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

Service Appeal No. 7749/2021

Abdul Aziz Baig son of Lal Zaman Baig R/O village Mozgole, District upper
Chitral. (Appellant)

VERSUS

1. Director, agriculture Engineer Khyber Pakhtunkhaw Tarnab Peshawar
2. Assistant Engineer, Agriculture Engineering Chitral Office, District Chitral lower.
3. Govt of Khyber Pakhtunkhaw through Secretary Civil Secretariat Agriculture Department, Peshawar.
4. Syed Yaqoot Ali shah, Junior Clerk, office of the Assistant Agriculture Engineer Chitral.

(Respondents)

PARA WISE COMMENTS ON BEHALF OF RESPONDENT NO. 4.

Preliminary Objections:

- A. That the Petitioner has no cause of action against the respondent.
- B. That the Petitioner has no locus standie.
- C. That the instant appeal is not maintainable.
- D. That the Petitioner has not come to this Honorable Tribunal with clean hands.

Respectfully Sheweth:-

Facts:-

- Para 1:-** Para No. 1 pertains to records, hence needs no comments.
- Para 2:-** Para No. 2 is incorrect, the appellant has been involved in corrupt practices and at last a complaint was forwarded against him.
- Para 3:-** Incorrect, the complaint made by replying respondent was proved after proper inquiry.
- Para 4:-** Admitted as correct.

Para 5:- Correct, the inquiry Committee after thorough Inquiry allegation leveled the appellant and the following penalty was imposed upon him:

- i. One annual increment of the appellant must be stoped.
- ii. Two hours bulldozer per hour 1800 total 3600 rupees be recovered from the appellant.

Para 6:- Para No. 6 is incorrect, the appellant has been re-instated in his service since his suspension date.

Para 7:- The appellant has been treated in accordance with the law.

Grounds :

- a. Incorrect, the appellant has been treated in according to the findings of the inquiry committee and no discriminatory action has been taken against him.
- b. Incorrect, the allegations against the appellant have been proved after thorough inquiry and appellant has been found guilty.
- c. Incorrect, allegations have been proved against the appellant, the inquiry Committee after hearing statement of *Gul Nayab Khan Junior Store keeper* regarding the appellant misbehavior and attacking the replying respondent, put penalty upon the appellant.
- d. Para " D" is incorrect, the appellant has been treated in accordance with law, the appellant has been given full opportunity to clear his position, further the replying respondent has been promoted on his turn and according to the procedure.
- e. That the appellant was given penalty on solid grounds in light of the inquiry.
- f. Incorrect, the answer has been given in above paras.
- g. Incorrect, the penalty given to the appellant in accordance with the Rules & procedure and no discriminatory treatment has been done with the appellant.

- h. Incorrect, the appellant has been given full opportunity to clear his position before the inquiry Committee, but he badly failed to negate the allegations.
- i. That the appellant has been treated according to the rules and policy.
- j. Incorrect, the appellant has been given penalty on his own rude behavior and committing corrupt practices.
- k. Incorrect, the appellant has been dealt according to law and no discriminatory treatment has been done with the appellant.
- l. The answering respondent has treated the appellant in accordance with the rules and policy.

① Ennxture -I ② Annixture -II

Keeping in view of the above mentioned facts, it is humbly prayed that the appeal in hand, having no merits, may kindly be dismissed with costs.

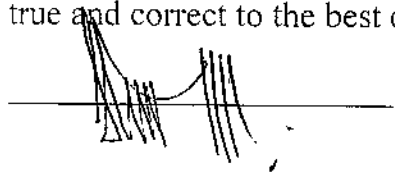
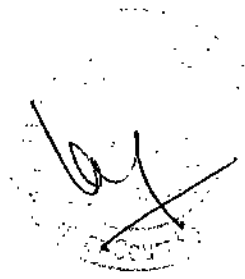
Dated.: 19 / 01 / 2023

Respondent No. 4
 Syed Yaqoot Ali Shah, Junior Clerk,
 Office of the Assistant Agriculture
 Engineer, Chitral.



Verification :

It is verified that the contents of the para wise comments are true and correct to the best of my knowledge and belief

(Annexure - I)

OFFICE ORDER

In pursuance of the Assistant Agricultural Engineer, Chitral letter No. 814/AE dated 22.04.2020, whereas Mr. Abdul Aziz Baig, Dozer Operator BPS-07 in office of the Assistant Agricultural Engineer, Chitral, a complaint received from Syed Yaqoot Ali, Junior Clerk/Unit Supervisor in the said office against the above named Dozer Operator, as per detail given below. The services of Mr. Abdul Aziz Baig, Dozer Operator are here by suspended for Ninety (90) days with immediate effect as per para-06 of Efficiency and Disciplinary Rules 2011.

- 1) *Misbehaved and beaten Syed Yaqoot Ali, Junior Clerk/Unit Supervisor office of the Assistant Agricultural Engineer, Chitral.*
- 2) *Involvement in different corrupt practices*

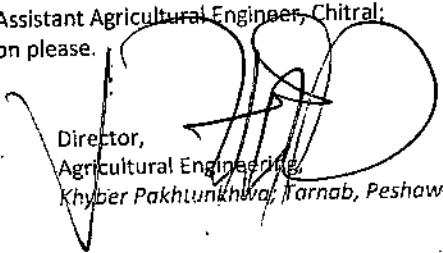
SD/-(ENGR: NAZEER ABBAS)
Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar

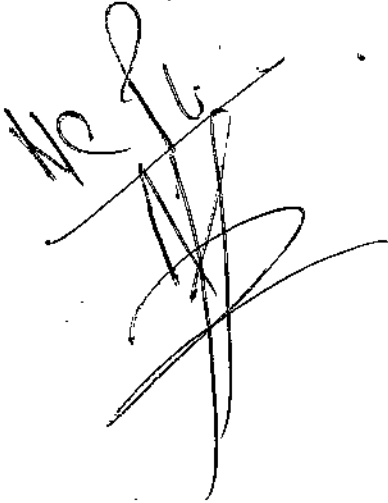
Endst: No. 4179-85 /DAE/Estt: 3/68

dated Tarnab, the 23/04 2020

Copy forwarded to:

1. The Agricultural Engineer, Kohat;
 2. The Assistant Agricultural Engineer, Chitral with reference to his office letter No. quoted above;
 3. The District Account Officer, Chitral;
 4. Engr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
 5. Engr. Hazrat Nabi, Assistant Agricultural Engineer office of the Agricultural Engineer, Kohat;
 6. Mr. Abdul Aziz Baig, Dozer Operator c/o Assistant Agricultural Engineer, Chitral;
 7. Syed Yaqoot Ali Shah, Junior Clerk c/o Assistant Agricultural Engineer, Chitral;
- for information and necessary action please.


Director,
Agricultural Engineering,
Khyber Pakhtunkhwa, Tarnab, Peshawar



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REGISTERED (Annexure - II)
OFFICE ORDER

Whereas Syed Yaqoot Ali Shah, Junior Clerk office of the Assistant Agricultural Engineer, Chitral filed a complaint against **Mr. Abdul Aziz Baig, Dozer Operator (BPS-07)** in the said office, regarding Misbehaved and beaten him and involvement in different corrupt practices. In this regards inquiry committee was constituted vide office order No.4186-91/DAE/Estt: 3/68 dated 23.04.2020 to inquire into the charges mentioned above against him. The Committee submitted a report wherein the above named officials was found guilty of charges against him. The findings and recommendations of the Committee are as under:-

A. FINDINGS:

- i. *According to personal hearing, replies and written statements, the committee finds that Syed Yaqoot Ali used abusive words and Mr. Abdul Aziz Baig had beaten Syed Yaqoot Ali Shah.*
- ii. *The allegation of 600 liters corruption was false as the payment is cleared.*
- iii. *Deduction of 02 hours was found as admitted by Mr. Abdul Aziz Baig, Dozer Operator in his replies to questionnaire.*

B. RECOMMENDATIONS:

- a) *Censure must be issued to Syed Yaqoot Ali Shah, Junior Clerk/Unit Supervisor.*
- b) *One Annual increment of Mr. Abdul Aziz Baig, Dozer Operator must be stopped.*
- c) *Two Hours i.e. Rs.3600/- of New Holland Bulldozer @Rs.1800/-hour must be recovered from Mr. Abdul Aziz Baig, Dozer Operator through proper challan.*

In light of the findings and recommendations of the Inquiry Committee mentioned above, the undersigned is pleased to impose the above mentioned penalties against the officials concerned as per Efficiency and Disciplinary Rules-2011. The services of Mr. Abdul Aziz Baig, Dozer Operator in office of the Assistant Agricultural Engineer, Chitral are hereby re-instated from the date of suspension.

SD/-(ENGR NAZEER ABBAS)

Director,

Agricultural Engineering,

Khyber Pakhtunkhwa, Tarnab, Peshawar.

Indst: No. 8021-26/DAE/Estt:/3/68

dated Tarnab, the

24/08/2020

Copy of the above is forwarded to:-

1. Ingr. Maria Javed, Assistant Agricultural Engineer, Mansehra;
2. Ingr. Hazrat Nabi, Assistant Agricultural Engineer O/o Agricultural Engineer, Kohat; for information with reference to his inquiry report vide letter No.253/AE Mansehra dated 23.06.2020.
3. The Assistant Agricultural Engineer, Chitral;
4. The District Account Officer, Chitral; for information and necessary action.
5. Syed Yaqoot Ali Shah, Junior Clerk O/o Assistant Agricultural Engineer, Chitral.
6. Mr. Abdul Aziz Baig, Dozer Operator O/o Assistant Agricultural Engineer, Chitral.

Director,

Agricultural Engineering,

Khyber Pakhtunkhwa, Tarnab, Peshawar