHAMMAD USMAN VERSUS SECRETARY AGRICULTURE, GOVERNMENT OF KHYBER PAKHTUNKHWA, PESHAWAR.

I am directed to forward herewith a certified copy of order dated 26.04.2022, passed by this Tribunal in the above mentioned *Service Appeal* for compliance.

Encl. As above.

(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.



KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

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

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

No. _____ /ST Dated ____ / ____ /2022


To:

The Director Agriculture Engineering Tarnab, Khyber Pakhtunkhwa, Peshawar.

SUBJECT:- JUDGMENT IN SERVICE APPEAL NO. 1086/2020, MUHAMMAD USMAN VERSUS SECRETARY AGRICULTURE, GOVERNMENT OF KHYBER PAKHTUNKHWA, PESHAWAR.

I am directed to forward herewith a certified copy of order dated 26.04.2022, passed by this Tribunal in the above mentioned *Service Appeal* for compliance.

Encl. As above.


(WASEEM AKHTAR)
REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL,
PESHAWAR.

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

APPEAL NO. 1086 /2020

MUHAMMAD USMAN VS AGRICULTURE DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1- 3.
2	Inquiry	A	4- 5.
3	Order dated 26.10.2017	B	6.
4	Inquiry report	C	7.
5	Order 04.01.2018	D	8.
6	Departmental appeal	E	9- 10.
6	Service appeal	F	11- 13.
7	Judgment	G	14- 16.
8	Charge sheet and statement of allegation	H	17- 18.
9	Reply	I	19- 20.
10	Show cause notice	J	21.
11	Impugned order	K	22.
12	Departmental appeal	L	23- 24 .
13	Vakalat nama	2 4 .

APPELLANT

THROUGH:


**NOOR MOHAMMAD KHATTAK,
ADVOCATE**

Flat No. 3, Upper Floor,
Islamia Club Building,
Khyber Bazar, Peshawar
0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1086/2020

Khyber Pakhtunkhwa
Service Tribunal

Entry No. 1250

Date 20/2/2020

Mr. Muhammad Usman, Junior Clerk (BPS-11),
O/O Assistant Agriculture Engineer, Tarnab.

.....**APPELLANT.**

VERSUS

- 1- The Secretary Agriculture Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Agriculture Engineering Tarnab, Khyber Pakhtunkhwa, Peshawar.....**RESPONDENT**

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 25.09.2019 WHEREBY PREVIOUS MINOR PENALTIES OF STOPPAGE OF TWO ANNUAL INCREMENTS AND WARNING/CENSURE ONCE AGAIN IMPOSED ON THE APPELLANT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the impugned order dated 25.09.2019 may very kindly be set aside and the respondents may be directed to restore/release the two annual increments of the appellant with all back benefits. Any other remedy which this august tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

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

Filed to-day

Registrar

- 1- That appellant is serving the respondent department as junior clerk in the respondent department. That right from the appointment the appellant is serving the respondent department quite efficiently and up to the entire satisfaction of his superiors.
- 2- That during service as junior clerk in the respondent department a complaint was lodged against the appellant on the basis of some baseless allegations. That due to the above mentioned complaint the respondent No.2 without conducting fact finding inquiry straight away initiated one sided departmental inquiry against the appellant. Copy of the inquiry is attached as annexure.....**A.**

20/2/2020

- 3- That during the pendency of departmental inquiry the appellant was transferred and posted as junior clerk in office of the assistant agriculture engineer, Chitral vide order dated 26.10.2017. Copy of the order dated 26.10.2017 is attached as annexure.....**B.**
- 4- That in the above mentioned one sided departmental inquiry the appellant was recommended for minor penalty of stoppage of two annual without accumulative along with another minor punishment of censure. Copy of the inquiry report is attached as annexure.....**C.**
- 5- That on the basis of the said recommendation of the one sided departmental inquiry the respondent No.2 issued the impugned order dated 04.01.2018 in utter disregard of law and rules. Copy of the impugned order is attached as annexure.....**D.**
- 6- That feeling aggrieved from the order dated 04.01.2018 the appellant preferred departmental appeal followed by Service appeal No. 703/2018 which was accepted by this august Service Tribunal vide judgment dated 30.04.2019 with the directions to the concerned authority to conduct de-novo inquiry in the matter. Copies of the departmental appeal, service appeal & judgment are attached annexure.....**E, F & G.**
- 7- That after obtaining attested copy of the judgment dated 30.04.2019 submitted the same before the respondents. That the respondent No.2 issued charge sheet and statement of allegations to the appellant which was properly replied by the appellant and denied all the allegations leveled against the appellant. Copies of the charge sheet/statement of allegations and reply are attached as annexure.....**H & I.**
- 8- That vide dated 06.09.2019 show cause notice was served on the appellant but no inquiry was conducted as per judgment of Honorable Service Tribunal and straight away issued the impugned order dated 25.09.2019 by imposing the previous penalties on the appellant i.e. stoppage of two annual increments & censure which was already set aside by this august Tribunal in its judgment. Copies of show cause notice and impugned order are attached as annexure.....**J & K.**
- 9- That appellant feeling aggrieved from the impugned order dated 25.09.2019 filed Departmental appeal but no reply has been received so far. Hence the appellant having no other filed the instant service appeal on the following grounds amongst the others. Copy of the departmental appeal is attached as annexure.....**L.**

GROUND:

- A- That the impugned order dated 25.09.2019 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

- B- That appellant has not been treated by the respondent department in accordance with law and rules and the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That appellant has been punished on the basis of a baseless compliant which has not been inquired by the respondents through proper legal procedure.
- D- That no inquiry was conducted by the respondent Department in the matter as per directions of this august Tribunal in judgment dated 30.04.2019.
- E- That the punishment awarded in the impugned order dated 25.09.2019 by the respondent Department were already set aside by this august Tribunal, and the same is not tenable in the eye of law.
- F- That no opportunity of personal hearing/defense has been given to the appellant before issuing the impugned order dated 04.01.2018.
- G- That no regular inquiry has been conducted in the matter of the appellant which is as per Supreme Court judgments is necessary punitive actions against the civil servants.
- H- That appellant seeks permission to advance other grounds and proof at the time of hearing.

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

Dated 19.02.2020

APPELLANT


MUHAMMAD USMAN

THROUGH:


NOOR MUHAMMAD KHATTAK

&


MIR ZAMAN SAIFI
ADVOCATES

A-4

OFFICE ORDER

A committee of the following officers is hereby constituted to conduct inquiry of complaint submitted by Engr. Kalsoom Rehman, Assistant Agricultural Engineer, Directorate of Agricultural Engineering Khyber Pakhtunkhwa, Tarnab Peshawar against Mr. Muhammad Usman, Junior Clerk, in this office now transferred/posted in office of the Assistant Agricultural Engineer, Chitral regarding:-

- a. Smoking in public place.
- b. Harassment of Female Officer.
- c. Insult of an Officer.

1.	Engr. Naseem Javed, Deputy Director, Planning, Directorate of Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab Peshawar	Chairman
2.	Engr. Nazeer Abbas, Assistant Agricultural Engineer, Swat.	Member
3.	Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra.	Member

They are directed to furnish the report of their finding alongwith recommendation within 15 days positively.

SD/(ENGR MAHMOOD JAN)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

Endst: No. 6943-48 /DAE/Asstt/3/68 dated Tarnab, the 30/10/2017

Copy of the above alongwith a copy of complaint is forwarded to:-

- 1- Engr. Naseem Javed, Deputy Director, Planning Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab Peshawar;
- 2- Engr. Nazeer Abbas, Assistant Agricultural Engineer, Swat.
- 3- Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;

for information and necessary action.

- 4- Engr. Kalsoom Rehman, Asstt. Agricultural Engineer (H/Q) Agricultural Engineering Khyber Pakhtunkhwa, Tarnab Peshawar for information with reference to her complaint dated 25/10/2017;
- 5- The Assistant Agricultural Engineer, Chitral for information and the remarks to direct the above named Junior Clerk of your office to present before the above committee as and when call;
- 6- Mr. Muhammad Usman, Junior Clerk office of the Assistant Agricultural Engineer, Chitral with the remarks to follow the direction of committee as per rules.
- 7- Personal file of above named official.

Director
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

30/10/17 30/10/17

Amir 30/10/17

ATTESTED

3108/2017

563

① ⑤

No. 9039 /DAE/Estt/
To

dated Tarnab, the 21 / 12 /2017

The Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

Subject: INQUIRY REPORT

Reference: Your office order No. 6943-48/D/Account:3/68 dated 30/10/2017.

Memo: Enclosed please find the inquiry report on the subject cited above for information and further necessary action.

Engr. Nasim Javed
Deputy Director-Planning
Agricultural Engineering, Khyber Pakhtunkhwa,
Tarnab, Peshawar

~~Handwritten signature and text, possibly 'Freed'.~~

Engr. Asif A. P.
22/12
22/17

Handwritten signature and text, possibly 'Recommendation'.

4505
22-12-17

ATTESTED

22-12

ATTESTED

OFFICE ORDER

B (6)

Mr. Muhammad Usman, Junior Clerk in office of the undersigned is hereby transferred/posted in office of the Assistant Agricultural Engineer, Chitral against the vacant post of Junior Clerk in the interest of public service with immediate effect.

SD/(ENGR. MAHMOOD JAN)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

Endst: No. 6860-64 /DAE/Estt/3/19 dated Tarnab, the 26 /10/2017

Copy forwarded to the:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar;
2. The District Accounts Officer, Chitral;
3. The Assistant Agricultural Engineer, Chitral;
4. The Accountant, of this office;
5. The Official concerned.

for information and necessary action.

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab Peshawar.

[Handwritten signature]

ATTESTED

[Handwritten signature]

ATTESTED

INQUIRY REPORT

Background:

The undersigned's have been nominated as inquiry officers vide Director office order no. 6943-48/D/Account:3/68 dated 30/10/2017 to conduct the inquiry regarding complaint (Annexure-A) filed by Engr.Kulsoom Rehman, Assistant Agricultural Engineer, Directorate of Agricultural Engineering Khyber Pakhtunkhwa, Tarnab, Peshawar against Mr. Muhammad Usman, Junior Clerk (J/C) in the same office, now transferred/posted in office of the Assistant Agricultural Engineer, Chitral.

Brief History:

Engr.Kulsoom Rehman filed a complaint against Mr. Muhammad Usman J/C of this department that there was a bad smell of smoking around her office. She asked Mr.Rafaqat Ali (PS to DAE) that who is smoking around her room. Mr.Rafaqat Ali asked Mr. Zain UIAbidin (J/C) who is sitting in adjacent room to her office. Zin UIAbidin further told Mr. Muhammad Usman not to smoke in my office. Mr. Muhammad Usman started shouting and came to Mr.Rafaqatoffice while officer was attending official call. officer warned him to stop shouting and she left the room, but Mr. Muhammad Usman kept shouting outside Engr.KulsoomRehman's office. So, an inquiry is ordered to probe in to the factual position.

Proceedings:

The committee visited office of the Deputy DirectorAgricultural Engineering Khyber Pakhtunkhwa, Tarnab, Peshawar on date 9/11/2017 at 10:00 AM in compliance to Deputy Director Planning, Agricultural Engineering Khyber Pakhtunkhwa, Tarnab, Peshawar letter no. 1465-66/AAE(F.O) Dated 3/11/2017.

A written Statement of both complainant and accused was taken/recorded by the committee one by one and attached as Annexure-B.

Findings:

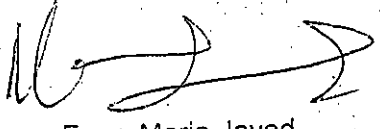
Findings are as follows:

1. At the time of complaint Mr. Muhammad Usman was not present at his office.
2. Mr. Muhammad Usman shouted in front of Engr.Kulsoom Rehman, which is misbehavior/ insult of an officer.
3. Keeping in view harassment act 2010, the personal harassment of female officer Engr.Kulsoom Rehman was not involved.

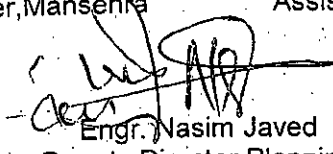
Recommendations:

After thorough investigation the committee recommended that;

1. The two annual increments of Mr. Muhammad Usman must be stopped, as he misbehaved with a female officer.
2. In future he shall be careful, otherwise strict disciplinary action will be initiated against him as per E & D rules 2011.


Engr. Maria Javed
Assistant Agricultural Engineer, Manserha


Engr. Nazeer Abbas
Assistant Agricultural Engineer, Swat


Engr. Nasim Javed
Deputy Director Planning
Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab, Peshawar


ATTESTED


OFFICE ORDER

31-
D-8

Whereas Engr. Kalsoom Rehman, Assistant Agricultural Engineer (HQ) Tarnab Peshawar has filed a complaint against Mr. Muhammad Usman, Junior Clerk in office of the undersigned now posted in office of the Assistant Agricultural Engineer, Chitral, regarding smoking in public area, harassment of Female Officer and insulting of an Officer. In this regards inquiry committee was constituted vide office order No.6943-48/DAE/Estt: 3/68 dated 30.10.2017 to inquire into the charge of misconduct leveled against him. The Committee submitted a report wherein the above named Junior Clerk was found guilty of charges against him. The Committee forwarded the following recommendations.

- i. **Stoppage of Two Annual Increment. without accumulation effect and**
- ii. **Warn to be careful in future.**

Now therefore, in light of the above recommendation of Inquiry committee report the undersigned is pleased to impose the above penalties as required under E&D Rules-2011.

SD/-(ENGR MAHMOOD JAN)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

Endst: No. 450-57 /DAE/Estt:/3/19/

dated Tarnab, the

04/01/2018

Copy of the above is forwarded to:-

1. Engr. Naseem Javed, Deputy Director, Planning Agricultural Engineering Khyber Pakhtunkhwa Tarnab Peshawar;
2. Engr. Nazeer Abbas, Assistant Agricultural Engineer, Swat;
3. Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
for information with reference to his inquiry report vide letter No.9039 dated 21.12.2017
4. Engr. Kalsoom Rehman, Assistant Agricultural Engineer, Head Quarter;
5. The Assistant Agricultural Engineer, Chitral;
6. The District Account Officer, Chitral;
for information and necessary action.
7. Mr. Muhammad Usman, Junior Clerk Assistant Agricultural Engineer, Chitral;
8. Personal file in respect of Mr. Muhammad Usman, Junior Clerk;

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

34/18
4/18
AA
M/A

P-503

ATTESTED

[Signature]

28/11

ATTESTED

To

The Secretary Agriculture,
KPK, Peshawar.

① - ②
E - ⑨

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 04.01.2018, WHEREBY THE PENALTY OF STOPPAGE OF TWO ANNUAL INCREMENTS WITHOUT ACCUMULATIVE EFFECT AND WARNED TO BE CAREFUL IN FUTURE HAS BEEN IMPOSED UPON THE APPELLANT.

Respected Sir,

1. That the appellant is working in Agriculture Department as junior clerk and is performing his duty with the entire satisfaction of his superiors.
2. That charge sheet was issued to the appellant in the which the following charges were leveled against the appellant.
 - a) Smoking in public place.
 - b) Harassment of female officer
 - c) Insulting of an officer.The appellant submitted detail reply to the charge sheet and denied all the allegations.
3. That on the basis of above mentioned charges, inquiry was conducted against the appellant by the inquiry committee in which no proper opportunity of defence was provided to the appellant as neither any statement was recorded in the presence of the appellant nor gave him opportunity of cross examination. But despite that the inquiry committee held him responsible.
4. That on the basis of irregular inquiry, the penalty of stoppage of two annual increments without accumulative effect and warned to be careful in future was imposed upon the appellant vide order dated 04.01.2018 without issuing show cause notice to the appellant and without specifying the period of stoppage of increment. (Copy of order dated 04.01.2018 is attached as Annexure-A)
5. That now the appellant filed the departmental appeal on the following grounds.

GROUND:

- A) That the impugned order dated 04.01.2018 is against the law, rules and material on record, therefore not tenable and liable to be set aside.

ATTACHED

[Handwritten signature]

ATTACHED

- B) That the inquiry proceeding was not conducted according to the prescribed procedure as the appellant was not provided proper chance of defence because neither any statement of witnesses was recorded in the presence of appellant nor any chance of cross examine of the witnesses was provided to the appellant, which is clear violation of law, rules and inquiry proceeding.
- C) That no opportunity of personal hearing was provided to the appellant before imposing the penalty, which means that the appellant was condemned unheard which is not permissible under the law.
- D) That even show cause notice was not issued to the appellant before imposing the penalty, which is the violation of law and rules.
- E) The penalty of stoppage of two annual increments without accumulative effect has been imposed upon the appellant without specification of time period, which is violation of basic E&D Rules 2011.
- F) That the appellant has been condemned unheard and has not been treated according to law and rules.

It is therefore, most humbly requested that on the acceptance of this departmental appeal impugned order dated 04.01.2018 may be set aside and restore the two annual increments of the appellant with all back and consequential benefits.

Date: 25.01.2018.

M. Usman

Appellant
 Muhammad Usman Awan, Junior Clerk,
 Office of Assistant Agricultural Engineer,
 Chitral

Cell No. 0333-9279377

ATTESTED

F-11

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2018

Mr. Muhammad Usman, Junior Clerk (BPS-11),
O/O Assistant Agriculture Engineer, Chitral.

..... APPELLANT

VERSUS

- 1- The Secretary Agriculture Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director Agriculture Engineering, Tarnab Khyber Pakhtunkhwa, Peshawar.

..... RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ORDER DATED 04.01.2018
WHEREBY MINOR OF PENALTIES OF STOPPAGE TWO
ANNUAL INCREMENTS AND WARNING/CENSURE WERE
IMPOSED ON THE APPELLANT AND AGAINST NOT
TAKING ACTION ON THE DEPARTMENTAL APPEAL OF
THE APPELLANT WITHIN THE STATUTORY PERIOD OF
NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 04.01.2018 may very kindly be set aside and the respondents may be directed to restore/release the two annual increments of the appellant with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

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

That appellant is serving the respondent Department as Junior Clerk in the respondent Department. That right from appointment the appellant is serving the respondent Department quite efficiently and up to the entire satisfaction of his superiors.

- 2- That during service as Junior Clerk in the respondent Department a complaint was lodged against the appellant on the basis of some baseless allegations. That due to the above mentioned complaint the

respondent No.2 without conducting fact finding inquiry straight away initiated one sided Departmental inquiry against the appellant. Copy of the inquiry is attached as annexure.....A.

3- That during the pendency of Departmental inquiry the appellant was transferred and posted as Junior Clerk in office of the Assistant Agriculture Engineer, Chitral vide order dated 26.10.2017. Copy of the order dated 26.10.2017 is attached as annexure..... B.

4- That in the above mentioned one sided Departmental inquiry the appellant was recommended for minor penalty of stoppage of two annual without accumulative along with another minor punishment of censure. Copy of the inquiry report is attached as annexure C.

5- That on the basis of the said recommendation of the one sided Departmental inquiry the respondent No.2 issued the impugned order dated 4.1.2018 in utter disregard of law and rules. Copy of the impugned order is attached as annexure D.

6- That feeling aggrieved from the impugned order dated 04.01.2018 the appellant preferred Departmental appeal before the respondent No.1 on 25.1.2018 which was properly forwarded but no reply has been received so far. Copies of the Departmental appeal and forwarding letters are attached as annexure..... E & F.

7- That appellant having no other remedy but to file the instant service appeal before this august Tribunal on the following grounds amongst the others.

GROUND:

A- That the impugned order dated 04.01.2018 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

B- That appellant has not been treated by the respondent Department in accordance with law and rules and the subject noted above and as such the respondents violated Article-4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

C- That appellant has been punished on the basis of a baseless complaint which has not been inquired by the respondents through proper legal procedure.

D- That no charge sheet and statement of allegation has been issued to the appellant by the respondent No.2 before issuing the impugned order dated 04.01.2018.

ATTESTED

- E- That no show cause notice has been served by the respondents on the appellant before issuing the impugned order dated 4.1.2018 against the appellant.
- F- That no opportunity of personal hearing/defense has been given to the appellant before issuing the impugned order dated 04.01.2018.
- G- That the complainant has not been cross examined by the respondents and as such the respondents violated E&D Rules 2011.
- H- That no regular inquiry has been conducted in the matter of the appellant which is as per Supreme Court judgments is necessary punitive actions against the Civil Servants.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 21.5.2018

APPELLANT

M. Usman

MUHAMMAD USMAN

THROUGH:

N. Muhammad Khattak
NOOR MOHAMMAD KHATTAK

M. Maaz Madni
**MUHAMMAD MAAZ MADNI
ADVOCATES**

ATTESTED

G-14

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 703/2018

Date of institution ... 23.05.2018
Date of judgment ... 30.04.2019



Muhammad Usman, Junior Clerk (BPS-11),
O/O Assistant Agriculture Engineer, Chitral

... (Appellant)

VERSUS

1. The Secretary Agriculture Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director Agriculture Engineering, Tarnab Khyber Pakhtunkhwa, Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 04.01.2018 WHEREBY MINOR PENALTIES OF STOPPAGE OF TWO ANNUAL INCREMENTS AND WARNING/CENSURE WERE IMPOSED ON THE APPELLANT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

M. Amin
30.04.2019

Mr. Noor Muhammad Khattak, Advocate. .. For appellant.
Mr. Riaz Ahmad Paindakheil, Assistant Advocate General .. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. AHMAD HASSAN .. MEMBER (EXECUTIVE)

ATTESTED JUDGMENT

M. Amin
30.04.2019

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the

appellant present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General
alongwith Mr. Muhammad Nawaz, Assistant Agriculture Engineer for the
respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant
is serving as Junior Clerk in Agriculture Department. He was imposed minor
penalties of stoppage of two annual increments without accumulative effect and

ATTESTED

warning to be careful in future vide order dated 04.01.2018 on the allegation of misconduct. The appellant filed departmental appeal on 25.01.2018 which was not responded hence, the present service appeal.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant is serving in Agriculture Department as Junior Clerk. It was further contended that the appellant was imposed aforesaid minor penalties of stoppage of two annual increments and warning on the allegation of misconduct. It was further contended that the competent authority was required to mention specific period under FR-29 for stoppage of annual increments but he has not specified any period and has violated the provision of FR-29. It was further contended that neither charge sheet, statement of allegation was framed or served upon the appellant nor proper regular inquiry was conducted nor any final show-cause notice was issued to the appellant therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside.

5. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant is serving in Agriculture Department. It was further contended that the appellant was charged for smoking in public place as well as harassment of female officers therefore, inquiry committee was constituted to conduct inquiry against the appellant and the inquiry committee submitted inquiry report dated 21.12.2017, recommended the appellant for the aforesaid penalties and accordingly the competent authority has imposed minor penalties of stoppage of two annual increments and warning to be careful in future therefore, it was contended that the appellant was imposed aforesaid penalties after fulfilling all the codal formalities and prayed for dismissal of appeal.

ATTESTED

AC Amm
11.30.4.2019

16

6. Perusal of the record reveals that the appellant is serving in Agriculture Department as Junior Clerk. He was imposed aforesaid penalties on the allegation of misconduct on the basis of only fact finding inquiry but neither charge sheet, statement of allegation was framed or served upon the appellant nor proper regular inquiry was conducted nor any final show-cause notice alongwith copy of inquiry was issued to the appellant nor opportunity of personal hearing and defence was provided to the appellant. Meaning thereby that a proper regular inquiry was not conducted before ~~imposed~~ ^{imposing on} the aforesaid penalties therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order and direct the respondent-department to conduct de-novo inquiry in the mode and manner prescribed by Government Servants (Efficiency & Disciplinary) Rules, 2011 including framing of charge sheet, statement of allegation, issuing of final show-cause notice alongwith copy of inquiry report providing opportunity of personal hearing and defence to the appellant and thereafter, pass order deem appropriate. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
30.04.2019

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Ahmad Hassan
(AHMAD HASSAN)
MEMBER

Certified to be true copy
[Signature]
Secretary
Faisalabad

Date of Presentation 15-5-19
 Number of Vols 1200
 Copying Fee 5-
 Weight 2-
 Total 10-
 Name of Copy [Signature]
 Date of Completion of Copy 15-5-19
 Date of Delivery of Copy 15-5-19

ATTESTED

H- (7)

CHARGE SHEET.

In pursuance of the august Khyber Pakhtunkhwa Services Tribunal Judgment dated 30.04.2019 in appeal No.703/2018 titled Muhammad Usman Junior Clerk VS Government of Khyber Pakhtunkhwa, I, Engr. Mahmood Jan, Director, Agricultural Engineering Khyber Pakhtunkhwa as competent authority, hereby charge you, (Mr. Muhammad Usman, Junior Clerk office of the Assistant Agricultural Engineer, Tarnab Peshawar) as follows:-

That you, while you performing of his duty when posted in office of undersigned the following irregularities;

- 1) *Smoking in public area.*
 - 2) *Harassment of Female Office.*
 - 3) *Insulting of an Officer.*
1. By reason of the above, you appear to be guilty of inefficient you under rule 3 (b) of 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
 2. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Inquiry Committee, as the case may be.
 3. Your written defense, if any, should reach the Inquiry Committee within the specified period, failing which it shall be presumed that you have not defense to put in and in that case ex-parte action shall be taken against you.
 4. Intimate whether you desire to be heard in person.
 5. A statement of allegations is enclosed.

SD/-(ENGR: MAHMOOD JAN)

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

Endst: No. 9482-88 /DAE/Estt: 9/84

dated Tarnab, the 08 / 07 2019

Copy forwarded to:

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar with reference to his office letter No.987/ST dated 22.05.2019 for information.
 2. Engr. Naseem Javed, Deputy Director, Planning, Agricultural Engineer, Kohat;
 3. Engr. Nazeer Abbas, Assistant Agricultural Engineer, Tarnab Peshawar;
 4. Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
 5. Engr. Kalsoom Rehman, Assistant Agricultural Engineer of this office;
 6. The Assistant Agricultural Engineer, Tarnab Peshawar;
 7. Mr. Muhammad Usman, Junior Clerk in office of the Assistant Agricultural Engineer Tarnab Peshawar;
- for information and necessary action please.

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

ATTESTED

(18)

DISCIPLINARY ACTION

I, Engr. Mahmood Jan, Director, Agricultural Engineering Khyber Pakhtunkhwa as competent authority, am of the opinion that Mr. Muhammad Usman, Junior Clerk office of the Assistant Agricultural Engineer, Tarnab Peshawar when he performing of his duty in office of the undersigned, has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS.

- 1) *Smoking in public area.*
 - 2) *Harassment of Female Office.*
 - 3) *Insulting of an Officer.*
1. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry committee consisting of the following Officers is constituted under rule 10 (1) (a) of the ibid rules.

1.	Engr. Naseem Javed, Deputy Director, Planning, Agricultural Engineer, Kohat.	Chairman
2.	Engr. Nazeer Abbas, Assistant Agricultural Engineer, Tarnab Peshawar.	Member
3.	Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra.	Member

2. The Inquiry Committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused of hearing to the accused, record its finding and make, within thirty days of the receipt of this order, recommendations for punishment or other appropriate action against the accused as per Judgment dated 30.04.2019 of the august Khyber Pakhtunkhwa Services Tribunal in appeal No.703/2018 titled Muhammad Usman Junior Clerk VS Government of Khyber Pakhtunkhwa.
3. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Committee.

SD/-(ENGR: MAHMOOD JAN)

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

Endst: No. 9475-81 /DAE/Estt: 9/84 dated Tarnab, the 08/07 2019

Copy of the above is forwarded to:-

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar with reference to his office letter No.987/ST dated 22.05.2019 for information.
2. Engr. Naseem Javed, Deputy Director, Planning, Agricultural Engineer, Kohat;
3. Engr. Nazeer Abbas, Assistant Agricultural Engineer, Tarnab Peshawar;
4. Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
5. Engr. Kalsoom Rehman, Assistant Agricultural Engineer of this office;
6. The Assistant Agricultural Engineer, Tarnab Peshawar;
7. Mr. Muhammad Usman, Junior Clerk in office of the Assistant Agricultural Engineer Tarnab Peshawar;

for information and necessary action please.

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

ATTESTED

حوالہ جمعہ 88-9482 مورخہ 19/9/81 وصول ہونے پر بیان ملتا ہے کہ پرنٹنگ پریسوں کو جاریہ
 ٹیسٹ میں لگانے کے الزامات سراسر غلط، بے بنیاد اور جھوٹ پر مبنی ہیں۔ من سائل
 پر جرم کرنا تو دور کی بات ہے سوچ بھی نہیں سکتا من سائل کی تقریباً 15 سوال
 سروس سیکورٹی کے جو کہ انتہائی محنت و ایجا نڈری کے ساتھ تو ساتھ ہی بے جا پتہ دیا اور
 ملاحظہ فرمائیں۔ جس دن ماہر واقعہ کے کل دن من سائل اپنے آفس روم میں
 جمع سے موجود ہی نہیں تھا بلکہ پورا دن ریموٹ روم میں جہاں علیحدہ ممبر (P.A) صاحب
 حنف خان (P.A) شہزاد خان (P.A) و دیگر کے ساتھ پورا دن ریموٹ رہا تھا۔
 حنف صاحب کلثوم نے جب شہادت تو بندہ وہاں موجود نہیں تھا جس کے گواہ مذکورہ
 بالا متذکرہ ہے۔ زین العابدین سنیر ملک نے مجھے آکر کہا کہ رفاقت کہتا ہے کہ
 میڈم نے کہا ہے کہ یہاں کسی نے سنٹر بیٹھی ہے اور وہ تمہارا نام لے رہے ہیں
 میں نے کہا کھالی میں نظر پیاں پھریں اور جھج سے پھریں۔ زین العابدین نے مجھے کہا کہ
 رفاقت سے جا کر پوچھ لو۔ جب میں رفاقت (P.A) کے پاس گیا تو میڈم
 کلثوم بھی وہیں بیٹھی تھی۔ میں نے بنیاد احترام سے پوچھا کہ میڈم میں تو گھر میں
 موجود ہی نہیں تھا آپ میرا نام کیوں لیتی ہیں " تو میڈم صاحبہ نے یہ الفاظ کہے کہ ہمیں تم سے
 بات نہیں کرنا چاہتی " اور آٹو کر کے سے اپنے آفس چلی گئی اس کے علاوہ میری
 ان سے کوئی بات نہیں ہوئی ہے رفاقت (P.A) اس بات کا گواہ ہے

- ① کیا یہ فراسمنڈ ہے ؟
- ② کیا یہ انسلٹ ہے ؟

جنا عالی۔ میرا تعلق ایک عزت دار گھرانے سے ہے اور ہم خواتین کی عزت کرتے ہیں میرے اوپر
 لگانے کے الزامات سراسر غلط ہے اور تعصب پر مبنی ہے جو کہ میڈم کلثوم میرے ساتھ
 رکھتی ہے اور اسکی ایک مقولہ وجہ بھی ہے۔ P.T.O

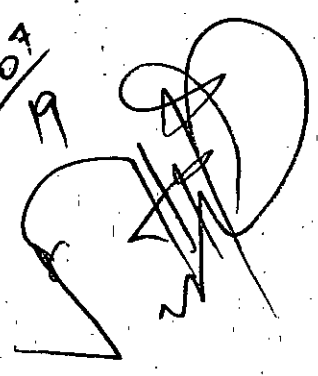
یہ ہے کہ اس واقعے سے کچھ دن پہلے میڈم کلثوم نے خون کرتے اپنے شوہر اور صحراہ
 عزیزوں کو دفتر بلا یا اور ڈیوٹی پر معذور اسٹنڈ ریڈنگ لیکچر ایجنس کو آکر دیکھنا کہ کیا ہوا ہے
 نے زخمی ہوا۔ جس پر تمام دفتر کافی خفا تھا اور میں نے محبت صدر ایچ اے اے اے اے اے اے
 فصل پر افسوس کا اظہار کیا تھا اور مذمت بھی کی تھی۔ جس کا غصہ میڈم کلثوم
 سے اور اس انتقام لینے کیلئے جوٹی سمیت کر کے نا صرف مجھے مالی، جانی بلکہ
 پریشانی اور مصیبت میں مبتلا کیا اور آج تک اپنے الزامات ثابت نہیں کر سکی ہے
 اور نہ ہی کوئی ٹھوس ثبوت ہے ان کے پاس اور انکو ان کی کہیں کے سامنے لاسکی ہے

صبا علی! جو یہ لگا لگا کر الزامات میرے جوٹی کے سوا کچھ نہیں ہے۔ یہی میرا بیان ہے جو کہ حقیقت پر مبنی ہے

محمد عثمان (جوٹی ہارڈ کوریج مینجر)

خوف 2019-07-11

Received
12/07/19



RECEIVED

SHOW CAUSE NOTICE.

J-(21)

I, Engr. Mahmood Jan, Director, Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab Peshawar as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you Mr. Muhammad Usman, Junior Clerk office of the Assistant Agricultural Engineer, Tarnab Peshawar.

1. i. *That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given opportunity of hearing vide communication letter No. 9482-88/DAE/Estt: 9/84 dated 08.07.2019.*
- ii. *Ongoing through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the inquiry committee.*

I am satisfied that you have committed the following acts/omissions specified in rule-3 of the said rules;

- a. **Smoking in public area.**
- b. **Harassment of Female Office.**
- c. **Insulting of an Officer.**

2. As a result thereof, I, as competent authority, have tentatively decided to impost upon you the following penalties under rule-4 of the said rules.
 - i. Stoppage of Two Annual Increments.
 - ii. Be careful in future.
3. You are, therefore, required to show cause as to why the aforesaid penalties should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
5. A copy of the findings of the inquiry committee is enclosed.

SD/-(ENGR: MAHMOOD JAN)

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

Endst: No. 11286-92/DAE/Estt: 9/84 dated Tarnab, the 06/09 2019
Copy forwarded to:

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar with reference to his office letter No.987/ST dated 22.05.2019 for information.
2. Engr. Naseem Javed, Agricultural Engineer, Kohat;
3. Engr. Nazeer Abbas, Assistant Agricultural Engineer, Tarnab Peshawar;
4. Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
For information with reference to their inquiry report received vide letter No.309/AE dated 29.08.2019.
5. Engr. Kalsoom Rehman, Assistant Agricultural Engineer of this office;
6. The Assistant Agricultural Engineer, Tarnab Peshawar;
7. Mr. Muhammad Usman, Junior Clerk in office of the Assistant Agricultural Engineer Tarnab Peshawar;
for information and necessary action please.

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa; Tarnab, Peshawar

ATTESTED

OFFICE ORDER

K (22)

In pursuance of the august Khyber Pakhtunkhwa Services Tribunal Judgment dated 30.04.2019 in appeal No.703/2018 titled Muhammad Usman, Junior Clerk VS Government of Khyber Pakhtunkhwa, Inquiry Committee was constituted vide office order No.9475-81/DAE/Estt: 9/84 dated 08.07.2019 to inquire into the charge of misconduct leveled against him, as per rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. The Committee submitted a report wherein Mr. Muhammad Usman, Junior Clerk was found guilty of charges against him. The finding and recommendation of the Committee is reproduced below:-

A. FINDINGS

1. Mr. Muhammad Usman claimed in court that opportunity of personal hearing and defense was not provided to him during previous inquiry which is totally wrong because copy of his written statement is attached as Annexure-C this shows his dishonest behavior.
2. Both written statements of Mr. Muhammad Usman contradict, which clearly shows he's lying.
3. At the time of complaint Mr. Muhammad Usman was not present at his office.
4. Keeping in view harassment act, 2010, the personal harassment of female officer Engr. Kalsoom Rehman was not involved.

B. RECOMMENDATION.

1. The two annual increments of Mr. Muhammad Usman must be stopped, as already decided by the previous inquiry committee vide Director, Agricultural Engineering, Khyber Pakhtunkhwa Tarnab Peshawar letter No. 9039/DAE/Estt: dated 02.12.2017.
2. In future he shall be careful, otherwise strict disciplinary action will be initiated against him as per E & D rules, 2011.

In light of the findings and recommendations mentioned above of the Inquiry Committee, the undersigned is pleased to impose the previous penalties issued vide this office order No. 450-57/DAE/Estt: 3/19 dated 04.01.2018 as per E&D Rules-2011. The services of above named official are hereby re-instated from the date of suspension.

SD/-(ENGR MAHMOOD JAN BABAR)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

Endst: No. 11814-20 /DAE/Estt: 9/84 dated Tarnab, the 25/09 2019
Copy forwarded to:

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar with reference to his office letter No.987/ST dated 22.05.2019 for information.
2. Engr. Naseem Javed, Deputy Director, Planning/Agricultural Engineer, Kohat;
3. Engr. Nazeer Abbas, Assistant Agricultural Engineer, Tarnab Peshawar;
4. Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
For information with reference to their Inquiry report received vide letter No. 309/AE Kohat dated 29.08.2019.
5. Engr. Kalsoom Rehman, Assistant Agricultural Engineer of this office.
6. The Assistant Agricultural Engineer, Tarnab Peshawar for information and necessary action.
7. Mr. Muhammad Usman, Junior Clerk in office of the Assistant Agricultural Engineer Tarnab Peshawar.

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa; Tarnab, Peshawar

ATTESTED

To,

The Secretary Agriculture Department
Khyber Pakhtunkhwa, Peshawar.

D.No. 7964
→ Army
22/10/19
L-(23)

**Subject: DEPARTMENTAL APPEAL AGAINST IMPUGNED ORDER
DATED 25.09.2019, WHEREBY PENALTY OF STOPPAGE OF
TWO ANNUAL INCREMENT HAS BEEN MAINTAINED
ALONG WITH CERTAIN WARNINGS.**

Respected Sir,

With due respect it is stated that I am serving in your good self Department as Junior Clerk (BPS-11) and right from my 1st appointment I am serving the Department quite efficiently and up to the entire satisfaction of my superiors. During service some baseless and concocted allegation has been leveled against me that of harassment, smoking and scorning of the Officer. That due to aforementioned reasons the concerned authority imposed penalty of stoppage of two annual increment against which I filed Departmental appeal before your good self followed by service appeal No.703/2018 before the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar and the same was decided in my favor dated 30.04.2019 with the directions to the concerned authority to conduct De-novo inquiry in the matter. That after receiving attested copy of the judgment dated 30.04.2019 I was submitted the same before the concerned authority and the concerned authority issued charge sheet and statement of allegation to me on 08.07.2019 in light of the judgment passed by the Honorable Service Tribunal. That I have submitted detail reply of the charge sheet and statement of allegation on 12.07.2019 and denied all the allegations leveled against me. Then after the concerned authority issued show cause notice dated 06.09.2019 and I have also submitted reply of the said show cause notice and denied the allegations which were leveled against me. That no inquiry has been conducted by the concerned authority in the mode and manner for which the concerned authority was directed by the Honorable Service Tribunal in judgment dated 30.04.2019. That no opportunity of personal hearing was provided to me and straight away the concerned authority awarded the previous punishment i.e. stoppage of two annual increment and warning/censure were imposed on me in violation of the judgment dated 30.04.2019 as well as in violation of the prescribed law and rules.

It is therefore most humbly requested that on the acceptance of this Departmental appeal the impugned order dated 25.09.2019 may very kindly be set aside and the two annual increment be restored with all back benefits. Any other remedy which your good self deems fit may also be awarded in the favor of me.

Dated: 22/10/2019.

Applicant

M. Usman
22/10/19

Muhammad Usman
Junior Clerk (BPS-11)
O/O Assistant Agriculture Engineer, Tarnab

VAKALATNAMA

Before the KP Service Tribunal, Peshawar

_____ OF 2020

Muhammad Usman

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Agriculture Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Muhammad Usman

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2020



CLIENT


ACCEPTED
NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

KAMRAN KHAN

&


MIR ZAMAN SAFI
ADVOCATES

OFFICE:

Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 1086/2020

Muhammad Usman, Junior Clerk (BPS-11), O/O Assistant Agriculture Engineer, Tarnab.

APPELLANT

Versus

1. The Secretary Agriculture Department, Khyber Pakhtunkhwa, Peshawar
2. The Director, Agriculture Engineering, Tarnab Khyber Pakhtunkhwa Peshawar

RESPONDENTS

INDEX

S.No	DESCRIPTION	PAGE
1.	Reply to the appeal	1-3
2.	Affidavit	4
3.	Annexure: A	5
4.	Annexure: B	6
5.	Annexure; C	7
6.	Annexure: D	8-10
7.	Annexure: E	11-13
8.	Annexure: F	14
9.	Annexure: G	15-17
10.	Annexure: H	18
11.	Annexure: J	19
12.	Annexure: K	20
13.	Annexure: L	21-22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL NO. 1086/2020

Muhammad Usman, Junior Clerk (BPS-11), O/O Assistant Agriculture Engineer, Tarnab.

APPELLANT

Versus

1. The Secretary Agriculture Department, Khyber Pakhtunkhwa, Peshawar
2. The Director, Agriculture Engineering, Tarnab Khyber Pakhtunkhwa Peshawar

RESPONDENTS

Para-wise comments on behalf of respondents No.1 and 2

PRELIMINARY OBJECTIONS

1. That the petitioners have got no locus standi to file this appeal therefore the appeal is liable to rejection with cost.
2. The appellant has no cause of action and locus standi.
3. That petition is pre-mature.
4. The appeal is not maintainable in its present form as it is based on malafide intentions.
5. The appellant is estopped by his own conduct, to bring the present appeal.
6. The instant appeal is incorrect, due to misjoinder and non joinder of parties.

ON FACTS; -

1. The para is correct to extent of serving of appellant in respondents department rest of the para is denied for want of satisfactory performance.
2. The para is correct to the extent of lodging of complaint but it was not baseless, because the complaint was lodged by a Female Officer in Directorate of Agricultural Engineering Department against the appellant on the basis of **rude behaviour/ harassment, (Annexure-A)**.
3. Para is correct to the extent that the appellant was transferred to the office of Assistant Agricultural Engineer, Chitral by the Competent Authority on administrative grounds and now transferred back to office of the Assistant Agricultural Engineer, Tarnab Peshawar within 03 months vide office order No. 866-72/DAE/Estt: 3/2 dated 22.01.2018 **(Annexure-B)**.

4. Para is incorrect to the extent that as per recommendations of the Inquiry Committee a minor penalty of only stoppage of two annual increments has been imposed upon him vide office order No. 450-57/DAE/Estt: 9/84 dated 04.01.2018 (Annexure-C).
5. Same as mentioned in Para-4 above of the Fact
6. Correct to the extent in pursuance of the judgment dated 30.04.2019 (Annexure-D) of Khyber Pakhtunkhwa, Service Tribunal, Peshawar in the Service Appeal No. 703/2018 filed by the above-named appellant which is reproduced below: -

"6. Perusal of the record reveals that the appellant is serving in Agriculture Department as Junior. He was imposed aforesaid penalties on the allegation of misconduct on the basis of only fact-finding inquiry but neither charge sheet, statement of allegation was framed or served upon the appellant nor proper regular enquiry was conducted nor any final show-cause notice along with copy of inquiry was issued to the appellant nor opportunity of personal hearing and defence was provided to the appellant. Meaning thereby that a proper regular inquiry was not conducted before imposing the aforesaid penalties therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order and direct the respondent-department to conduct de-novo inquiry in the mode and manner prescribed by Government Servants (Efficiency & Disciplinary) Rules, 2011 including framing of charge sheet, statement of allegation, issuing of final show-cause notice along with copy of inquiry report providing opportunity of personal hearing and defence to the appellant and thereafter, pass order deem appropriate. Parties are left to bear their own costs. File be consigned to the record room."

The Competent Authority constituted an Inquiry Committee including a Female Member as per Protection against Harassment of Woman at the Workplace Act, 2010 to conduct de-novo inquiry under E&D Rules, 2011 vide office order No. 9460/DAE/Estt: 9/84 dated 08.07.2019 (Annexure-E) as well proper charge sheet, statement of allegation was served upon him accordingly vide office order No. 9482-88/DAE/Estt: 9/84 dated 08.07.2019 and No. 9425-81/DAE/Estt: 9/84 dated 08.07.2019 and No. 9467-74/DAE/Estt: 9/84 dated 08.07.2019 (Annexure-F). The inquiry committee submitted its report vide letter No. 309/AE/Estt: dated 29.08.2019 (Annexure-G). The committee recommended that: -

"The Two annual increments of Mr. Muhammad Usman must be stopped, as already decided by the previous Inquiry Committee vide Director, Agricultural Engineering, Khyber Pakhtunkhwa letter No. 9039/DAE/Estt; dated 02.12.2017.

In future he shall be careful, otherwise strict disciplinary action will be initiated against him as per E&D rules, 2011"

The competent authority issued show cause notice to the appellant vide office order No. 11286-92/DAE/Estt; 9/84 dated 06.09.2019 (Annexure-H), the competent authority has not been satisfied with the reply of the appellant and the penalty have been imposed as recommended by the Inquiry Committee mentioned above vide office order No. 11814-20/DAE/Estt: 9/84 dated 25.09.2019 (Annexure-J).

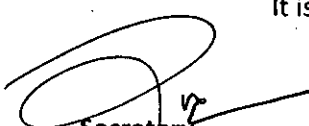
The Competent authority also giving opportunity to defend him regarding issuance of final show cause notice to the appellant vide office order No. 11286-92/DAE/Estt; 9/84 dated 06.09.2019, the competent authority has not been satisfied with the reply of the appellant thereafter, the penalties have been imposed as recommended by the Inquiry Committee mentioned above vide office order No. 11814-20/DAE/Estt: 9/84 dated 25.09.2019 (Annexure-K).

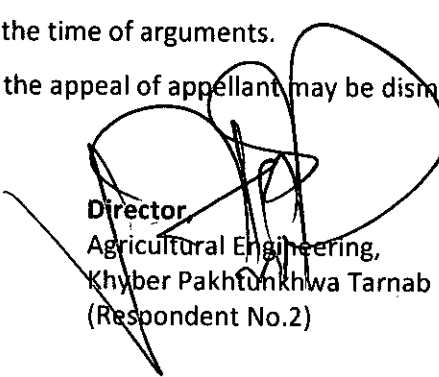
7. Para is incorrect the same mentioned in Para-06 above of the facts.
8. Para is incorrect to the extent that proper inquiry has been conducted same as mentioned in Para-6 above of the facts.
9. Para is incorrect to the extent that the reply of the departmental appeal has been given to the appellant vide Director, Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab Peshawar office Endst: No. 14553-59/DAE/Estt: 9/84 dated 16.12.2019 addressed to the Government of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperation Department (**Annexure-4**)

GROUND.

- A. The para is incorrect order dated 25.09.2019 is passed in accordance with law as mentioned in Para-6 above, as per E&D Rules, 2011 as well proper sheet, statement of allegation was served upon him accordingly.
- B. The para is incorrect hence denied. The appellant was offered full opportunity and he was treated in accordance with law.
- C. The para is incorrect same as mentioned in Para-6 above of the facts.
- D. The para is incorrect same as mentioned in Para-6 above of the facts.
- E. The para is incorrect same as mentioned in Para-6 above of the facts as proper procedure have been adopted as per directions of the Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
- F. The para is incorrect same as mentioned in Para-6 above of the facts as full opportunity has been given to the appellant.
- G. The para is incorrect order dated 25.09.2019 is passed in accordance with law as mentioned in Para-6 as per E&D Rules, 2011 as well proper sheet, statement of allegation was served upon him accordingly.
- H. The other grounds may be agitated at the time of arguments.

It is therefore prayed that the appeal of appellant may be dismissed with cost.


Secretary,
Government of Khyber Pakhtunkhwa;
Agriculture, Livestock & Cooperation
Department, Peshawar
(Respondent No.1)


Director
Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab Peshawar
(Respondent No.2)

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

APPEAL NO. 1086/2020

Muhammad Usman, Junior Clerk (BPS-11), O/O Assistant Agriculture Engineer, Chitral <p align="center">APPELLANT</p>	<p align="center">Versus</p>	1. Secretary Agriculture Department, Khyber Pakhtunkhwa, Peshawar 2. Director, Agriculture Engineering, Tarnab Khyber Pakhtunkhwa Peshawar <p align="center">RESPONDENTS</p>
---	------------------------------	--

AFFIDAVIT

I, Mr. Ibrar Ul Wahab, Assistant in Directorate of Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab Peshawar, do hereby solemnly affirm and declare that the contents of accompanying Para Wise Comments submitted by Respondents No. 01 and 02 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

DEPONENT

17201-2141170-9

Identified by

www.agriengineering.kp.gov.pk

**DIRECTORATE OF AGRICULTURAL ENGINEERING,
KHYBER PAKHTUNKHWA, TARNAB, PESHAWAR**



☒ G.T. Road, Tarnab Peshawar ☎ & ☎ 091-2964063

E-mail dae.pktarnab@gmail.com

No. _____ /DAE/Dev/

Dated Tarnab the 25/10/2017

To,

The Director,
Agriculture Engineering Department
Khyber Pakhtunkhwa, Peshawar.

Subject: COMPLAINT AGAINST RUDE BEHAVIOR/ HARASMENT BY JUNIOR CLERK.

Memo:

There was extremely bad smell of smoking around the undersigned office as your good self knows that smoking is prohibited in the public place. The undersigned only complained about smoking adjacent to her room and did not mention any name while just ask Mr. Fafaqat (PA to Director) that who is smoking. Mr. Razaqat asked Zain ul Abaideen (Junior Clerk) to do not smoke near to the undersigned office, while he may go to some open area for smoking. Zain ul abideen further then told Usman not to smoke near to the undersigned office. The junior clerk Usman started shouting and came to the undersigned while she was attending an official call and started arguing by using rude and ill words. The undersigned asked him to stop arguing and shouting. The undersigned came to her own room but Usman did not stop shouting and he was saying outside the undersigned office that "I will continue smoking and even drinking and no one can stop him from doing so". Mr. Razaqat is the eye witness of all above happening.

Submitted for your kind perusal and further necessary action please.

Kalsoom
Assistant Agriculture Engineer (H/Q)
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab
Peshawar

ATTESTED

[Signature]
ASSISTANT
Directorate of Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab Peshawar

OFFICE ORDER

The following Junior Clerks of this Department is hereby transferred/posted from and to the offices as noted against each in the interest of public service with immediate effect:-

S. No.	Name & Designation	From	To
1.	Mr. Ihsan Shahzad, Junior Clerk	Office of the Assistant Agricultural Engineer, Tarnab Peshawar	Office of the Director, Agricultural Engineering, Khyber Pakhtunkhwa Tarnab Peshawar against the vacant post.
2.	Mr. Muhammad Usman, Junior Clerk	Office of the Assistant Agricultural Engineer, Chitral.	Office of the Assistant Agricultural Engineer, Tarnab Peshawar vice S. No. 1 above.

SD/ (ENGR: MAHMOOD JAN BABAR)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab, Peshawar.

Endst: No. 866-72 /DAE/Estt:/ dated Tarnab, the 21/1 /2018.

Copy forwarded to the:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar;
2. The District Account officer, Chitral;
3. The Assistant Agricultural Engineer, Chitral;
4. The Assistant Agricultural Engineer, Tarnab Peshawar;
5. The Accountant of this office;
6. The above named officials.

for information and necessary action.

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab, Peshawar

ATTESTED

D:\Establishment Ibran\Office Orders\OFFICE ORDE (Transfer) 2.doc

ASSISTANT
Directorate of Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab Peshawar

565
9

OFFICE ORDER

Whereas Engr. Kalsoom Rehman, Assistant Agricultural Engineer (HQ) Tarnab Peshawar has filed a complaint against Mr. Muhammad Usman, Junior Clerk in office of the undersigned now posted in office of the Assistant Agricultural Engineer, Chitral, regarding smoking in public area, harassment of Female Officer and insulting of an Officer. In this regards inquiry committee was constituted vide office order No:6943-48/DAE/Estt: 3/68 dated 30.10.2017 to inquire into the charge of misconduct leveled against him. The Committee submitted a report wherein the above named Junior Clerk was found guilty of charges against him. The Committee forwarded the following recommendations.

- i. Stoppage of Two Annual Increment, without accumulation effect and
- ii. Warn to be careful in future.

Now therefore, in light of the above recommendation of inquiry committee report the undersigned is pleased to impose the above penalties as required under E&D Rules-2011.

SD/(E)GR MAHMOOD JAN
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

Endst: No. 450-57 /DAE/Estt: 3/19/

dated Tarnab, the 04/01/2018

Copy of the above is forwarded to:-

1. Engr. Naseem Javed, Deputy Director, Planning Agricultural Engineering Khyber Pakhtunkhwa Tarnab Peshawar;
2. Engr. Nozeer Abbas, Assistant Agricultural Engineer, Swat;
3. Engr. Maria Javed, Assistant Agricultural Engineer, Manshera;
for information with reference to his inquiry report vide letter No.9033 dated 21.12.2017.
4. Engr. Kalsoom Rehman, Assistant Agricultural Engineer, Head Quarter;
5. The Assistant Agricultural Engineer, Chitral;
6. The District Account Officer, Chitral;
for information and necessary action.
7. Mr. Muhammad Usman, Junior Clerk Assistant Agricultural Engineer, Chitral;
8. Personal file in respect of Mr. Muhammad Usman, Junior Clerk;

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

ATTESTED

ASSISTANT

Directorate of Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab Peshawar

03/3/21
02/02/07

E 8

(157) 301
459

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 703/2018

Date of institution ... 23.05.2018
Date of judgment ... 30.04.2019



Muhammad Usman, Junior Clerk (BPS-11),
O/O Assistant Agriculture Engineer, Chitral

... (Appellant)

VERSUS

1. The Secretary Agriculture Department, Khyber Pakhtunkhwa, Peshawar.
2. The Director Agriculture Engineering, Tarnab Khyber Pakhtunkhwa, Peshawar.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDER DATED 04.01.2018 WHEREBY
MINOR PENALTIES OF STOPPAGE OF TWO ANNUAL
INCREMENTS AND WARNING/CENSURE WERE IMPOSED
ON THE APPELLANT AND AGAINST NOT TAKING
ACTION ON THE DEPARTMENTAL APPEAL OF THE
APPELLANT WITHIN THE STATUTORY PERIOD OF
NINETY DAYS.

Mr. Noor Muhammad Khattak, Advocate. ... For appellant.
Mr. Riaz Ahmad Paindakheil, Assistant Advocate General ... For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI ... MEMBER (JUDICIAL)
MR. AHMAD HASSAN ... MEMBER (EXECUTIVE)

ATTESTED

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Counsel for the

appellant present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General
alongwith Mr. Muhammad Nawaz, Assistant Agriculture Engineer for the
respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant
is serving as Junior Clerk in Agriculture Department. He was imposed minor
penalties of stoppage of two annual increments without accumulative effect and

ATTESTED

ASSISTANT
Directorate of Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab Peshawar

08/3/21

warning to be careful in future vide order dated 04.01.2018 on the allegation of misconduct. The appellant filed departmental appeal on 25.01.2018 which was not responded hence, the present service appeal.

3. Respondents were summoned who contested the appeal by filing written reply/comments.

4. Learned counsel for the appellant contended that the appellant is serving in Agriculture Department as Junior Clerk. It was further contended that the appellant was imposed aforesaid minor penalties of stoppage of two annual increments and warning on the allegation of misconduct. It was further contended that the competent authority was required to mention specific period under FR-29 for stoppage of annual increments but he has not specified any period and has violated the provision of FR-29. It was further contended that neither charge sheet, statement of allegation was framed or served upon the appellant nor proper regular inquiry was conducted nor any final show-cause notice was issued to the appellant therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside.

5. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant is serving in Agriculture Department. It was further contended that the appellant was charged for smoking in public place as well as harassment of female officers therefore, inquiry committee was constituted to conduct inquiry against the appellant and the inquiry committee submitted inquiry report dated 21.12.2017, recommended the appellant for the aforesaid penalties and accordingly the competent authority has imposed minor penalties of stoppage of two annual increments and warning to be careful in future therefore, it was contended that the appellant was imposed aforesaid penalties after fulfilling all the codal formalities and prayed for dismissal of appeal.

30.4.2019

ASSISTANT

Directorate of Agricultural Engineering,
Khyber Pakhtunkhwa, Peshawar

3 03/3/21

APPEAL FILED
[Signature]

6. Perusal of the record reveals that the appellant is serving in Agriculture Department as Junior Clerk. He was imposed aforesaid penalties on the allegation of misconduct on the basis of only fact finding inquiry but neither charge sheet, statement of allegation was framed or served upon the appellant nor proper regular inquiry was conducted nor any final show-cause notice alongwith copy of inquiry was issued to the appellant nor opportunity of personal hearing and defence was provided to the appellant. Meaning thereby that a proper regular inquiry was not conducted before ^{imposing on} ~~imposed~~ the aforesaid penalties therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order and direct the respondent-department to conduct de-novo inquiry in the mode and manner prescribed by Government Servants (Efficiency & Disciplinary) Rules, 2011 including framing of charge sheet, statement of allegation, issuing of final show-cause notice alongwith copy of inquiry report providing opportunity of personal hearing and defence to the appellant and thereafter, pass order deem appropriate. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
30.04.2019

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

AHMAD HASSAN
(AHMAD HASSAN)
MEMBER

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation 15-5-19
 Number of Words 1200
 Copying Fee 5
 Urgent 2
 Total 10
 Name of Copy APPEAL
 Date of Copy 15-5-19
 Date of Delivery of Copy 15-5-19

3
03/3/21

ASSISTANT
Directorate of Agricultural Engineering,
Khyber Pakhtunkhwa Peshawar

09/25/19

E 11 549

OFFICE ORDER

In pursuance of the august Khyber Pakhtunkhwa Services Tribunal Judgment dated 30.04.2019 in appeal No 703/2018 titled Muhammad Usman Junior Clerk VS Government of Khyber Pakhtunkhwa, a committee of the following officers is hereby constituted to conduct inquiry of under rule 3 (b) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, to address the complaints regarding the following charges made by Engr. Kalsoom Rehman, Assistant Agricultural Engineer in office of the undersigned as per law mentioned above.

- 1) *Smoking in public area.*
- 2) *Harassment of Female Office.*
- 3) *Insulting of an Officer.*

1.	Engr. Naseem Javed, Deputy Director, Planning, Directorate of Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab Peshawar	Chairman
2.	Engr. Nazeer Abbas, Assistant Agricultural Engineer, Swat.	Member
3.	Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra.	Member

They are directed to furnish the report of their finding alongwith recommendation if any immediately for appropriation action.

SD/-(ENGR MAHMOOD JAN)

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

Endst: No. 9460-66 /DAE/Estt: 9/84

dated Tarnab, the 08/07/2019

Copy of the above alongwith a copy of complaint is forwarded to:-

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar with reference to his office letter No.987/ST dated 22.05.2019 for information.
 2. Engr. Naseem Javed, Deputy Director, Planning, Agricultural Engineer, Kohat;
 3. Engr. Nazeer Abbas, Assistant Agricultural Engineer, Tarnab Peshawar;
 4. Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
 5. Engr. Kalsoom Rehman, Assistant Agricultural Engineer of this office;
 6. The Assistant Agricultural Engineer, Tarnab Peshawar;
 7. Mr. Muhammad Usman, Junior Clerk in office of the Assistant Agricultural Engineer Tarnab Peshawar;
- for information and appropriate action.

~~Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar~~

ATTESTED


ASSISTANT
Directorate of Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab Peshawar

12 SSI

CHARGE SHEET.

In pursuance of the august Khyber Pakhtunkhwa Services Tribunal Judgment dated 30.04.2019 in appeal No.703/2018 titled Muhammad Usman Junior Clerk VS Government of Khyber Pakhtunkhwa, I, Engr. Mahmood Jan, Director, Agricultural Engineering Khyber Pakhtunkhwa as competent authority, hereby charge you, (Mr. Muhammad Usman, Junior Clerk office of the Assistant Agricultural Engineer, Tarnab Peshawar) as follows:-

That you, while you performing of his duty when posted in office of undersigned the following irregularities;

- 1) *Smoking in public area.*
 - 2) *Harassment of Female Office.*
 - 3) *Insulting of an Officer.*
1. By reason of the above, you appear to be guilty of inefficient you under rule 3 (b) of 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.
 2. You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the Inquiry Committee, as the case may be.
 3. Your written defense, if any, should reach the Inquiry Committee within the specified period, failing which it shall be presumed that you have not defense to put in and in that case ex-parte action shall be taken against you.
 4. Intimate whether you desire to be heard in person.
 5. A statement of allegations is enclosed.

SD/-(ENGR: MAHMOOD JAN)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

Endst: No. 9482-88 /DAE/Estt: 9/84

dated Tarnab, the 02/07 2019

Copy forwarded to:

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar with reference to his office letter No.987/ST dated 22.05.2019 for information.
2. Engr. Naseem Javed, Deputy Director, Planning, Agricultural Engineer, Kohat;
3. Engr. Nazeer Abbas, Assistant Agricultural Engineer, Tarnab Peshawar;
4. Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
5. Engr. Kalsoom Rehman, Assistant Agricultural Engineer of this office;
6. The Assistant Agricultural Engineer, Tarnab Peshawar;
7. Mr. Muhammad Usman, Junior Clerk in office of the Assistant Agricultural Engineer Tarnab Peshawar;

for information and necessary action please.

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

ATTESTED

ASSISTANT

Directorate of Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab Peshawar

13 55

DISCIPLINARY ACTION

I, Engr. Mahmood Jan, Director, Agricultural Engineering Khyber Pakhtunkhwa as competent authority, am of the opinion that Mr. Muhammad Usman, Junior Clerk office of the Assistant Agricultural Engineer, Tarnab Peshawar when he performing of his duty in office of the undersigned, has rendered himself liable to be proceeded against, as he committed the following acts/ omissions, within the meaning of rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

STATEMENT OF ALLEGATIONS.

- 1) *Smoking in public area.*
- 2) *Harassment of Female Office.*
- 3) *Insulting of an Officer.*

1. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry committee consisting of the following Officers is constituted under rule 10 (1) (a) of the ibid rules.

1.	Engr. Naseem Javed, Deputy Director, Planning, Agricultural Engineer, Kohat.	Chairman
2.	Engr. Nazeer Abbas, Assistant Agricultural Engineer, Tarnab Peshawar.	Member
3.	Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra.	Member

2. The Inquiry Committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused of hearing to the accused; record its finding and make, within thirty days of the receipt of this order, recommendations for punishment or other appropriate action against the accused as per Judgment dated 30.04.2019 of the august Khyber Pakhtunkhwa Services Tribunal in appeal No.703/2018 titled Muhammad Usman Junior Clerk VS Government of Khyber Pakhtunkhwa.
3. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Committee.

SD/-(ENGR: MAHMOOD JAN)

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

Endst: No. 9475-81 /DAE/Estt: 9/84 dated Tarnab, the 08/07 2019

Copy of the above is forwarded to:-

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar with reference to his office letter No.987/ST dated 22.05.2019 for information.
 2. Engr. Naseem Javed, Deputy Director, Planning, Agricultural Engineer, Kohat;
 3. Engr. Nazeer Abbas, Assistant Agricultural Engineer, Tarnab Peshawar;
 4. Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
 5. Engr. Kalsoom Rehman, Assistant Agricultural Engineer of this office;
 6. The Assistant Agricultural Engineer, Tarnab Peshawar;
 7. Mr. Muhammad Usman, Junior Clerk in office of the Assistant Agricultural Engineer Tarnab Peshawar;
- for information and necessary action please.

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

ATTESTED

ASSISTANT

Directorate of Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab Peshawar

E 14 54

OFFICE ORDER

In pursuance of august Khyber Pakhtunkhwa Services Tribunal Judgment dated 30.04.2019 in appeal No 703/2018 titled Muhammad Usman Junior Clerk VS Government of Khyber Pakhtunkhwa, whereas Mr. Muhammad Usman, Junior Clerk BPS-11 in office of the Assistant Agricultural Engineer Tarnab Peshawar when performing of his duty in office of the undersigned, a complaint received from Engr. Kalsoom Rehman, Assistant Agricultural Engineer of this office as per detail given, the services of above named official is here by suspended for (90) ninety days with immediate effect as per Efficiency and Disciplinary Rules 2011.

- 1) *Smoking in public area.*
- 2) *Harassment of Female Office.*
- 3) *Insulting of an Officer.*

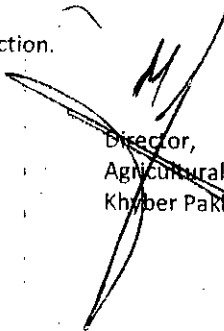
SD/-(ENGR: MAHMOOD JAN)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

Endst: No. 946/14/DAE/Estt: 9/84

dated Tarnab, the 08/07 2019

Copy forwarded to:

1. The Accountant General Khyber Pakhtunkhwa, Peshawar.
2. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar with reference to his office letter No.987/ST dated 22.05.2019 for information.
3. Engr. Naseem Javed, Deputy Director, Planning, Agricultural Engineer, Kohat;
4. Engr. Nazeer Abbas, Assistant Agricultural Engineer, Tarnab Peshawar;
5. Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
6. Engr. Kalsoom Rehman, Assistant Agricultural Engineer of this office;
7. The Assistant Agricultural Engineer, Tarnab Peshawar;
8. Mr. Muhammad Usman, Junior Clerk in office of the Assistant Agricultural Engineer Tarnab Peshawar;
for information and appropriate action.


Director,
Agricultural Engineering,
Khyber Pakhtunkhwa; Tarnab, Peshawar.

ATTESTED


ASSISTANT
Directorate of Agricultural Engineering
Khyber Pakhtunkhwa Tarnab Peshawar

15

493

No. 309 AE / Estt:/

dated Kohat the, 29/08 /2019

To,

The Director,
Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab, Peshawar.

Subject: OFFICE ORDER / INQUIRY REPORT

Reference: Your good office letter No.9460-661/DAE/Estt:/9/84 dated 087/07/2019.

Memo:

Enclosed please find herewith the inquiry report, in light of complaint by Engr. Kalsoom Rehman, Assistant Agricultural Engineer (HQ), Directorate of Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab, Peshawar against Mr. Muhammad Usman, Junior Clerk, for information and further necessary action.


Agricultural Engineer
Kohat

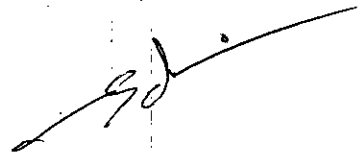
No. _____ AE / Estt:/

dated Kohat the, _____ / _____ /2019

Copy to:-

1. The Assistant Agricultural Engineer, Tarnab Peshawar.
2. The Assistant Agricultural Engineer, Mansehra:-

For information.

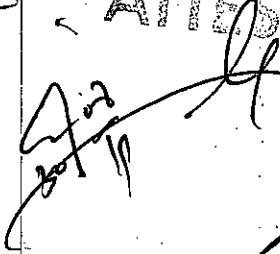

Agricultural Engineer
Kohat

DD/AE/Estt

Director, Agricultural Engineering,
D.W.P., Tarnab Peshawar
Slip No. 9624
Date 30/8/2019

For action as per recommendations
of Committee

ATTESTED


30/8/19

DAE P.
02/08/19
11/05/19

ASSISTANT
Directorate of Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab Peshawar

16

495

INQUIRY REPORT

Background:

The undersigned's have been nominated as inquiry officers vide Director, Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab, Peshawar (DAE) office order No. 9475-8/Estt:9/84 dated Tarnab 8/7/2019 to conduct the inquiry as per judgment dated 30/04/2019 of the august Khyber Pakhtunkhwa Service Tribunal, appeal No.703/2018 titled titlo "Muhammad Usman Junior Clerk Vs Government of Khyber Pakhtunkhwa", regarding complaint (Annexure-A) filed by Engr. Kulsoom Rehman, Assistant Agricultural Engineer, Directorate of Agricultural Engineering Khyber Pakhtunkhwa, Tarnab, Peshawar against Mr. Muhammad Usman, Junior Clerk (J/C) in the same office, now transferred/posted in office of the Assistant Agricultural Engineer, Tarnab.

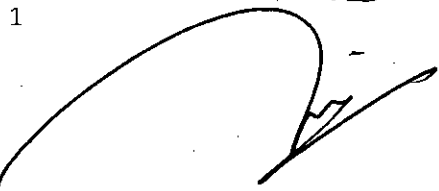
Brief History:

Engr. Kulsoom Rehman filed a complaint against Mr. Muhammad Usman J/C of this department that there was a bad smell of smoking around her office. She asked Mr. Rafaqat (PS to DAE) that "who is smoking around her room?" Mr. Rafaqat asked Mr. Zain Ul Abidin (J/C) who was sitting in adjacent room to her office. Zain Ul Abidin further told Mr. Muhammad Usman not to smoke in my office. Mr. Muhammad Usman started shouting and came to Mr. Rafaqat office while officer was attending official call. Officer warned him to stop shouting and she left the room, but Mr. Muhammad Usman kept shouting outside Engr. Kulsoom Rehman's office. So, an inquiry was ordered to probe into the factual position vide DAE Office order No.6943-48/D/Account:3/68 dated 30/10/2017. Written statements were taken from both complainant and accused. Based on which Mr. Usman was found guilty and minor penalties were imposed on him under E&D rules 2011 vide letter No.450-57/DAE/Estt:3/19 dated Tarnab 04/01/2018. Mr. Usman challenged decision in Khyber Pakhtunkhwa Service Tribunal, Peshawar in which Honorable court ordered to inquire the case under Khyber Pakhtunkhwa Government servants E&D rules 2011. In this regard, inquiry committee was constituted vide DAE office order No. 9475-8/DAE/Estt:9/84 dated Tarnab 08/07/2019.

Proceedings:

The committee visited office of the Assistant Agricultural Engineering, Tarnab, Khyber Pakhtunkhwa, on date 24/07/2019 and 25/07/2019 at 11:00 AM in compliance to Deputy Director

ATTESTED

1


ASSISTANT
Directorate of Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab Peshawar

Handwritten notes and signatures at the bottom left, including "DAE P.", "D.R.", "M.S.P.", and "11/05/19".

17

497

Planning, Agricultural Engineering Khyber Pakhtunkhwa, Tarnab, Peshawar letter no. 281-83/AE/Kohat dated 18/07/2019 and letter No. camp 3-10 Tarnab dated 24/07/2019.

A written Statement of complainant, accused and witnesses was taken/recorded by the committee one by one and attached as Annexure-B.

Findings:

Findings are as follows;

1. Mr. Muhammad Usman claimed in court that opportunity of personal hearing and defense was not provided to him during previous inquiry which is totally wrong because copy of his written statement is attached as Annexure-C this shows his dishonest behavior.
2. Both written statements of Mr. Muhammad Usman contradict, which clearly shows he's lying
3. At the time of complaint Mr. Muhammad Usman was not present at his office.
4. Keeping in view harassment act 2010, the personal harassment of female officer Engr. Kulsoom Rehman was not involved.

Recommendations:

After thorough investigation the committee recommended that;

1. The two annual increments of Mr. Muhammad Usman must be stopped, as already decided by the previous Inquiry Committee vide Director, Agricultural Engineering Khyber Pakhtunkhwa Tarnab Peshawar letter No.9039/DAE/Estt: dated 02/12/2017.
2. In future he shall be careful, otherwise strict disciplinary action will be initiated against him as per E & D rules 2011.

Engr. Maria Javed
Assistant Agricultural Engineer, Mansehra

Engr. Nazeer Abbas
Assistant Agricultural Engineer,
Tarnab Peshawar

Engr. Nasim Javed
Agricultural Engineer, Kohat

ATTESTED

ASSISTANT

Directorate of Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab Peshawar

Handwritten notes and signatures at the bottom left, including 'DAE P.', '0.2', '4.8', and '11/05/19'.

9 H # 18
SHOW CAUSE NOTICE.

I, Engr. Mahmood Jan, Director, Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab Peshawar as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you Mr. Muhammad Usman, Junior Clerk office of the Assistant Agricultural Engineer, Tarnab Peshawar.

1. i. That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you were given opportunity of hearing vide communication letter No. 9482-88/DAE/Estt: 9/84 dated 08.07.2019.
- ii. Ongoing through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the inquiry committee.

I am satisfied that you have committed the following acts/omissions specified in rule-3 of the said rules;

- a. Smoking in public area.
- b. Harassment of Female Office.
- c. Insulting of an Officer.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the following penalties under rule-4 of the said rules.
 - i. Stoppage of Two Annual Increments.
 - ii. Be careful in future.
3. You are, therefore, required to show cause as to why the aforesaid penalties should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
5. A copy of the findings of the inquiry committee is enclosed.

SD/-(ENGR: MAHMOOD JAN)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

Endst: No. 11286-92/DAE/Estt: 9/84 dated Tarnab, the 06/09 2019

Copy forwarded to:

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar with reference to his office letter No.987/ST dated 22.05.2019 for information. f. 465
2. Engr. Naseem Javed, Agricultural Engineer, Kohat;
3. Engr. Nazeer Abbas, Assistant Agricultural Engineer, Tarnab Peshawar;
4. Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
For information with reference to their inquiry report received vide letter No.309/AE dated 29.08.2019. L. 483
5. Engr. Kalsoom Rehman, Assistant Agricultural Engineer of this office;
6. The Assistant Agricultural Engineer, Tarnab Peshawar;
7. Mr. Muhammad Usman, Junior Clerk in office of the Assistant Agricultural Engineer Tarnab Peshawar; for information and necessary action please.

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

30/09/19
06/09

ASSISTANT

Directorate of Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab Peshawar

08/09/19

08/3/21

H-3
19
563

OFFICE ORDER

In pursuance of the august Khyber Pakhtunkhwa Services Tribunal Judgment dated 30.04.2019 in appeal No.703/2018 titled Muhammad Usman, Junior Clerk VS Government of Khyber Pakhtunkhwa, Inquiry Committee was constituted vide office order No.9475-81/DAE/Estt: 9/84 dated 08.07.2019 to inquire into the charge of misconduct leveled against him, as per rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. The Committee submitted a report wherein Mr. Muhammad Usman, Junior Clerk was found guilty of charges against him. The finding and recommendation of the Committee is reproduced below:-

A. FINDINGS

1. Mr. Muhammad Usman claimed in court that opportunity of personal hearing and defense was not provided to him during previous inquiry which is totally wrong because copy of his written statement is attached as Annexure-C this shows his dishonest behavior.
2. Both written statements of Mr. Muhammad Usman contradict, which clearly shows he's lying.
3. At the time of complaint Mr. Muhammad Usman was not present at his office.
4. Keeping in view harassment act, 2010, the personal harassment of female officer Engr. Kalsoom Rehman was not involved.

B. RECOMMENDATION.

1. The two annual increments of Mr. Muhammad Usman must be stopped, as already decided by the previous inquiry committee vide Director, Agricultural Engineering, Khyber Pakhtunkhwa Tarnab Peshawar letter No. 9039/DAE/Estt: dated 02.12.2017.
2. In future he shall be careful, otherwise strict disciplinary action will be initiated against him as per E & D rules, 2011.

In light of the findings and recommendations mentioned above of the Inquiry Committee, the undersigned is pleased to impose the previous penalties issued vide this office order No. 450-57/DAE/Estt: 3/19 dated 04.01.2018 as per E&D Rules-2011. The services of above named official are hereby re-instated from the date of suspension.

SD/-(ENGR MAHMOOD JAN BABAR)

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

Endst: No. 11814-20 /DAE/Estt: 9/84 dated Tarnab, the 25/08 2019
Copy forwarded to:

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar with reference to his office letter No.987/ST dated 22.05.2019 for information.
2. Engr. Naseem Javed, Deputy Director, Planning/Agricultural Engineer, Kohat;
3. Engr. Nazeer Abbas, Assistant Agricultural Engineer, Tarnab Peshawar;
4. Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
For information with reference to their Inquiry report received vide letter No. 309/AE Kohat dated 29.08.2019.
5. Engr. Kalsoom Rehman, Assistant Agricultural Engineer of this office.
6. The Assistant Agricultural Engineer, Tarnab Peshawar for information and necessary action.
7. Mr. Muhammad Usman, Junior Clerk in office of the Assistant Agricultural Engineer Tarnab Peshawar.

~~Director,
Agricultural Engineering,
Khyber Pakhtunkhwa; Tarnab, Peshawar~~

ATTESTED


ASSISTANT
Directorate of Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab Peshawar

20
56
OFFICE ORDER

In pursuance of the august Khyber Pakhtunkhwa Services Tribunal Judgment dated 30.04.2019 in appeal No.703/2018 titled Muhammad Usman, Junior Clerk VS Government of Khyber Pakhtunkhwa, Inquiry Committee was constituted vide office order No.9475-81/DAE/Estt: 9/84 dated 08.07.2019 to inquire into the charge of misconduct leveled against him, as per rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011. The Committee submitted a report wherein Mr. Muhammad Usman, Junior Clerk was found guilty of charges against him. The finding and recommendation of the Committee is reproduced below:-

A. FINDINGS

1. Mr. Muhammad Usman claimed in court that opportunity of personal hearing and defense was not provided to him during previous inquiry which is totally wrong because copy of his written statement is attached as Annexure-C this shows his dishonest behavior.
2. Both written statements of Mr. Muhammad Usman contradict, which clearly shows he's lying.
3. At the time of complaint Mr. Muhammad Usman was not present at his office.
4. Keeping in view harassment act, 2010, the personal harassment of female officer Engr. Kalsoom Rehman was not involved.

B. RECOMMENDATION.

1. The two annual increments of Mr. Muhammad Usman must be stopped, as already decided by the previous inquiry committee vide Director, Agricultural Engineering, Khyber Pakhtunkhwa Tarnab Peshawar letter No. 9039/DAE/Estt: dated 02.12.2017.
2. In future he shall be careful, otherwise strict disciplinary action will be initiated against him as per E & D rules, 2011.

In light of the findings and recommendations mentioned above of the Inquiry Committee, the undersigned is pleased to impose the previous penalties issued vide this office order No. 450-57/DAE/Estt: 3/19 dated 04.01.2018 as per E&D Rules-2011. The services of above named official are hereby re-instated from the date of suspension.

SD/-(ENGR MAHMOOD JAN BABAR)

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

Endst: No. 11814-20 /DAE/Estt: 9/84

dated Tarnab, the

25/09 2019

Copy forwarded to:

1. The Registrar, Khyber Pakhtunkhwa Service Tribunal, Peshawar with reference to his office letter No.987/ST dated 22.05.2019 for information.
2. Engr. Naseem Javed, Deputy Director, Planning/Agricultural Engineer, Kohat;
3. Engr. Nazeer Abbas, Assistant Agricultural Engineer, Tarnab Peshawar;
4. Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
For information with reference to their inquiry report received vide letter No. 309/AE Kohat dated 29.08.2019.
5. Engr. Kalsoom Rehman, Assistant Agricultural Engineer of this office.
6. The Assistant Agricultural Engineer, Tarnab Peshawar for information and necessary action.
7. Mr. Muhammad Usman, Junior Clerk in office of the Assistant Agricultural Engineer Tarnab Peshawar.

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

ATTACHED

ASSISTANT
Directorate of Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab Peshawar



DIRECTORATE OF AGRICULTURAL ENGINEERING, KHYBER
PAKHTUNKHWA, TARNAB, PESHAWAR

G.T.Road, Tarnab Peshawar ☎️📠 091-2964063
E-mail daekpktarnab@gmail.com



21

No. 14552 /DAE/Estt: 9/84

dated Tarnab, the

16/12/2019

To,

The Section Officer (Estt:),
Government of Khyber Pakhtunkhwa,
Agri; Livestock and Cooperative Department Peshawar

Subject:

**DEPARTMENTAL APPEAL AGAINST IMPUGNED ORDER DATED 25.09.20:
WHEREBY THE PENALTY OF STOPPAGE OF TWO ANNUAL INCREMENT HAS BE
MAINTAINED ALONGWITH CERTAIN WARNINGS.**

Reference

Your office letter No. SOE (AD) VI-106/2017/Engg: dated 30.10.2019.

537

Memo:-

It is submitted for your kind information that:-

1. A Complaint against Mr. Muhammad Usman, Junior Clerk was lodged by Engr. Kalsoom Rehman, Assistant Agricultural Engineer (Head Quarter) in Directorate of Agricultural Engineering Khyber Pakhtunkhwa, Tarnab Peshawar (**Annexure-A**) regarding Smoking in public place, Harassment of Female Officer and Insult of an Officer.
2. A committee was constituted to conduct inquiry vide Director, Agricultural Engineering Khyber Pakhtunkhwa, Tarnab Peshawar office order No. 6943-48/DAE/Estt: 3/68 dated 30.10.2017 (**Annexure-B**) on the complaint mentioned above The inquiry committee submitted its report vide letter No. 9039/DAE/Estt: dated 21.12.2017 (**Annexure-C**). The committee recommended that:-
 - a. *The two annual increments of Mr. Muhammad Usman must be stopped, as he misbehaved with a female Officer.*
 - b. *In future he shall be careful, otherwise strict disciplinary action will be initiated against him as per E&D rules-2011.*

3. The Director, Agricultural Engineering, Khyber Pakhtunkhwa being competent authority agreed with the recommendations of the Inquiry Committee and issued proper order vide No. 450-57/DAE/Estt: 3/19 dated 04.01.2018 (**Annexure-D**) accordingly.

4. Consequently, Mr. Muhammad Usman, Junior Clerk filed a Service appeal No.703/2018 in Khyber Pakhtunkhwa, Service Tribunal regarding the impugned order dated 04.01.2018 whereby minor penalties of stoppage of Two annual increments and warning/ censure were imposed on the appellant and against not taking action on the departmental appeal of the appellant. The Honorable Khyber Pakhtunkhwa, Service Tribunal announced its judgment in the said appeal on 30.04.2019 (**Annexure-E**) Abstract of the decision is reproduced below.

Perusal of the record reveals that the appellant is serving in Agriculture Department as Junior. He was imposed aforesaid penalties on the allegation of misconduct on the basis of only fact finding inquiry but neither charge sheet, statement of allegation was framed or served upon the appellant nor proper regular enquiry was conducted nor any final show-cause notice alongwith copy of inquiry was issued to the appellant nor opportunity of personal hearing and defence was provided to the appellant. Meaning thereby that a proper regular inquiry was not conducted before imposing the aforesaid penalties therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order and direct the respondent-

RECEIVED

ASSISTANT
Directorate of Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab Peshawar

22 509
50
department to conduct de-novo inquiry in the mode and manner prescribed by Government Servants (Efficiency & Disciplinary) Rules, 2011 including framing of charge sheet, statement of allegation, issuing of final show-cause notice alongwith copy of inquiry report providing opportunity of personal hearing and defence to the appellant and thereafter, pass order deem appropriate. Parties are left to bear their own costs. File be consigned to the record room."

5. In pursuance of the august Khyber Pakhtunkhwa Service Tribunal Judgment dated 30.04.2019 mentioned above a committee constituted to conduct de-novo inquiry under E&D rules,2011 as well as proper charge sheet, statement of allegation was served upon him accordingly (Annexure-F). The inquiry committee submitted its report vide letter No. 9039/DAE/Estt: dated 21.12.2017 (Annexure-G). The committee recommended that:-
- The Two annual increments of Mr. Muhammad Usman must be stopped, as already decided by the previous Inquiry Committee vide Director, Agricultural Engineering, Khyber Pakhtunkhwa letter No. 9039/DAE/Estt; dated 02.12.2017.
 - In future he shall be careful, otherwise strict disciplinary action will be initiated against him as per E&D rules, 2011.
6. The competent authority issued show cause notice to the appellant vide office order No. 11286-92/DAE/Estt; 9/84 dated 06.09.2019 (Annexure-H), the competent authority has not been satisfied with the reply of the appellant and the penalties have been imposed as recommended by the Inquiry Committee mentioned above vide office order No. 11814-20/DAE/Estt: 9/84 dated 25.09.2019 (Annexure-I).

Encl: as above.

Director
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

Endst: No. 14553-59/DAE/Estt: 9/84

dated Tarnab, the

16.12.2019

Copy forwarded to:

- The Section Officer (litigation), Government of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperation department with reference to his office letter No. SO(Lit) AD/3-220/2018 dated 09.12.2019 for information.
 - Engr. Naseem Javed, Agricultural Engineer, Kohat;
 - Engr. Nazeer Abbas, Assistant Agricultural Engineer, Tarnab Peshawar;
 - Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
- For information with reference to their inquiry report received vide letter No.309/AE dated 29.08.2019.
- Engr. Kalsoom Rehman, Assistant Agricultural Engineer of this office;
 - The Assistant Agricultural Engineer, Tarnab Peshawar;
 - Mr. Muhammad Usman, Junior Clerk in office of the Assistant Agricultural Engineer Tarnab Peshawar;

Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar.

ASSISTANT
Directorate of Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab Peshawar

No. 309 AE / Estt:/

dated Kohat the, 29/08 /2019

493

To,

The Director,
Agricultural Engineering,
Khyber Pakhtunkhwa Tarnab, Peshawar

Subject: OFFICE ORDER / INQUIRY REPORT

Reference: Your good office letter No.9460-661/DAE/Estt:/9/84 dated 087/07/2019.

Memo:

Enclosed please find herewith the inquiry report, in light of complaint by Engr. Kalsoom Rehman, Assistant Agricultural Engineer (HQ), Directorate of Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab, Peshawar against Mr. Muhammad Usman, Junior Clerk, for information and further necessary action.

Agricultural Engineer
Kohat

No. _____ AE / Estt:/

dated Kohat the, ____ / ____ /2019

Copy to:-

1. The Assistant Agricultural Engineer, Tarnab Peshawar.
2. The Assistant Agricultural Engineer, Mansehra:-

For information.

Agricultural Engineer
Kohat

DD/AE/Estt

Director, Agricultural Engineering
K.W.P.K., Tarnab Peshawar
Copy No. 4624
Date 30/8/2019

For n/action as per Recommendation
of Committee

30/8/19

DAE P. O.K. M.S. 30/8/19

495

INQUIRY REPORT

Background:

The undersigned's have been nominated as inquiry officers vide Director, Agricultural Engineering, Khyber Pakhtunkhwa, Tarnab, Peshawar (DAE) office order No. 9475-8/Estt:9/84 dated Tarnab 8/7/2019 to conduct the inquiry as per judgment dated 30/04/2019 of the august Khyber Pakhtunkhwa Service Tribunal, appeal No.703/2018 ^{title} titled "Muhammad Usman Junior Clerk Vs Government of Khyber Pakhtunkhwa", regarding complaint (Annexure-A) filed by Engr. Kulsoom Rehman; Assistant Agricultural Engineer, Directorate of Agricultural Engineering Khyber Pakhtunkhwa, Tarnab, Peshawar against Mr. Muhammad Usman, Junior Clerk (J/C) in the same office, now transferred/posted in office of the Assistant Agricultural Engineer, Tarnab.

Brief History:

Engr. Kulsoom Rehman filed a complaint against Mr. Muhammad Usman J/C of this department that there was a bad smell of smoking around her office. She asked Mr. Rafaqat (PS to DAE) that "who is smoking around her room?" Mr. Rafaqat asked Mr. Zain Ul Abidin (J/C) who was sitting in adjacent room to her office. Zain Ul Abidin further told Mr. Muhammad Usman not to smoke in my office. Mr. Muhammad Usman started shouting and came to Mr. Rafaqat office while officer was attending official call. Officer warned him to stop shouting and she left the room, but Mr. Muhammad Usman kept shouting outside Engr. Kulsoom Rehman's office. So, an inquiry was ordered to probe into the factual position vide DAE Office order No.6943-48/D/Account:3/68 dated 30/10/2017. Written statements were taken from both complainant and accused. Based on which Mr. Usman was found guilty and minor penalties were imposed on him under E&D rules 2011 vide letter No.450-57/DAE/Estt:/3/19 dated Tarnab 04/01/2018. Mr. Usman challenged decision in Khyber Pakhtunkhwa Service Tribunal, Peshawar in which Honorable court ordered to inquire the case under Khyber Pakhtunkhwa Government servants E&D rules 2011. In this regard, inquiry committee was constituted vide DAE office order No. 9475-8/DAE/Estt:9/84 dated Tarnab 08/07/2019.

Proceedings:

The committee visited office of the Assistant Agricultural Engineering, Tarnab, Khyber Pakhtunkhwa, on date 24/07/2019 and 25/07/2019 at 11:00 AM in compliance to Deputy Director

DAE P.S. O.K. M.S.P. 05/9

497

Planning, Agricultural Engineering Khyber Pakhtunkhwa, Tarnab, Peshawar letter no. 281-83/AE/Kohat dated 18/07/2019 and letter No. camp 3-10 Tarnab dated 24/07/2019.

A written Statement of complainant, accused and witnesses was taken/recorded by the committee one by one and attached as Annexure-B.

Findings:

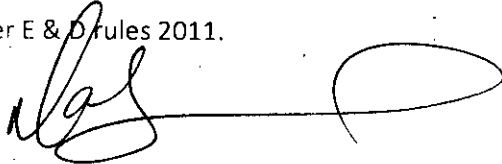
Findings are as follows;

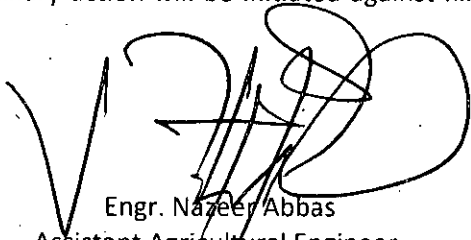
1. Mr. Muhammad Usman claimed in court that opportunity of personal hearing and defense was not provided to him during previous inquiry which is totally wrong because copy of his written statement is attached as Annexure-C this shows his dishonest behavior.
2. Both written statements of Mr. Muhammad Usman contradict, which clearly shows he's lying
3. At the time of complaint Mr. Muhammad Usman was not present at his office.
4. Keeping in view harassment act 2010, the personal harassment of female officer Engr. Kulsoom Rehman was not involved.

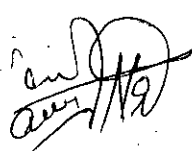
Recommendations:

After thorough investigation the committee recommended that;

1. The two annual increments of Mr. Muhammad Usman must be stopped, as already decided by the previous Inquiry Committee vide Director, Agricultural Engineering Khyber Pakhtunkhwa Tarnab Peshawar letter No.9039/DAE/Estt: dated 02/12/2017.
2. In future he shall be careful, otherwise strict disciplinary action will be initiated against him as per E & D rules 2011.


 Engr. Maria Javed
 Assistant Agricultural Engineer, Mansehra


 Engr. Nazeer Abbas
 Assistant Agricultural Engineer,
 Tarnab Peshawar


 Engr. Nasim Javed
 Agricultural Engineer, Kohat

Handwritten notes at the bottom of the page including "DAE", "D.R.", "489", and "11/05/19".

489

499

www.agriengineering.kp.gov.pk



DIRECTORATE OF AGRICULTURAL ENGINEERING,
KHYBER PAKHTUNKHWA, TARNAB, PESHAWAR



G.T. Road, Tarnab Peshawar ☎️ 091-2964063

E-mail daekpktarnab@gmail.com

No. _____ /DAE/Dev/

Dated Tarnab the 25/10/2017

To:

The Director,
Agriculture Engineering Department
Khyber Pakhtunkhwa, Peshawar.

Subject: COMPLAINT AGAINST RUDE BEHAVIOR/ HARASMENT BY JUNIOR CLERK.

Memo:

There was extremely bad smell of smoking around the undersigned office as your good self knows that smoking is prohibited in the public place. The undersigned only complained about smoking adjacent to her room and did not mention any name while just ask Mr. Rafaqat (PA to Director) that who is smoking. Mr. Rafaqat asked Zain ul Abaideen (Junior Clerk) to do not smoke near to the undersigned office, while he may go to some open area for smoking. Zain ul abideen further then told Usman not to smoke near to the undersigned office. The junior clerk Usman started shouting and came to the undersigned while she was attending an official call and started arguing by using rude and ill words. The undersigned asked him to stop arguing and shouting. The undersigned came to her own room but Usman did not stop shouting and he was saying outside the undersigned office that "I will continue smoking and even drinking and no one can stop him from doing so". Mr. Rafaqat is the eye witness of all above happening.

Submitted for your kind perusal and further necessary action please.

Immediate

Kalsoom

Assistant Agriculture Engineer (H/Q)
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab
Peshawar

40 3695
26.10.2017

DD/Supt

regarding this complaint as it involve (A) Smoking

(2) Harasment of junior officer by senior

(B) Insult of Inquiry committee

*Subst report in DAE headq
25/10/17*

1. Masim Jand Chairman
2. Masim Jand member
3. Atta-ul-Khaimar member

DAE P.

*O.K. Masim Jand
11/10/17*

501

STATEMENT FOR THE INQUIRY COMMITTEE DATED 25/07/2019

The undersigned will not change her statement given dated 25/10/2019 (copy attached) regarding the rude behaviour/harassment by Junior Clerk.

Kindly consider my old statement as it is submitted for your kind information and further necessary action please.

Faloom

Assistant Agricultural Engineer (H/Q)
Office of the Director, Agricultural Engineering,
Khyber Pakhtunkhwa; Tarnab, Peshawar

25/07/2019

FACE GENERAL DEV.docx

For Approval

6/2/01
05/19

DAE P.

D.K.



M.P.

17
17/05/19
San Ben 02

489
503

www.agriengineering.kp.gov.pk

**DIRECTORATE OF AGRICULTURAL ENGINEERING,
KHYBER PAKHTUNKHWA TARNAB, PESHAWAR**

G.T. Road, Tarnab Peshawar ☎ 091-2964063
E-mail daekp@tarnab@gmail.com

No. _____ /DAE/Devl Dated Tarnab the 25/10/2017

To,

The Director,
Agriculture Engineering Department
Khyber Pakhtunkhwa, Peshawar.

Subject: COMPLAINT AGAINST RUDE BEHAVIOR/HARASMENT BY JUNIOR CLERK.

Memo: There was extremely bad smell of smoking around the undersigned office as your good self knows that smoking is prohibited in the public place. The undersigned only complained about smoking adjacent to her room and did not mention any name while just ask Mr. Rafaqat (PA to Director) that who is smoking. Mr. Rafaqat asked Zain ul Abaideen (Junior Clerk) to do not smoke near to the undersigned office, while he may go to some open area for smoking. Zain ul abideen further then told Usman not to smoke near to the undersigned office. The junior clerk Usman started shouting and came to the undersigned while she was attending an official call and started arguing by using rude and ill words. The undersigned asked him to stop arguing, and shouting. The undersigned came to her own room but Usman did not stop shouting and he was saying outside the undersigned office that "I will continue smoking and even drinking and no one can stop him from doing so". Mr. Rafaqat is the eye witness of all above happening.

Submitted for your kind perusal and further necessary action please.

Immediate

3-95
26-2017

Kalsoon
Assistant Agriculture Engineer (H/Q)
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab
Peshawar.

ESM. 10/10/17
25/10/17

DD/Supt
inquire the complainant as it involves smoking
Harassment of female (B) Insult of
Junior Officer by senior
Inquiry Committee
1. Nasir Jaid Chaman
2. Nasir Jaid Chaman member
3. Atta-ur-Rahman member
4. 25/10/17

صوبہ سندھ انتظامیہ کراچی

جناب عالی!

حوالہ جمعہ نمبر 88-9482 درجہ 8/9/1981 وصول ہونے پر بیان حلفاً تحریر کرنا میں کہ جاریہ ٹیسٹ میں لگائے گئے الزامات سراسر غلط، بے بنیاد اور جھوٹ پر مبنی ہے۔ میں سائل پر جرم کرنا تو دور کی بات ہے سوچ بھی نہیں سکتا من سائل کی تقریباً 15 سال

سروس میں چلنے کے جو کہ انتہائی محنت و ایما ندری کے ساتھ تو ساتھ ہی بے سابقہ اور بے ملاحظہ فرمائیں۔ جوں دن کا یہ واقعہ ہے کل دن من سائل اپنے آفس روم میں جمع سے موجود رہی نہیں تھا بلکہ میرا نہ رہا اور روم میں جناب عطا الرحمن صاحب (P.O.Super)

محنت خان (P.A) شہزاد خان (P.A) و دیگر کے ساتھ میرا نہ رہا اور دھوڑا رہا تھا۔ مختصر میں کلثوم نے جب شہادت کی تو بندہ وہاں موجود نہیں تھا جس کے گواہ مذکورہ بالا

مذکورہ ہے۔ زمین العابدین سینئر فلورک نے مجھے آکر کہا کہ رفاقت کہتا ہے کہ میں نے کہا ہے کہ یہاں کسی نے سٹیٹنگ کی ہے اور وہ تمہارا نام لے رہے ہیں

رفاقت سے جا کر لو جو لو۔ جب میں رفاقت (P.A) کے پاس گیا تو میں کلثوم بھی وہی بیٹھی تھی۔ میں نے نہایت احترام سے پوچھا کہ میں تو گھر میں

موجود ہی نہیں تھا آپ میرا نام کیوں لیتی ہیں " تو میں صاحب کے یہ الفاظ سنے کہ ہمیں تم سے بات نہیں کرنا چاہی " اور اٹھ کر کمرے سے اپنے آفس چلی گئی اس کے علاوہ میری ان سے کوئی بات نہیں ہوئی ہے رفاقت (P.A) اس بات کا گواہ ہے۔

- ① کیا یہ سراسر منڈ ہے ؟
- ② کیا یہ ایسٹ ہے ؟

جناب عالی، میرا تعلق ایک عزت دار گھرانے سے ہے اور ہم خواتین کی عزت کرتے ہیں میرے اولاد کے لئے گئے الزامات سراسر غلط ہے اور تعصب پر مبنی ہے جو کہ میں کلثوم میرے ساتھ لکھی ہے اور اسکی ایک معقول وجہ بھی ہے۔ P.T.O

جی یہ ہے کہ اس واقعہ سے کچھ دن پہلے میڈم گلشوم نے خون کرتے اپنے شوہر اور صحرا
 حیدر خاں کو دفتر بڑا اور ڈیوٹی پر معذور اسٹنڈ اسٹریٹنگ کو شہد مارتا نہ ہوا
 جو کہ زخمی ہوا۔ جس پر تمام دفتر کافی خفا تھا اور میں نے شخصیت صدر ایچ آر سی نے
 اس فعل پر افسوس کا اظہار کیا تھا اور مذمت بھی کی تھی۔ جس کا غصہ میڈم گلشوم
 کو تھا اور اس انتقام لینے کیلئے جوٹی شہادت کر کے نا صرف مجھے مالی، جانی بلکہ
 پریشانی اور مصیبت میں مبتلا کیا اور آج تک ایسے الزامات ثابت نہیں کر سکی
 اور نہ ہی کوئی ٹیس ثبوت ہے ان کا پاس اور انکو انہی کہیں کے سامنے لاسکی جا

بنا گیا! مجھے لگتا ہے کہ الزامات میرا جوٹی کے سوا کچھ نہیں ہے۔ یہی میرا بیان ہے

محمد عثمان (جو نیڈا کرکٹ کھیلتا ہے)
 حور 2019-07-11

Handwritten signature or mark at the bottom right corner.

Statement of Zain-Ul-Abidin to Inquiry Committee dated: 23/07/2019

سوال نمبر 1: کیا آپ نے محمد عثمان کو واقعے کے دن روم سے پہلے سگریٹ نوشی کرتے ہوئے دیکھا تھا؟

سوال نمبر 2: جب رفاقت علی ایجو سگریٹ نوشی منع کرنے آپ کے روم آئے تو کیا آپ محمد عثمان کے پیچھے گئے تھے؟

سوال نمبر 3: کیا رفاقت نے سگریٹ نوشی سے منع کرنے وقت کسی کا نام لیا تھا؟

سوال نمبر 4: جب عثمان ریکارڈ روم سے نکلے اسکے بعد کا واقعہ بیان کریں؟

ج 1: جب میں نمرے میں آیا تو عثمان موجود نہیں تھا۔ اس کے بعد رفاقت نے سگریٹ نوشی سے منع کرنے کو فرمایا اور میں نے اسے کہا کہ میں سگریٹ استعمال نہیں کرتا۔

ج 2: میں ڈپٹی ڈائریکٹر کے نمرے میں آؤٹ سپرو کابینہ کرتے لیا تھا۔ وہاں پر مجھے عثمان در وقت کے پاس سے گزر رہا ہوا نظر آیا تو میں نے اس کو کہا تھا کہ رفاقت نے مجھے کہا تھا کہ روم میں سگریٹ نوشی نہ کریں۔ صبراً رفاقت کو کہا۔ اس کا نام نہیں لیا۔

ج 3: عثمان کو بتانے کے بعد میں فورٹ سٹیٹ کے چلا گیا تھا۔ اس کے بعد میں نے کچھ نہیں دیکھا۔

سوال نمبر (5) محمد عثمان کو بتاتے ہوئے کہا آپ نے عثمان کو یہ کہا تھا۔ کہ میڈم اور رفاقت آپ کا نام لے رہے ہیں۔ کہ یہ سگریٹ نوشی آپ نے کی ہے۔ ہاں یا نہیں میں جواب دےں؟

جواب: نہیں۔ رفاقت نے اس کا نام نہیں لیا ہے

سوال نمبر 6: جب رفاقت نے کہا کہ سگریٹ نوشی نہ کروں۔ تو یہ بات آپ نے محمد عثمان کو کیوں لی؟

جواب: یہ بات عثمان کو اسلئے بتائی کہ آڈٹ سیشن میں میں اور عثمان نام نہ لیا تھا۔ اور رفاقت آڈٹ سیشن میں آکر مجھ کو بتایا کہ یہاں یہ سگریٹ نوشی نہ کریں۔ تو اسلئے میں نے عثمان کو آگاہ کر دیا۔

Zameer Bano
S/C

۲۰۰۵

Statement of Mr. Kifayat Ali
to inquiry Committee dated 25/07/19.

سوال نمبر ①: جب میڈم نے قتلہ کمرے میں سگریٹ نوشی کا پوچھا تھا؟

تو کیا کسی کا نام لیا تھا؟

سوال نمبر ②: جب آپ قتلہ کمرے میں گئے تو کیا محمد عثمان موجود تھا؟

سوال نمبر ③: کیا آپ نے زمین العارین کو کسی کا نام لے کر سگریٹ
نوشی سے منع کیا تھا؟

سوال نمبر ④: جب محمد عثمان آپ کے روم میں آیا اور میڈم بیٹھی ہوئی
تھی۔ تو میڈم اور محمد عثمان کے درمیان کیا بات ہوئی؟ اور کیا
محمد عثمان چیتا چلایا تھا؟

سوال نمبر ⑤: جب میڈم آپ کے روم سے اپنے روم گئی
اس کے بعد کیا ہوا؟

جواب نمبر ①

سوال نمبر 2

جواب عیدم نے کسی کا کھن نام نہیں لیا

سوال نمبر 2

جواب جب میں متصل کھرا میں پیا تو وہاں پیر کوئی موجود نہیں تھا

سوال نمبر 3

جواب نہیں میں نے کسی کا کھن نام نہیں لیا تھا . میں نے صرف یہ لیا تھا کہ جو کوئی بھی ادھر سرگٹ بیٹا ہے اُسے کیس کہہ آئندہ نہ پسیا

سوال نمبر 4

جب عثمان پہرا کھرتے میں اُچاڑی میں عیدم کو فون ملا کہ رے رہا تھا . اس دوران عثمان نے عیدم کو لیا کہ آپ نے میرا نام لے کر لیا ہے کہ عثمان اس کھرتے میں سرگٹ بیٹا ہے جواب میں عیدم نے لیا کہ میں اس بارے میں تم سے بات نہیں کرنا چاہتی اور عیدم اٹھ کر اپنے کمرے میں چلی گئی

سوال نمبر 5

اس کے بعد مجھے نہیں بتایا پھر

رفاعت علی
25-07-2019

P.T.O

(3)

سوال نمبر 6: جب محمد عثمان آپ کے کمرے میں عیدم کے پاس
آپا تو اس نے کس انداز میں آپ کے ساتھ کلمات کی؟ عودبانہ یا
عیدم عودبانہ؟

جواب: عودبانہ

سوال نمبر 7: جب عیدم آپ کے کمرے سے چلی گئی تو آپ
کہا کئے کہ آپ کو وافق کا بیٹا نہیں؟

جواب: کمرے کی حد تک علم یہ کہنے کے باہر میں نہیں نکلا
کیوں کہ شیعوں آگئی تھی۔

جماعت علی

25-07-2019

Statement for The Inquiry Committee
on 25/07/2019.

سوال: جناب محمد عثمان، جوینٹر فلک کے سٹینٹ کے مطابق
محمد عثمان آپ کے ساتھ ریکارڈ روم میں موجود تھے؟
آرتھے؟ لوگ سے اور کتنے ٹائم لپکنے آپ کے پاس تھے؟
ادرجب ریکارڈ روم سے محمد عثمان نکلے تو انکو واقعہ آپ کے
سامنے ہوا تو ذرا اس پر بھی روشنی ڈالیے؟

جواب:

جناب ڈائریکٹر صاحب کے حکم پر میری زیر نگرانی
جناب عینت خان اسٹیک اور شیخزاد خان جوینٹر فلک
(مردان آفس) اور اعیال شاہ سنڈیکٹ ڈپٹی مینجنگ
اسٹاڈنٹ روڈ (Gen. Section) میں مردان ورتا کے فائیس
ڈھونڈنے سے تھے اور اس وقت محمد عثمان جوینٹر فلک کے
کچھ دم لپکنے وہاں برآمدے میں موجود تھا اور کھیر چک
گیا اور پھر وہ سامنے اس وقت کوئی واقعہ رونما نہیں
ہوا تھا۔ کمرشل سے لوگ زیادہ ڈھونڈنے میں مصروف تھے

25/07/2019
عبدالرحمن

Accounts Officer
Director App. Exp.
Khyber Pakhtunkhwa,
Islamabad, Pakistan.

P.T.O

سوال نمبر کیا آپ نے زمین العاقبتین کو محمد عثمان کی طرف
 ریکارڈ روم میں بات کرتے ہوئے اور پاس آتے ہوئے
 دیکھا تھا؟

جواب

میں العاقبتین سنڈیکٹ کو محمد عثمان کی طرف
 کیس آتے ہوئے دیکھا ہے اور نہ کوئی بات کرتے
 ہوئے سنا ہے۔

25/01/19

Statement for the Inquiry Committee
on 25/07/2019.

(1)

سوال :- جناب محمد عثمان، جوینٹر فلکس کے سٹیٹمنٹ کے مطابق

محمد عثمان آپ کے ساتھ پرانے ریکارڈ روم میں موجود
قفہ؟ اگر قفہ؟ تو کب سے اور کتنے ٹائم کیلئے

آپ کے پاس قفہ؟ اور جب ریکارڈ روم سے نکلے تو
اگر واقعہ آپ کے سامنے ہوا ہو تو ذرا اس پر بھی روشنی
ڈالیں؟

جواب :- اس سوال کا جواب میری خدمت میں نہیں
آئی کسی جہان کے حلقے کے مطابق جمع مردان آفس سے دینے پر آفس
ڈائریکٹریٹ کے مطابق 2015 میں (Audit Part) سے تھا

جناب فارم آئے تھے کیونکہ عام ریکارڈ روم ڈویلمنٹ سکیننگ پر ریکارڈ
اور اس Para کا ریکارڈ روم ڈویلمنٹ سکیننگ پر موجود
تھیں اقبال شاہ اور سر سید شاہ کا ریکارڈ روم میں موجود
میں ریکارڈ روم ڈویلمنٹ سکیننگ پر اور اس وقت محمد عثمان جو سیکرٹری
پر ہماری نفاذی قفہ ریکارڈ روم کے باہر آئے تھے

جو آٹھا علاوہ اس میں اس دن عمارت سامنے ٹوٹی واقعہ رونما
میں ہوا تھا اور اس کے علاوہ علم نے کچھ عیب دیکھا کہ
کھڑی ہوا ہے یا نہیں کیونکہ علم سب ریکارڈ روم کے باہر
ریپورٹ عرفین سے سرائے فریڈ قادیانی

صحت خاں آفس اسٹینڈنگ مردان

المرفوعہ
25/7/19

محمد عثمان

P.T.O.

(2)

سوال نمبر (2) کیا آپ نے ریکارڈ روم میں زینہ العابدین کو پاس آتے ہوئے اور بات کرتے دیکھا تھا؟

جواب: ہجرت نے زینہ العابدین کو عثمان کے پاس آتے ہوئے دیکھا تھا۔
مشیت و تدبیر اللہ تعالیٰ ہم ریکارڈ روم میں اللہ عزوجل سے
نظر رکھتا ہوں۔
صبرِ حقان

پشاور پبلک اسکول میں ایک ایسے طالب علم کی طرف سے جو اس وقت
 پانچویں کلاس میں ہے اس نے اس کے اساتذہ کرام کو برا بھلا کہا
 اور ان کے ساتھ برا سلوک کیا۔ اس کے والدین نے اسے اس کا
 قصور سے آگاہ کیا اور اسے اس کا قصور سے معافی مانگنے کو کہا
 اور اسے اس کے اساتذہ کرام کو برا بھلا کہنے سے روکنا۔
 اس کے والدین نے اسے اس کا قصور سے آگاہ کیا اور اسے اس کا
 قصور سے معافی مانگنے کو کہا اور اسے اس کے اساتذہ کرام کو
 برا بھلا کہنے سے روکنا۔ اس کے والدین نے اسے اس کا
 قصور سے آگاہ کیا اور اسے اس کا قصور سے معافی مانگنے کو
 کہا اور اسے اس کے اساتذہ کرام کو برا بھلا کہنے سے روکنا۔

AAE (H/O) Tarnab Peshawar

Mr. Usman J/c has admitted his
 mistakes of misbehaviour and apologies
 for his misbehaviour.
 in this regard your comments / views are required

As Mr. Usman J/c has admitted his mistake
 and asks for apology and promise that he
 will never give chance to make any such complaint

mistake from his side, I accept his 519
apology, and take my complaint ^{back} while
giving him a chance to improve his
behavior and character.

Falsoon

FIAE (H/O) —

11/9/2017

Premium Engineering

Day 1