

2nd Nov., 2022

Assistant to learned counsel for the appellant present.

Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

Request for adjournment was made on behalf of learned senior counsel for the appellant due to his engagement before Honourable Peshawar High Court today. Last chance is given. To come up for arguments on 16.12.2022 before the D.B.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman


16th Dec. 2022

Junior to counsel for the appellant present. Mr.

Naseerud Din Shah, Assistant Advocate General for the respondents present. Mrs. Rozina Rehman, learned

Member (J) is on leave, therefore, D.B is incomplete. The case is adjourned to 08.03.2023 for arguments before the D.B.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member(E)

02.12.2021

Junior to counsel for the appellant present.

Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present.

Former made a request for adjournment as senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 29.03.2022 before D.B.



(Atiq ur Rehman Wazir)
Member (E)



(Rozina Rehman)
Member (J)

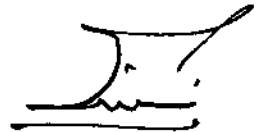
29.03.2022

Mr. Kamran Khan, Advocate, for the appellant present. Mr. Muhammad Shehzad, Assistant alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Arguments could not be heard due to paucity of time. Adjourned. To come up for arguments on 02.06.2022 before the D.B.



(Rozina Rehman)
Member (J)



(Salah-ud-Din)
Member (J)

02.06.2022

Junior to counsel for appellant present.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 10.08.2022 for arguments before D.B.



(Fareeha Paul)
Member(E)



(Rozina Rehman)
Member (J)

10.8.2022

Proper DB not available the case
is adjourned to 2-11-22



01.01.2021 Due to summer vacation, case is adjourned to
13.04.2021 for the same as before.


Reader

13.04.2021 Due to demise of Hon'able Chairman, the Tribunal is
defunct, therefore, the case is adjourned to 28.07.2021 for the
same


Reader

01.01.2021 Due to summer vacation case is adjourned to
13.04.2021 for the same as before.

Reader

28.07.2021 None for the appellant and Mr. Muhammad Riaz Khan,
Assistant Advocate General alongwith Mr. Iftikhar Muhammad,
Assistant for respondents present.

Due to general strike of the Peshawar Bar Association,
the case is adjourned to 02.12.2021 for the same before D.B.



(Rozina Rehman)
Member (Judicial)


Chairman

09.03.2020

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney alongwith Hafiz Saeed S.O present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 12.05.2020 before D.B.


Member


Member

12.05.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 07.08.2020 before D.B.


Reader

07.08.2020


Due to summer vacation case to come up for the same on 27.10.2020 before D.B.


Reader

27.10.2020

Junior to counsel for the appellant and Addl. AG alongwith Himayatullah, S.O for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 01.01.2021 for hearing before the D.B.


(Atiq-ur-Rehman Wazir)
Member


Chairman

29.08.2019

Junior to counsel for the appellant and Mr. Usman Ghani learned District Attorney present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 13.11.2019 before D.B.


Member


Member

13.11.2019

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 16.01.2020 before D.B.


Member


Member

16.01.2020

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Hasham Assistant for the respondents present. Due to general strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the case is adjourned. To come up for further proceedings/arguments on 09.03.2020 before D.B.


Member


Member

06.03.2019

Learned counsel for the appellant present, Mr. Hamiyat Ur Rehman Section Officer representative of the respondents present and submitted written reply/comment. Adjourn. To come up for rejoinder/arguments on 08.05.2019 before D.B


Member

08.05.2019

Appellant in person and Addl: AG alongwith for respondents present.

Due to paucity of time, the instant matter is adjourned to 03.07.2019 for arguments before D.B.


Member


Chairman

03.07.2019

Mr. Mir Zaman Safi, Advocate present and submitted Vakalatnama in favour of the appellant. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Fawad Khan, Assistant for the respondents present. Newly engaged learned counsel for the appellant requested for adjournment. Adjourned to 29.08.2019 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

01.01.2019

Counsel for the appellant Fahim Ullah Khan present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving as Junior Clerk in Zakat, Ushr, social Welfare, Special Education and Women Empowerment Department, Peshawar. It was further contended that the appellant was imposed major penalty of removal from service vide order dated 13.02.2018 on the allegation of absence from duty. It was further contended that the appellant was in fact abducted by some militants with effect from 07.09.2017 and was released/recovered in the month of August 2018 therefore, the absence of the appellant was not deliberate rather it was beyond the control of the appellant. It was further contended that when the appellant was recovered/released he came to know about the major penalty of removal from service therefore, he immediately filed departmental appeal on 09.09.2018 which was rejected on 17.09.2018 hence, the present service appeal. It was further contended that since the appellant was abducted by some militants and it was beyond the control of the appellant to attend the duty. Furthermore, that neither absence notice was issued at the home address of the appellant as per rules nor proper inquiry was conducted nor the appellant was provided opportunity of personal hearing and defence therefore, the impugned order is illegal and liable to be set-aside.

The contention raised by the learned counsel for the appellant needs consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days thereafter, notice be issued to the respondents for written reply/comments for 06.03.2019 before S.B.

Appellant Deposited
Security & Process Fee


Muhammad Amin Khan Kundi
Member

Form-A
FORM OF ORDER SHEET

Court of _____

Case No. 1206/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/10/2018	<p>The appeal of Mr. Fahim Ullah Khan resubmitted today by Mr. Saquib Iftikhar Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"><i>Rasheed</i> REGISTRAR 1/10/18.</p>
2-	<p>2-10-18</p> <p>13-11-2018</p>	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>13-11-2018</u></p> <p style="text-align: right;"><i>MA</i> MEMBER</p> <p><i>Due to Retirement of Honorable chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 1-1-2019</i></p> <p style="text-align: right;"><i>Rasheed</i></p>

The appeal of Mr. Fahim Ullah Khan son of Jaffar Ali Khan r/o Village Haider Khel P.O Tehsil Mir Ali NWA received today i.e. on 27.09.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 2- Copies of show cause notices mentioned in para-8&9 of the memo of appeal are not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal may be attested.
- 4- Three more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.


No. 1946 /S.T,

Dt. 28-9 /2018.


REGISTRAR 28/9/18.
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saquib Iftikhar Adv. Pesh.

- ① Copy of departmental appeal is attached at Annexure - XI at page 22. in shape with the name of departmental representation/explanation dated 09.09.2018.
 - ② Copies of show cause notices are already attached at Annexure VII & VIII.
 - ③ Appeal Annexures attested. (objection removed).
 - ④ Three more copies/sets of appeal stay with Annexures. (objection removed)
- All objections have been removed.


SAQUIB IFTIKHAR
ADVOCATE

29/8

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

In Re: Service Appeal No. 1206 /2018

Fahim ullah Khan

.....*Appellant*

Versus

Government of Khyber Pakhtunkhwa & 2 Others

.....*Respondents*

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Saqib Iftikhar

Advocate High Court

12, K-3, Phase-III, Hayatabad, Peshawar

Phone 5817132, 5818446, Mobile: 0345 4719233

Email: saqib.iftikhar@gmail.com

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR**

In Re: Service Appeal No. 1206 /2018

Mr. Fahim Ullah Khan S/o Jaffar Ali Khan

R/o Village Haider Khel, P.O & Tehsil Mir Ali,
North Waziristan Agency
Presently Residing at House No. 344, Street No. 05,
Sector N-2, Phase 4, Hayatabad, Peshawar.

.....*Appellant*

Versus

1. **Government of Khyber Pakhtunkhwa**
Through Chief Secretary,
Civil Secretariat, Peshawar

2. **Government of Khyber Pakhtunkhwa**
Through Secretary,
Zakat, Ushr, Social Welfare, Special Education
And Women Empowerment Department, Peshawar

3. **Section Officer (Estt) (Zakat)**
Government of Khyber Pakhtunkhwa,
Zakat, Ushr, Social Welfare, Special Education
And Women Empowerment Department, Peshawar

.....*Respondents*

Service Appeal under Section 4
of the Khyber Pakhtunkhwa
Service Tribunal Act, 1974
against the Order of Removal
from Service No.
SO(Estt)/PF/2017/6729-33 dated
13.02.2018 at Annexure-I

Respectfully Sheweth,

The Appellant humbly submits as under:-

1. That Appellant, born in the year 1990, is a *bona fide* resident of FATA presently Province Khyber Pakhtunkhwa. Appellant is holding Masters in Political Science and Diploma in Conflict Analysis from Washington D.C, United States of America.

Copy of CNIC at Annexure-II

Copy of the qualifications at Annexure-III

2. That having the aforesaid qualification, the Appellant applied to the Zakat, Ushr, Social Welfare, Special Education And Women Empowerment Department, Peshawar against the vacant posts of Junior Clerk (BPS 11). After going through all the requisite procedures, finally on the recommendation of the Departmental Selection Committee, the Appellant was appointed *vide* letter No. 27-I/SO-I(Z)/Vol-II/App/441-450 dated 15.05.2017 as Junior Clerk in BPS 11 in Zakat and Usher Department on permanent basis with the terms and conditions that **“for all intents and purposes, be Civil Servant” to “be governed by the NWFP Civil Servant Act, 1973 read with Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013 and all the laws applicable to the Civil Servants and Rules made thereunder”.**

Copy of the Appointment letter dated:15.05.2017 at Annexure-IV

3. That Appellant in pursuance of the aforesaid letter of appointment joined the service and filed its arrival report dated: 22.05.2017. Moreover, the Appellant performed his duties with all due diligence as and where he was posted. It is worth to mention that from the date of appointment till his impugned letter of Removal from Service, the Appellant performance was satisfactory in all respects.

Copy of Arrival Report at Annexure-V

4. That it is worth to mention here that due to the volatile law and order situation in the country in general and FATA in specific, the Appellant while working with USAID in FATA was once abducted in the end of the year 2008 and was later released in January, 2009 after almost 90 days of captivity. The said abduction and release of the appellant was reported in "The News International" on January 31, 2009.

Copy of Press Clipping is attached at Annexure-VI

5. That the Appellant after being appointed in the Respondent department, faced the same threats of murder and abduction once again. The appellant in this regard requested the Respondents to transfer the Appellant to Peshawar but the Respondent did not pay any heed to the requests of the Appellant.

6. That during the subsistence of the said threat from the terrorists, the Appellant left for North Waziristan on 21.08.2017 to discuss the said issue with his elders.

7. That the Appellant was once again abducted by the terrorists on 07.09.2017 from Touchi River at Haider Khel village of Mir Ali Sub-division around 06:30 PM and remained in their captivity till 07.08.2018.

8. That while the Appellant was passing through the misery of abduction in the incarceration of terrorists, Respondent No. 03 served a show cause Notice No SO-(Estt)/PF/2017/1412-14 dated: 09.10.2017. The relevant portion of the Show cause notice is hereby reproduced,

"that as per report of District Zakat Officer D.I.Khan, you are absent from duty since 21.08.2017 without intimation or taking prior permission."

"Forgoing in view, I am further directed to call upon you to explain cogent reasons for your willful absence within 07 days of receipt of this notice, failing which further disciplinary action shall be initiated against you under the ibid Act."

Copy of the Show cause Notice dated: 09.10.2017 at Annexure-VII

9. That another show cause Notice No. SO(Estt)Z/PF/JC/2017-5033-34 dated: 09.11.2017 was served upon the Appellant residence while the Appellant was in detention of the terrorists. The relevant para is hereby reproduced for ready reference;

"as per report of the District Zakat Officer D.I.Khan, you are absent from duty since 21.08.2017. In this regard a letter, bearing No. SO-(Estt)/PF/2017/1412-14 dated: 09.10.2017 was delivered at your available home address, asking you to explain reasons for your willful absence from duty within 07 days. However, no response is received from you till date."

"Forgoing in view, I am further directed to call upon you to resume duty within 15 days of the receipt of this notice and also explain willful absence from duty, failing which you shall render yourself liable for further disciplinary proceedings under Rule-9 of Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 which may culminate in your removal from service as well."

Copy of the Show cause Notice dated: 09.11.2017 at Annexure-VIII

10. That Appellant being unaware of the said proceeding in the captivity of the terrorists was removed from service vide Impugned letter No. SO(Estt)/PF/2017/6729-33 dated: 13.02.2018.

Copy of the Impugned letter dated: 03.02.2018 at Annexure-IX

11. That finally the Appellant was released on 07.08.2018 from the illegal incarceration. The Appellant during the said illegal detention was in state of mental stress and after his release, the Appellant's family started treating the Appellant and in this respect the Appellant was treated by various doctors.

Copies of various prescriptions are attached at Annexure-X

12. That during the said treatment, the Appellant was informed by his family of the show-cause notices being served on the Appellant by the Respondent No. 03. The Appellant filed a departmental representation before Respondent No. 02 under section 22 of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule 3 of KP Civil Servant (Appeal Rules, 1976) against the impugned orders on 09.09.2018 and explained as to how the Appellant was abducted and later on released along with the press clippings dated: 08.09.2018 in Daily Ausaf Peshawar.

Copy of the Departmental Representation/Explanation dated: 09.09.2018 at Annexure-XI

Copy of Press clippings at Annexure-XII

13. That despite the said explanation Respondent No. 02 dismissed the said appeal vide order dated: 17.09.2018 and the Appellant was informed *"that the Secretary of the department, being the competent authority has rejected your explanation/Appeal on the grounds that action taken against you is final, having been taken after fulfilling all requirements under Rule-9 of the KP, Govt. Servants (APT) rules, 2011."*

Copy of the Dismissal of appeal dated: 17.09.2018 at Annexure-XIII

14. That so far as the departmental appeal filed by the Appellant on has been dismissed by the competent Authority vides Orders dated: 17.09.2018, the Appellant prefers this service appeal against the impugned order dated 13.02.2018 and 17.09.2018, *inter alia*, on the following:

Grounds:

- I. That impugned order is erred both in law and facts.
- II. That impugned *ex parte* order is not only against the principle of natural justice *audi alteram partem* but virtually the Appellant has been denied the right of fair trial as protected under Article 10A of the Constitution, 1973 as one of the fundamental rights of the citizens of the Pakistan. Hence, on this score alone the impugned order is liable to be set aside.
- III. That the Notification dated 13.02.2018 issued by Respondents- 2 is illegal and without jurisdiction, hence, liable to be set aside.
- IV. That as the Appellant has not been treated in accordance with law and has been discriminated against.
- V. That removal from service is a major penalty and it may only be awarded for gravest acts of misconduct only and it tantamount to complete unfitness from service, awarding the same to the petitioner is unlawful and the petitioner has been discriminated against.
- VI. That the Impugned notification dated: 13.02.2018 states that the Appellant has been removed from service for his long willful absence from duty which is not true as the Appellant was being incarcerated by the terrorists illegally against the will of the Appellant and in circumstances the Appellant could not attend his duty.
- VII. That the Appellant has not been treated in accordance with law and the impugned order has been passed in violation of fundamental rights as guaranteed under chapter 1 of part II of the Constitution, 1973.

VIII. That the impugned order has been passed at the back of Appellant. Neither any regular enquiry has been conducted nor was a fair opportunity provided to him to defend his case, therefore, the impugned order is illegal, without lawful authority being violative of principle of natural justice.

IX. That Appellant craves to take/raise any other ground with permission of this Honourable Tribunal which is necessary for just decision of the Appeal in hand.

Prayer: Considering the above submissions, it is, therefore, most respectfully prayed that by way of acceptance of this Appeal, this honourable Court may please set aside the impugned order of Removal from service dated: 13.02.2018 and reinstate the Appellant with all back benefits.

Or any other relief deemed appropriate by this Honourable Tribunal under the circumstances may please also be granted.

(NF) [Signature]

Appellant
through

[Signature]

Saqib Htikhar

Advocate High Court

12. K-3, Phase-III, Hayatabad, Peshawar

Phone 5817132, 5818446, Mobile: 0345 4719233

Email: saqib.htikhar@gmail.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

In Re: Service Appeal No. _____/2018

Mr. Fahim Ullah Khan S/o Jaffar Ali Khan

R/o Village Haider Khel, P.O & Tehsil Mir Ali,

North Waziristan Agency

Presently Residing at House No. 344, Street No. 05,

Sector N-2, Phase 4, Hayatabad, Peshawar.

.....Appellant

Versus

1. **Government of Khyber Pakhtunkhwa**
Through Chief Secretary,
Civil Secretariat, Peshawar
2. **Secretary**
Government of Khyber Pakhtunkhwa,
Zakat, Ushr, Social Welfare, Special Education
And Women Empowerment Department, Peshawar
3. **Section Officer (Estt) (Zakat)**
Government of Khyber Pakhtunkhwa,
Zakat, Ushr, Social Welfare, Special Education
And Women Empowerment Department, Peshawar

.....Respondents

Affidavit

I, Fahim Ullah Khan s/o Jaffar Ali Khan, Appellant do hereby solemnly affirm that contents of this Appeal are true and correct to the best of knowledge and belief and nothing has been concealed intentionally from this honourable court.

Identified By
Saquib Ifikhar
Advocate


Deponent



GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT

Peshawar Dated the 13.02.2018

ORDER

NO: SO(Estr)/PF/2017/6729-33:-WHEREAS, Mr. Faheem Ullah, Junior Clerk (B-11) District Zakat Committee D.I.Khan was proceeded against under the Khyber Pakhtunkhwa, Govt: Servants (Efficiency & Discipline) Rules, 2011 for his long willful absence from duty.

AND WHEREAS, as provided in Rule-9 of the Khyber Pakhtunkhwa, Govt: Servants (Efficiency & Discipline) Rules 2011, the Competent Authority delivered a notice through registered post at his home address directing him to resume duty within fifteen days of issuance of the notice.

AND WHEREAS, no response was received from the absentee within stipulated time, whereafter a notice was published in two leading newspapers, directing him to resume duty within fifteen days of publication of that notice.

AND WHEREAS, no response was received from the absentee on expiry of stipulated period given in the published notice.

NOW THEREFORE, the undersigned in the capacity as Competent Authority, after having observed all the options and exercising powers under Rule-9 of the Khyber Pakhtunkhwa, Govt: Servants (Efficiency & Discipline) Rules 2011, is pleased to impose the major penalty of "Removal from Service" on Mr. Faheem Ullah, Junior Clerk (B-11), District Zakat Committee D.I.Khan with effect from 21.08.2017.

Sd/-

(Fareeha Paul)
Secretary to Government of Khyber Pakhtunkhwa
Zakat, Ushr, Social Welfare, Special Education &
Women Empowerment Department

Endst No & Date Even:-

Copy forwarded to the:-

- Mr. Faheem Ullah S/O Jaffar Ali Khan, r/o
(a) Village Haidar Khel Tehsil Mir Ali, North Waziristan Agency,
(b) House No.344, Street No.05, Sector No.02, Phase -04, Hayatabad, Peshawar.
- District Accounts Officer D.I.Khan.
- District Zakat Officer D.I.Khan.
- Personal file.

Fh

13/02/18

*Approved by the
SAQIB AFTIKHAR
ADVOCATE*

Anna - I

حکومت پاکستان

قومی شناختی کارڈ

21505-4048915-3

عظیم احمد خان

17/07/1990

17/07/1990

عمران ایف بی

دستور مشورہ جنرل



دستور مشورہ جنرل



II
16

YX4K7Q

شناختی نمبر: 21505-4048915-3

موجودہ پتہ: حیدر علی، ڈاکٹر، میر علی، عسکری میسر علی
قصبہ ٹارہ، وزیرستان ایجنسی

منسلک پتہ: ایضاً



07/09/2026

07/09/2016

تاریخ اجراء: 07/09/2016
گمشدہ کارڈ کے برقراری کیلئے کسی میں ڈال دیں



Attended on
me copy
ADVOCATE

GOMAL UNIVERSITY
No 1178302



Amiet III
DERA ISMAIL KHAN (V)
(K. P. K PAKISTAN)

DETAILED MARKS CERTIFICATE MASTER OF ARTS POLITICAL SCIENCE FINAL

Held in April-May 2013
Session 2012/Annual

Roll No: 5691

Name: FAHIM ULLAH KHAN

The Candidate secured the following marks & has been placed in 1st Division

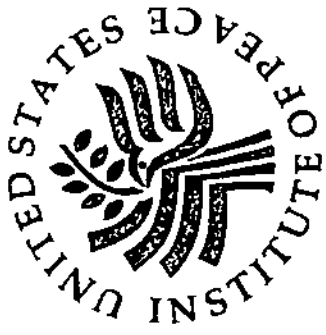
SUBJECT	Total No of Marks Allotted	MARKS OBTAINED	
		In Figure	In Words
Methodology	100	56	Fifty Six
Pakistan in World Affairs	100	80	Eighty
Public Admn: in Pakistan	100	74	Seventy Four
Political System of Pakistan	100	82	Eighty Two
Viva Voce	100	45	Forty Five
Aggregate Previous	400	206	Two Hundred Six
Total Marks	900	543	Five Hundred and Forty Three

Result Declaration Date 18/12/2013

Errors & Ommissions Accepted

Additional Controller of Examinations
City Campus, Gomal University
Dera Ismail Khan

SAQIB IFTIKHAR
ATTORNEY
AT-LAW



Certificate of Course Completion

The United States Institute of Peace awards this certificate to

Fahim Ullah Khan

for successfully completing the

Conflict Analysis Course

Education & Training Online

May 17, 2011

J. Michael Lekson

J. Michael Lekson
Vice President for International Programs
Education and Training Center

*Approved
The sign*

**SAQIB JEFFERY
ADVOCATE**

(2)



**ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT.**

Annex - IV

Dated Peshawar, the: 15.05.2017

13

OFFICE ORDER

No.27-1/SO-I(Z)/Vol-II/App/44-450 On the recommendations of the Departmental Selection Committee, the following candidates are hereby appointed as Junior Clerk (B-11) in Zakat & Ushr Department with immediate effect:-

S#	Name of candidate	Father Name	Address
1.	Mr. Zeeshan ul Haq	Sana ul Haq	Muhallah Hajian, Village Dosehra, Sardheri District Charsadda.
2.	Mr. Asif Zia	Shah Saood	P.O. Nara, Tehsil Ghazi, District Haripur.
3.	Mr. Fahim Ullah Khan	Jaffar Ali Khan	Village Haider Khel, P.O. & Tehsil Mir Ali, North Waziristan Agency.
4.	Mr. Zahid Noor	Fareed Khan	Muhallah Mettah Khel, Village Dak Ismail Khel, District Nowshera.
5.	Mr. Adil Khan	Muhammad Shuaib	School Muhallah, Bar Shawar, Tehsil Matta, District Swat.
6.	Mr. Muhammad Itebar Khan	Muheet Khan	Ghundi Killa, Tehsil Takht e Nasrati, District Karak.
7.	Mr. Hasham	Farooq Masih	Baroon Kohati Gate, House No. 1438 Peshawar City.

2. Consequent upon the above, their posting shall be as per adjustment mentioned against each:-

S#	Name of candidate	Place of Posting	Remarks
1.	Mr. Zeeshan ul Haq	Provincial Zakat Administration (HQ) Peshawar	Against the vacant post of Junior Clerk
2.	Mr. Asif Zia	District Zakat Committee Kohistan	-do-
3.	Mr. Fahim Ullah Khan	District Zakat Committee D.I. Khan	-do-
4.	Mr. Zahid Noor	District Zakat Committee Hangu	-do-
5.	Mr. Adil Khan	District Zakat Committee Shangla	-do-
6.	Mr. Muhammad Itebar Khan	District Zakat Committee Karak	-do-
7.	Mr. Hasham	District Zakat Committee Kohat	-do-

3. The terms and conditions of their appointment in addition to other prevailing rules and regulations applicable shall be as under:-

- They will get pay at minimum of BPS-11 including usual allowances as admissible under the rules. They will also be entitled to annual increment as per existing policy.
- They will be governed by the Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013 and all the laws applicable to the Civil Servants and Rules made there-under.
- They will, for all intents and purposes, be civil servants. They will be entitled for pension and deduction of G.P. Fund at prescribed rates under the Khyber Pakhtunkhwa Civil Servants (Amendment) Act, 2013.
- They will initially be on probation for a period of one year extendable for another year in terms of Rule 15 of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.

Continued next page

SAQIB HIKHAR
ADVOCATE

13A

- (v) They will produce Medical Fitness Certificate from Medical Superintendent, Police & Services Hospital Peshawar or District Headquarters Hospitals concerned before reporting for duty in Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa as required under the rules.
- vi. They will abide to observe all the rules / regulations related to the service matters.
- vii. They will join duty at their own expenses.
- viii. They should report for duty within 14 days after issuance of this order.

-Sd/-
Secretary
Zakat & Ushr Department.

Endst of Even No & Date:-
Copy forwarded to the:

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. District Accounts Officers Kohistan, Kohat, D.I. Khan, Shangla, Karak, Hangu.
3. District Zakat Officers Kohistan, Kohat, D.I. Khan, Shangla, Karak, Hangu.
4. PS to Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa.
5. PA to Additional Secretary Zakat & Ushr Department
6. PA to Deputy Secretary Zakat & Ushr.
7. Officials concerned / Personal Files.


HR 15/05/07
(Arbab Himayat Ur Rehman)
Section Officer (Estt)
Zakat & Ushr Department

Attended on the
SAQIB HUSSAIN
ADVOCATE

**OFFICE OF THE CHAIRMAN DISTRICT ZAKAT COMMITTEE
DERA ISMAIL KHAN**

Subject: Arrival Report:

In compliance of the Office order of the Secretary to the Govt: KPK Zakat Usher, Social Welfare, Special Education and Women Empowerment Department vide No: 27-1/SO-1(Z)/Vol-III/APP/441-450, dated: 15/05/2017, I Mr. Fahim Ullah Khan s/o Jaffar Ali Khan submit my charge report in the Office of the Chairman District Zakat Committee D.I.Khan as Junior Clerk (BPS-11) today on 22/05/2017 forenoon.


 (Fahim Ullah Khan)
 Junior Clerk
 District Zakat Committee
 D. I. Khan

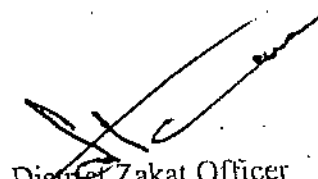
Indst: No 982-85 /DZC/DIK/2017

Dated: DIK. the 22/5 /2017

Copy forwarded to: -

1. The Section Officer (E&A), Zakat Usher, SW and WD Department KPK Peshawar.
2. The District Accounts Officer D.I. Khan
3. The Official Concerned.
4. Office Record

D.I Khan


 District Zakat Officer
DISTRICT ZAKAT OFFICER
 D.I. KHAN.

Shown as True Copy

SAQIB HUSSAIN
ATTORNEY

Islamabad/Rawalpindi Edition

Also published from Karachi, Lahore, London and globally on World Wide Web at www.thenews.com.pk

JANG GROUP OF NEWSPAPERS

INTERNATIONAL

THE NEWS

Saturday, January 31, 2009

NGO official freed

Our correspondent

DERA ISMAIL KHAN: The kidnapppers Friday released an official of a Non-Governmental Organisation after three months of captivity.

Sources said Fahimullah Khan, executive director of the Fine Institute, was kidnapped on way back from Drabin area where he had gone in connection with a survey of computer literacy programme. The official reached home on Friday after remaining in the captivity for 90 days. Fahim had also worked as project coordinator of Clean Drinking Water for All for North Waziristan, a project of the USAID.

Fahim Ullah Kidnapped from Drabin area and remained in captivity for 90 days.

Attached as the
SAQIB ANWAR
ADVOCATE



GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT

Area VII

16

No. SO-(Estt)/PF/2017/1412-14
Dated Peshawar, the 09.10.2017

To

Mr. Fahim Ullah,
s/o Jaffar Ali Khan,
Junior Clerk, District Zakat Committee D.I. Khan.
r/o House No. 344, Street No. 5, Sector N-2, Phase-4, Hayatabad,
Peshawar.

Subject: EXPLANATION REGARDING ABSENCE FROM DUTY.

I am directed to refer to the subject noted above and to state that as per report of District Zakat Officer D.I. Khan, you are absent from duty since 21.08.2017 without intimation or taking prior permission. The District Zakat Officer D.I. Khan has further reported that you conveyed a text message to the effect that you are going to tender your resignation from service.

In this regard attention is drawn to Khyber Pakhtunkhwa, Civil Servants (Efficiency & Discipline) Rules, 2011 according to which wilful absence from duty warrants disciplinary action against the delinquent official. Moreover, it is also worth recalling that you are still on probation as per terms and conditions contained in your appointment order.

Foregoing in view, I am further directed to call upon you to explain cogent reasons for your wilful absence within 07 days of the receipt of this notice, failing which further disciplinary action shall be initiated against you under the ibid Act.

Handwritten signature
09/10/17
(Arbab Himayat ur Rehman)
Section Officer (Estt)
(Zakat)

Endst of Even No & Date:-

Copy forwarded to the:

1. PS to Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa.
2. District Zakat Officer, D.I. Khan.

Handwritten signature
09/10/17
Section Officer (Estt)
(Zakat)

0910171

Handwritten note: Attached as per
SAO/ESTT/AR
D/DO/AR

THROUGH REGISTERED POST

Annex VIII

017



GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT

No. SO(Estt)Z/PF/JC/2017-5033-34
Dated Peshawar, the 09.11.2017

To

Mr. Fahim Ullah,
s/o Jaffar Ali Khan, Junior Clerk,
District Zakat Committee, D.I. Khan.
1. r/o Village Haider Khel, Tehsil Mir Ali, North Waziristan Agency.
2. House No. 344, Street No. 05, Sector No. 02, Phase-4, Hayatabad.

Subject: NOTICE FOR RESUMPTION OF DUTY.

I am directed to refer to the subject noted above and to state that as per report of the District Zakat Officer D.I.Khan, you are absent from duty since 21.08.2017. In this regard a letter, bearing No. SO-(Estt)/PF/2017/1412-14 dated 09.10.2017 was delivered at your available home address, asking you to explain reasons for your wilful absence from duty within 07 days. However, no response is received from you till date.

Foregoing in view. I am further directed to call upon you to resume duty within 15 days of the receipt of this notice and also explain cogent reasons for your wilful absence from duty, failing which you shall render yourself liable for further disciplinary proceedings under Rule-9 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 which may culminate in your removal from service as well.

Hh
Section Officer (Estt) 09/11/17
(Zakat)

Endst of Even No & Date:-

Copy forwarded to PS to Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa.

Hh
Section Officer (Estt) 09/11/17
(Zakat)

0911171

Handwritten signature
SAQIB HUSSAIN
ADVOCATE

Annex X
(18)



HAYATABAD MEDICAL COMPLEX PESHAWAR

Accident & Emergency Service Deptt
Serial #: 780834

Name: ACE10108756 FAHEEM ULAH Age: () Sex: ()
Address: Invoice #: K01103002888 Receipt #: K01101512044
Hospital: () Dated: 04 SEP 18 16:51:04

Pt. Status.

Pt. Hist:

BP: 130/85

Clinical Examination

Provisional diagnosis

Investigation Required

RI- c/c - Numbness at
left side of
tongue
Itchy left ear.
Bump epigastrium
C Hx of
psychiatric
illness.

Adv:

Attached as the
copy
SAQIB IFTIKHAR
ADJUTANT
COMMISSIONER

GH Gulzar Hospital

گلزار ہسپتال
P. Name Fahim Ullah

Sr. No. 04872

Date: 4/2/18.

B.P. 140/80 - 11:00 a.m. Tab. Cofitin 20m
Pulse 80/hr ع 80 زبان سفید

B.P. 150/105 Cap. Nyctam
Pulse 97
12:00 p.m.
2/2 فان سفید

Self. Simulon

2+2+2

Cofitin
ایک ایک ایک

شربت
Rinsek. domy

Shahid Nawaz Plaza Opposite Col. Aman Ullah Road.
Next to Gulzar Pharmacy, Bhara Kahu, Islamabad Ph: 051-2321915

Att. signed as
The C.M.
SAQIB HUSSAIN
ADVOCATE

20



HAYATABAD MEDICAL COMPLEX PESHAWAR

Accident & Emergency Service Deptt
Serial #: 781577

Name ACE18180434 FAHIM ULLAH Age 34 Year(s) Sex Male
Address _____ Invoice #: K01183085442 Receipt #: K01181514191
Hospital Yearly No. WIFE HUSBAND : JAFFAR ALI Dated 04-SEP-18 22:51:35

Pt. Status.	RI- <i>pharyngitis</i>
Pl. Hist.	Cholera 5 days Dr. Amelaw tom
Clinical Examination	Dr. Asim Dr. Pervez
Provisional diagnosis	Dr. T. Day
Investigation Required	MP ①

- FBC & MP

Website: hmckp.gov.pk E-mail: info@hmckp.gov.pk

- Typhoid

Attached as True Copy
SAQIB ULLAH
ADVOCATE

23

IBP MEDICAL NWR R/2 - OPD Token# 014

Appointment Time : 17:20

Serial # : 780801

M.R. No : K0100091349004

Invoice # : K01163087555

Name : FALAHUDDIN

Relationship: ...

Gender : Male

Account Part: ...

Age : 27 (years)

Print Date : 04-SEP-19 16:45:56

History

✓

- Program o.s

Clinical Examination

✓

Ys - R YL

Provisional Diagnosis

✓ 3

- Exercise do
T up 0

Investigations

✓

- Respirator do
res

Attended as per
Cym.
SAQIB KHAN
ADVOCATE

To
Secretary Zakat & Ushr,
Khyber Pakhtunkhwa.

09-09-2018
Dated: 08/10/2018

Subject: Explanation regarding absence from Duty & Resumption of duty.

With due reverence, it is submitted in your valuable self that I was appointed as Junior Clerk (BPS-11) on dated: 15-05-2017 under Office Order No. 27-1/SO-I(Z)/No-II/App/441-450 and placed in District Zakat Committee, D.I.Khan. Thereafter, I submitted my arrival report on dated: 22-05-2017 to the same and was performing my duties with full zeal and zest.

However, on dated: 09-10-2017, I was served with an explanation letter regarding absence from duty since 21-08-2017, under letter No. SO-(Estt)/PF/2017/1412-14, which was received at my home in Peshawar to my sister but regrettably, I was unable to response to the official letter due to my abduction. However, before serving with the notice, I had already received threats from Tehrek-e-Taliban Pakistan (TTP) of North Waziristan Agency to leave the job immediately and I had already left for North Waziristan on dated: 21-08-2017, to discuss the issue with my elders.

In addition, as I had already served as a Project Coordinator for North Waziristan Agency in 2009 in one of the USAID projects namely Hygiene Promotion Project (HPP), therefore, I was kidnapped from Drabin area of District D.I.Khan for three months (90 days) and was released on 31-01-2009. [Press release attached]

Therefore, I was again abducted on 07-09-2017 from Touchi River of Haider Khel from Mir Ali Sub-Division around 06:30 p.m and remained in their captivity till 07-08-2018. Though, time and again, a second notice for resumption of duty was also served at both of my address on dated: 09-11-2017 under letter No. SO (Estt) 7/PF/IC/2017-5033-34, but unfortunately, I was in no way able to response to the letter nor my family. However, after going through a worst period of my life and mental torture, I was released on 08-08-2018. Thereafter, spending some days in my village to recover my physical and mental health, I rushed toward District Bannu and held a Press Conference on 31-08-2018 and share the whole story with the respectable journalists. [Press Club Bannu Receipt attached].

In addition, after a journalistic dealy, Daily Ausaf Peshawar, on dated: 08-09-2018, published my kidnapping statement. [Press Release attached].

In the meantime, as I have already gone through physical and mental torture, I have consulted various Doctors regarding my mental condition. Therefore, I am still taking medicines and doctors have prescribed me various medications for three months. [Doctors Prescriptions attached].

I would like to convey to the high-ups that I have maintained my accommodation in Haider Khel Village at Mir Ali Sub-Division in North Waziristan Agency and have 4 children. However, it is a bare-fact that the law & order situation is already not good in the entire country but especially in North Waziristan Agency, it is again worsening. Even after my release on 8th of Aug, 2018; a number of killings of civilians have been happened either at the hands of Talibans or unidentified persons. And it is the second time that I have been targeted. Therefore; neither D.I.Khan District is safe for me nor North Waziristan and also not any western districts as well.

Therefore, I would request all the officials concerned that please resume my duty and release me the frozen salaries as well and also make an arrangements for me to place me in Peshawar on the basis of the evidentiary facts and figures and also keeping in view my family to whom I am the only sustainer as well.

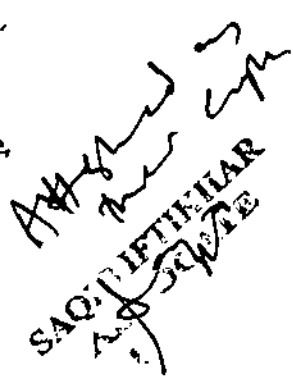
Thanking to you.


Fahim Ullah

Junior Clerk
District Zakat Committee,
D.I.Khan.

Copy forwarded to:

1. PS to Secretary, Zakat & Ushr Department, Khyber Pakhtunkhwa.
2. P.A to Additional Secretary, Zakat & Ushr Department, Khyber Pakhtunkhwa.
3. P.A to Deputy Secretary, Zakat & Ushr Department, Khyber Pakhtunkhwa.
4. Section Officer (Establishment), Zakat & Ushr Department, Khyber Pakhtunkhwa.
5. District Zakat Officer, D.I.Khan.


SAO DISTRICT OFFICER
D.I.KHAN

قسم ہے قلم کی اور جو کچھ لکھتے ہیں، القرآن

091-5252021: فون: 091-5606319: فیکس: ABC ENTERTAIN

E-mail: ausaf@dsl.net.pk http://www.dailyausaf.com

شمالی صحافتی اوصاف کا علمبردار

روزنامہ اوصاف

DAILY AUSAF PESHAWAR

پشاور

جلد: 4

پتہ: 27، ناہر 1439، س 8، ستمبر 2018، 24، مہینوں 2075، ب سہ ماہی 16، قیمت 15 روپے، شمارہ: 61

SATURDAY, SEPTEMBER 08, 2018 Registered No. 171

شمالی وزیرستان میں آپریشن کے شہداء کی قبریں مل رہے ہیں اللہ واوڑ

آپریشن کے شہداء کی قبریں مل رہی ہیں۔ وزیرستان میں آپریشن کے شہداء کی قبریں مل رہی ہیں۔ وزیرستان میں آپریشن کے شہداء کی قبریں مل رہی ہیں۔

جن (بمبار) شمالی وزیرستان میں آپریشن کے شہداء کی قبریں مل رہی ہیں۔ وزیرستان میں آپریشن کے شہداء کی قبریں مل رہی ہیں۔

آپریشن کے شہداء کی قبریں مل رہی ہیں۔ وزیرستان میں آپریشن کے شہداء کی قبریں مل رہی ہیں۔

آپریشن کے شہداء کی قبریں مل رہی ہیں۔ وزیرستان میں آپریشن کے شہداء کی قبریں مل رہی ہیں۔

آپریشن کے شہداء کی قبریں مل رہی ہیں۔ وزیرستان میں آپریشن کے شہداء کی قبریں مل رہی ہیں۔

Sept 2017

مہینہ شمالی وزیرستان میں اغواء

تباہی اور آگ 2018 Aug سے پائی ملی

48 اوصاف

2007 میں شمالی وزیرستان کے شہداء کی قبریں مل رہی ہیں۔ وزیرستان میں آپریشن کے شہداء کی قبریں مل رہی ہیں۔

آپریشن کے شہداء کی قبریں مل رہی ہیں۔ وزیرستان میں آپریشن کے شہداء کی قبریں مل رہی ہیں۔

آپریشن کے شہداء کی قبریں مل رہی ہیں۔ وزیرستان میں آپریشن کے شہداء کی قبریں مل رہی ہیں۔

آپریشن کے شہداء کی قبریں مل رہی ہیں۔ وزیرستان میں آپریشن کے شہداء کی قبریں مل رہی ہیں۔

آپریشن کے شہداء کی قبریں مل رہی ہیں۔ وزیرستان میں آپریشن کے شہداء کی قبریں مل رہی ہیں۔

Handwritten signature and stamp: SAQIB KHAN ADVOCATE



GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT

No. SO-T(st)/PF/2017/1280-81

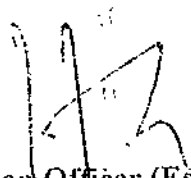
Dated 17.09.2018

To

- Mr. Faheem Ullah Khan.**
(1) Village Haider Khel P.O and Tehsil Mir Ali,
Tribal District North Waziristan.
(2) House No.344, Street No.5, Sector No.02,
Phase-4 Hayatabad, Peshawar.

Subject: - EXPLANATION REGARDING ABSENCE FROM DUTY AND
RESUMPTION OF DUTY.

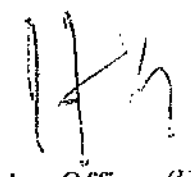
I am directed to refer to your application dated 09.09.2018 on the subject noted above and to state that the Secretary of the Department, being the competent authority has rejected your explanation/appeal on the grounds that action taken against you is final, having been taken after fulfilling all requirements under Rule-9 of the KP. Govt. Servants (APT) Rules, 2011.


Section Officer (Estt)

17/9/18

End of Even No & Date:-

Copy forwarded to the PS to Secretary Zakat, Ushr Social Welfare & Women Dev: Department Khyber Pakhtunkhwa.


Section Officer (Estt)

17/9/18

Accepted as the copy
SAQIB
ADVOCATE

(25)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

In Re: Service Appeal No. _____/2018

Mr. Fahim Ullah Khan S/o Jaffar Ali Khan
Presently Residing at House No. 344, Street No. 05,
Sector N-2, Phase 4, Hayatabad, Peshawar.

.....Appellant

Versus


Government of Khyber Pakhtunkhwa & 2 OthersRespondents

By this, power-of-attorney I/we, the said **Mr. Fahim Ullah Khan S/o Jaffar Ali Khan Appellant**, undersigned, do hereby nominate and appoint **Mr. Saquib Iftikhar, Advocate High Court** to be counsel/s in the above matter for me/us and on my/our behalf as agree to appear plead act and answer in the above Court/Authority/Tribunal or any appellate court or any other court to which the business in transferred in the above matter as and is agreed to sign the file Petitions. Appeals, Statement, Accounts, Exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising therefore and also to apply for receive all documents or copies of documents, depositions etc. and to apply for and issue summons and other writes or sub poena and to apply for and get issued any arrest attachments or other execution, warrants or order and to conduct any proceedings that may arise there out; and reply for and receive payment of any or all sums or submit for the above matter arbitration, and to employ and other legal practitioner, authorizing him to exercise the power and authorities hereby conferred on the Advocate whenever he may think fit to do so, any other lawyer may be appointed by may said counsel to conduct the case who shall have the same persons.

And to do all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may by proper and expedient.

And I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of these powers or as is the usual practice in such matters.

Provide always, that I/we under that at the time of calling case by the court if the case may be dismissed in default, if it be proceeded *ex-parte* the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right IN WITNESS WHEREOF I/WE has hereto signed at **Peshawar** ___ day of **September** in the year **2018**.


Signature
(Executant / Executants)

Accepted subject to the terms regarding fee.


Saquib Iftikhar
AHC

12, K-3, Phase-III, Hayatabad, Peshawar
Phone 5817132, 5818446, Mobile: 0345 4719233
Email: saqib.iftikhar@gmail.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL No. 1206 of 2018

Mr. Faheemullah Khan Appellant

VS

Secretary to Government of Khyber Pakhtunkhwa Zakat, Ushr, Social Welfare,
Special Education and Women Empowerment department and others.

INDEX

Sl.No	Description	Annexure	Page
1.	Para wise Comments		1-2
2.	Affidavit		03
3.	Copy of letter dated 19.09.2017	Annexure-A	04
4.	Copy of Explanation regarding absence from duty dated 09.10.2017	Annexure-B	05
5.	Copy of Notice for resumption of duty dated 09.11.2017 along with registries.	Annexure-C & D	06-07
6.	Copies of the Notices appeared in Daily Aaj & Mashriq	Annexure-E & F	08-09
7.	Copy of Order regarding "Removal from Service" dated 13.02.2018	Annexure-G	10

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

APPEAL No. 1206 of 2018

Mr. Faheemullah Khan Appellant

VS

Secretary to Government of Khyber Pakhtunkhwa Zakat, Ushr, Social Welfare,
Special Education and Women Empowerment department and others.

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENT No. 02 & 03

PRILIMINARY OBJECTIONS

1. That the appellant has no cause of action to file the instant appeal.
2. That the instant matter has been considered by the competent authority on merit.
3. That the appellant did not come to this Hon'ble Tribunal with clean hands.
4. That the instant appeal is hit by laches.

Respectfully Sheweth

- Para No.1 No comments
- Para No.2 Correct
- Para No.3 Correct to the extent that the appellant after his appointment joined the department on 22.05.2017.
- Para No.4 No comments
- Para No.5 Incorrect. The appellant neither reported about threats of abduction nor requested the department for transfer to Peshawar.
- Para No.6 No Comments
- Para No.7 No Comments
- Para No.8 The District Zakat Officer D.I.Khan vide his letter dated 19.09.2017 at **Annex-A** reported to the Head Office that the appellant had requested for one day leave on 21.08.2017 and thereafter he remained absent from office. Later on, on 05.09.2017, the appellant sent an SMS to the effect that he was sending his resignation from service within one or two days. Initiating action on the report of District Zakat Officer D.I.Khan the department sent a notice to the appellant at available address asking him to explain reasons for his willful absence within seven (07) days, failing which further disciplinary action shall be initiated against him under the Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011 (**Annex-B**).
- Para No.9 Correct. Since no reply was received from the appellant in response to the letter at **Annex-B**, the department was left with no other option but to serve a former Notice upon the appellant under Rule-09 of the Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011 asking him to resume duty within 15 days of the receipt of Notice, failing which he shall render himself liable for further disciplinary proceedings which may culminate in his removal from service. The Notice was delivered through registered post at his two available addresses, one at Hayatabad Peshawar and another at his native village in Waziristan Agency. Copies of the Notice and registries are at **Annex-C and D** respectively.
- Para No.10 As required under the Rule-09 of the Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011, when no response is received from the absentee within the stipulated time then a Notice shall be published in at least two

leading News Papers directing the absentee to resume duty within 15 days. failing which ex-parte decision shall be taken against him. Accordingly, a final Notice through two leading News Papers was published. Copies of the Notices appeared in daily "Aaj" and "Mashriq" are at Annex-E & F respectively. However, when no response was received from the Petitioner within the stipulated time, the competent authority imposed the major penalty of "Removal from Service" on him vide order dated 13.02.2018 at Annex-G.

Para No.11 No Comments

Para No.12 If the appellant was presumably abducted, at least his family should have reported the same to the department. Ironically, however, no one in his family reported his alleged abduction.

Para No.13 Correct. The major penalty of "Removal from Service" was imposed on the appellant after fulfilling the requirements specified in the Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011.

Para No.14 No comments

Grounds

- I. Incorrect. The order was issued after completion of all codal requirements under the rules quoted ibid.
- II. Incorrect. No discrimination was made against the appellant.
- III. Incorrect. Comments as per facts narrated in Para-13.
- IV. Incorrect. No discrimination was made against the Petitioner
- V. Misleading. Long willful absence amounts to act of misconduct and warrants disciplinary action as provided for in Khyber Pakhtunkhwa Government Servant (E&D) Rules, 2011
- VI. Misleading. As stated in Para-12. if the appellant was presumably abducted, at least his family should have reported the accident to the department, which they failed to do despite having received the Notices.
- VII. Incorrect and misleading as replied above.
- VIII. Incorrect. Due process as specified in Khyber Pakhtunkhwa Government Servant (E&D) Rules, 2011 was observed.
- IX. The respondents seek leave to raise additional grounds at the time of arguments.

PRAYERS:-

The appeal filed by the appellant is misleading and has no legal standing. The whole story of his abduction is self-contradictory. The major penalty of "Removal from Service" was imposed after observing due process as specified in the Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011

It is therefore, prayed that the appeal being unlawful may graciously be dismissed with cost.

Respondent-2

Secretary Zakat, Ushr, Social Welfare, Spl. Education
and Women Empowerment Department

Respondent No 3
Section Officer
SECTION OFFICER
Zakat & Ushr Department
Khyber Pakhtunkhwa

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL No. 1206 of 2018


Mr. Faheemullah Khan Appellant

VS

Secretary to Government of Khyber Pakhtunkhwa Zakat, Ushr, Social Welfare,
Special Education and Women Empowerment department and others.

AFFIDAVIT

I, Arbab Himayat Ur Rehman, Section Officer (Estt), Zakat & Ushr Department, Khyber Pakhtunkhwa, do hereby solemnly affirm and declare on oath that the contents on behalf of **Respondents No. 02 & 03** are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Court.


DEPONENT
CNIC No: 17301-1240467-1
Office #: 091-9212737
Cell #: 0300-5829243

legislation

(20)

**OFFICE OF THE CHAIRMAN DISTRICT ZAKAT COMMITTEE
DERA ISMAIL KHAN**

No: 1711 /DZC/DIK

Dated: DIK the 19/9/2017

To

The Section Officer (E&A)
Zakat and Usher Department
KPK Peshawar

Subject: ABSENT FROM DUTY
Memo:

It is submitted for your kind information that with reference to your appointment office order No: 27-1/SO-I/VOL-II/APP 441-450, dated: 15/05/2017, Mr. Fahim Ullah Khan s/o Jafar Ali Khan r/o Village Haider Khel P.O and Tehsil Mir Ali North Waziristan Agency, appointed as Junior Clerk at District Zakat Committee D.I.Khan. The Official concerned has lastly attended this office on 18/08/2017 and then went to home after that on 20/08/2017. The concerned official requested on phone for one day casual leave for 21/08/2017 and after that the concerned is absent till date, meanwhile on 5/9/2017 the concerned official made SMS to under signed that he is sending his resignation within one or two days, which is still awaited.

This office has stopped his salary w.e.f 1/9/2017. So the report is submitted for further proceeding and for further action please.

[Handwritten signatures and initials]

~~District Zakat Officer
Dera Ismail Khan~~

No: 1711 /DZC/DIK

Dated: DIK the 19/9/2017

Copy to: -

- 1. Mr. Fahim Ullah Khan s/o Jafar Ali Khan, Junior Clerk r/o Village Haider Khel, P.O and Tehsil Mir Ali, North Waziristan Agency for information.

District Zakat Officer
Dera Ismail Khan

25/9/17

*1789
26/9/17*

[Handwritten signatures and initials]

[Handwritten signatures and initials]

SECTION OFFICER
Zakat & Usher Department
Khyber Pakhtunkhwa

Section Officer (Estt)
(Zakat)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT

No. SO-(Estt)/PF/2017/1512-14
Dated Peshawar, the 09.10.2017

To


Mr. Fahim Ullah,
s/o Jaffar Ali Khan,
Junior Clerk, District Zakat Committee D.I. Khan,
r/o House No. 344, Street No. 5, Sector N-2, Phase-4, Hayatabad,
Peshawar.

Subject: EXPLANATION REGARDING ABSENCE FROM DUTY.

I am directed to refer to the subject noted above and to state that as per report of District Zakat Officer D.I. Khan, you are absent from duty since 21.08.2017 without intimation or taking prior permission. The District Zakat Officer D.I. Khan has further reported that you conveyed a text message to the effect that you are going to tender your resignation from service.

In this regard attention is drawn to Khyber Pakhtunkhwa, Civil Servants (Efficiency & Discipline) Rules, 2011 according to which wilful absence from duty warrants disciplinary action against the delinquent official. Moreover, it is also worth recalling that you are still on probation as per terms and conditions contained in your appointment order.

Foregoing in view, I am further directed to call upon you to explain cogent reasons for your wilful absence within 07 days of the receipt of this notice, failing which further disciplinary action shall be initiated against you under the ibid Act.

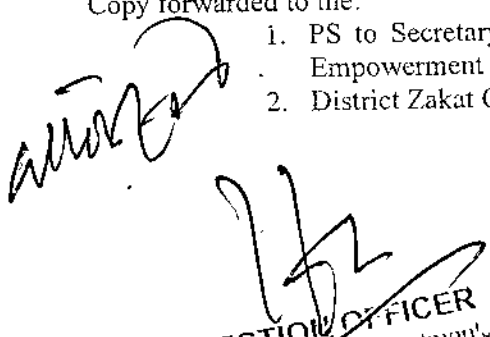

(Arbab Himayat ur Rehman)
Section Officer (Estt)
(Zakat)

Endst of Even No & Date:-

Copy forwarded to the:

1. PS to Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa.
2. District Zakat Officer, D.I. Khan.


Section Officer (Estt)
(Zakat)


SECTION OFFICER
Zakat & Ushr Department
Khyber Pakhtunkhwa



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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT**

No. SO(Est)Z/PF/SC/2017-5033-34
Dated Peshawar, the 09.11.2017

To

Mr. Fahim Ullah,
s/o Jaffar Ali Khan, Junior Clerk.
District Zakat Committee, D.I. Khan.
1. r/o Village Haider Khel, Tehsil Mir Ali, North Waziristan Agency.
2. House No. 344, Street No. 05, Sector No. 02, Phase-4, Hayatabad.

Subject: **NOTICE FOR RESUMPTION OF DUTY.**

I am directed to refer to the subject noted above and to state that as per report of the District Zakat Officer D.I.Khan, you are absent from duty since 21.08.2017. In this regard a letter, bearing No. SO-(Est)/PF/2017/1412-14 dated 09.10.2017 was delivered at your available home address, asking you to explain reasons for your wilful absence from duty within 07 days. However, no response is received from you till date.

Foregoing in view, I am further directed to call upon you to resume duty within 15 days of the receipt of this notice and also explain cogent reasons for your wilful absence from duty, failing which you shall render yourself liable for further disciplinary proceedings under Rule-9 of the Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) Rules, 2011 which may culminate in your removal from service as well.

Hh
Section Officer (Est)
(Zakat) 09/11/17

Endst of Even No & Date:-

Copy forwarded to PS to Secretary Zakat, Ushr, Social Welfare, Special Education & Women Empowerment Department Khyber Pakhtunkhwa.

Hh
Section Officer (Est)
(Zakat) 09/11/17

amir
Hh
SECTION OFFICER
Zakat & Ushr Department
Khyber Pakhtunkhwa

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655

For Insurance Notices see reverse.
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgment is due.

Registered
Addressed to Wazir Khan Date-Stamp
*Write here "letter", "postcard", "packet" or "parcel"
of Receiving Officer with the word "insured" before it when necessary.
Insured for Rs. (in figures) _____ (in words) _____

Insurance fee Rs. _____ Ps. _____ (in words) } Weight } Kilo
Name and address of sender } Poh Cant } Grams

656

For Insurance Notices see reverse.
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgment is due.

Registered
Addressed to House No 399 Sialkot Date-Stamp
*Write here "letter", "postcard", "packet" or "parcel"
of Receiving Officer with the word "insured" before it when necessary.
Insured for Rs. (in figures) _____ (in words) _____

Insurance fee Rs. _____ Ps. _____ (in words) } Weight } Kilo
Name and address of sender } Poh Cant } Grams

amir ab

[Signature]
SECTION OFFICER
Zakat & Relief Department
Khyber Pakhtunkhwa

ج

2018

پیشاور

روزنامہ

پیشاور

پاکستان

عبدالواحد قاسمی

سنہ 12

جلد 28 نمبر 4 جنوری 2018ء 16-2018

1439ھ 13 جنوری 2018ء 13-2018

شمارہ 355

برگاہ کی تہمید میں ڈائریکٹر جنرل خزانہ کی طرف سے منسلک ہونے والے تمام افسران کی فہرست مندرجہ ذیل ہے۔

04 جنوری 2017ء کو جاری کیے گئے حکم نامہ کے تحت ڈائریکٹر جنرل خزانہ کی طرف سے منسلک ہونے والے تمام افسران کی فہرست مندرجہ ذیل ہے۔

09-10-2017ء کی تاریخ سے ڈائریکٹر جنرل خزانہ کی طرف سے منسلک ہونے والے تمام افسران کی فہرست مندرجہ ذیل ہے۔

15 جنوری 2018ء کی تاریخ سے ڈائریکٹر جنرل خزانہ کی طرف سے منسلک ہونے والے تمام افسران کی فہرست مندرجہ ذیل ہے۔

2011ء کے حکم نامہ کے تحت ڈائریکٹر جنرل خزانہ کی طرف سے منسلک ہونے والے تمام افسران کی فہرست مندرجہ ذیل ہے۔

2017ء کے حکم نامہ کے تحت ڈائریکٹر جنرل خزانہ کی طرف سے منسلک ہونے والے تمام افسران کی فہرست مندرجہ ذیل ہے۔

2018ء کے حکم نامہ کے تحت ڈائریکٹر جنرل خزانہ کی طرف سے منسلک ہونے والے تمام افسران کی فہرست مندرجہ ذیل ہے۔

Handwritten signature

SECTION OFFICER
Zakat & Ustu Department
Khyber Pakhtunkhwa

2018

https://play.google.com/store

(/https://www.mashriqtv.pk)



روزنامہ مشرق حوض ۰۹ جنوری ۲۰۱۸

مشرقی نوٹس جاری

ہر گاہ کہ کسی فیہم اللہ خان ولد جعفر علی خان سکند گاون حیدر خیل تحصیل میر علی، شمالی وزیرستان ایجنسی حال ہاؤس نمبر 344، گلی نمبر 05، سیکٹر 2-N-04 فیہم اللہ خان آباد جو نیکرک ضلع ڈکھن ڈی آئی خان مورچہ 2017-08-21 سے مسلسل غیر حاضر ہے۔ جس پر اسے بذریعہ چھٹی محرر 9/10/2017 ہدایت کی گئی کہ وہ آ کے اندر اندر ڈیوٹی پر حاضر ہو جائے۔ اس کے بعد بذریعہ رجسٹرار نوٹس محرر 9-11-2017 سے ہدایت کی گئی کہ 15 دن کے اندر اندر ڈیوٹی پر حاضر ہو جائے، وگرنہ اس کے خلاف خیبر پختونخوا گورنمنٹ سرورٹھ (Efficiency & Discipline) رولز 2011 کے تحت حرید کارروائی عمل میں لائی جائے گی۔ تاہم وقت کے اختتام پر بھی اس کے طرف سے نہ کوئی جواب آیا اور نہ ہی وہ ڈیوٹی پر حاضر ہوا۔

(2)۔ مندرجہ بالا حقائق کی روشنی میں، میں فریڈ ہال سیکرٹری ڈکھن ڈیوٹی خیبر پختونخوا، بحیثیت مجاز حاکم، مسی فیہم اللہ خان ولد جعفر علی خان، جو نیکرک ضلع ڈکھن ڈیوٹی خان کو بذریعہ نوٹس ہدایت کرتی ہوں کہ اس نوٹس کے شائع ہونے کے 15 دن کے اندر اندر دفتر حاضر ہو کر اپنی غیر قانونی غیر حاضری کے متعلق معقول وجوہ پیش بصورت وگرنہ اس کے خلاف خیبر پختونخوا گورنمنٹ سرورٹھ (Efficiency & Discipline) رولز 2011 کے تحت تادیبی کارروائی عمل میں لائی جائے گی۔ تاہم کی ملازمت سے برخواستگی پر بھی متوجہ ہو سکتی ہے۔

مشرقی نوٹس جاری

INF(P) 10 Also available on www.khyberpakhtunkhwa.gov.pk

Mashriq TV Live Stream




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SECTION OFFICER
 Zakat & Ushr Department
 Khyber Pakhtunkhwa

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
ZAKAT, USHR, SOCIAL WELFARE, SPECIAL EDUCATION
AND WOMEN EMPOWERMENT DEPARTMENT**

Peshawar Dated the 13.02.2018

ORDER

NO: SO(Est)/PF/2017/6729-33 -WHEREAS, Mr. Faheem Ullah, Junior Clerk (B-11) District Zakat Committee D.I.Khan was proceeded against under the Khyber Pakhtunkhwa, Govt Servants (Efficiency & Discipline) Rules, 2011 for his long willful absence from duty.

AND WHEREAS, as provided in Rule-9 of the Khyber Pakhtunkhwa, Govt Servants (Efficiency & Discipline) Rules 2011, the Competent Authority delivered a notice through registered post at his home address directing him to resume duty within fifteen days of issuance of the notice.

AND WHEREAS, no response was received from the absentee within stipulated time, whereafter a notice was published in two leading newspapers, directing him to resume duty within fifteen days of publication of that notice.

AND WHEREAS, no response was received from the absentee on expiry of stipulated period given in the published notice.

NOW THEREFORE, the undersigned in the capacity as Competent Authority, after having observed all the options and exercising powers under Rule-9 of the Khyber Pakhtunkhwa, Govt Servants (Efficiency & Discipline) Rules 2011, is pleased to impose the major penalty of "**Removal from Service**" on Mr. Faheem Ullah, Junior Clerk (B-11), District Zakat Committee D.I.Khan with effect from 21.08.2017.

Sd/-

(Farceha Paul)

Secretary to Government of Khyber Pakhtunkhwa
Zakat, Ushr, Social Welfare, Special Education &
Women Empowerment Department

Endst No & Date Even:-

Copy forwarded to the:-

- i) Mr. Faheem Ullah S/O Jaffar Ali Khan, r/o
(a) Village Haidar Khel Tehsil Mir Ali, North Waziristan Agency,
(b) House No.344, Street No.05, Sector No.02, Phase -04, Hayatabad, Peshawar.
- ii) District Accounts Officer D.I.Khan.
- iii) District Zakat Officer D.I.Khan.
- iv) Personal file.

SECTION OFFICER
Zakat & Ushr Department
Khyber Pakhtunkhwa

13/02/18

VAKALATNAMA

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar

No. _____ /2019

Faheem Allah Khan (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Gout. of KP (RESPONDENT)
(DEFENDANT)

I/We Faheem Allah Khan

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. 29 / 08 / 2019



CLIENT



ACCEPTED

NOOR MOHAMMAD KHATTAK

SHAHZULLAH KHAN YOUSAFZAI

&

**MIR ZAMAN SAFI
ADVOCATES**

OFFICE:

Room No. 1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City
Phone: 091-2211391