

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

Appeal No. 1203/2019

Date of institution ... 30.09.2019

Date of decision .... 04.11.2019

Naseer Badshah son of Aziz Khan R/O Markez Karoona, Domail, Tehsil  
and District Karak. ... (Appellant)

Versus

Government of Khyber Pakhtunkhwa through Secretary/Senior Member  
Board of Revenue, Peshawar and four others. ... (Respondents)

Present

Mr. Hidayatullah Khattak,  
Advocate

... For appellant.

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MR. HAMID FAROOQ DURRANI,

... CHAIRMAN

JUDGMENTHAMID FAROOQ DURRANI, CHAIRMAN:-

1. The appellant is aggrieved of order dated 19.06.2019, whereby his service was terminated. The impugned order was passed by respondent No. 3. He is also dissatisfied with the order of rejection of his departmental appeal issued on 02.09.2019.
2. Learned counsel for the appellant heard and available record gone through.
3. The impugned order dated 19.06.2019 suggests that the appellant being a contract/temporary employee (Naib Qasid BPS-03), was proceeded against for not reporting for official duty at relevant school/academy Peshawar. His service was consequently terminated with immediate effect.

In order to ascertain the nature of appointment of appellant learned counsel was asked to refer to the appointment order. He replied that the record pertaining to his service was once available with the appellant but got destructed in a fire outbreak incident, therefore, he was not in a position to produce the same.

4. In the circumstances of the case, where the appellant has failed to establish his status as a civil servant under the provisions of Khyber Pakhtunkhwa Civil Servants Act 1973, instant appeal is not competent before this Tribunal. The same is, therefore, dismissed in limine.

File be consigned to record room.



(HAMID FAROOQ DURRANI)  
Chairman

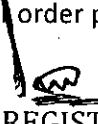

ANNOUNCED  
04.11.2019

Form- A

# FORM OF ORDER SHEET

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

Case No.- 1203/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/09/2019	<p>The appeal of Mr. Naseer Badshah presented today by Mr. Hidayatullah Khattak Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 30/9/19</p>
2-	07/10/19.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>09/11/19.</u></p> <p> CHAIRMAN</p>

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

Service Appeal No. 1203 /2019

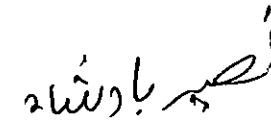
Naseer Badshah.....Appellant

**V E R S U S**

Govt. of Khyber Pakhtunkhwa through Secretary/Senior member Board of Revenue & others.....Respondents

**I N D E X**

S#	Description of Documents	Annex	Pages
1.	Service Appeal with affidavit		1-5
2.	Addresses of parties		6
3.	Copy of the order dated 19.06.2019	A	7
4.	Copy of representation and rejection order dated 02.09.2019	B & B1	8-9
5.	Wakalatnama		10



Appellant

Through

Dated 30/09/2019

  
Hidayatullah Khattak  
Advocate High Court  
Cell No.0300-9357757

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

Service Appeal No. 1203 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1320

Dated 30/9/2019

Naseer Badshah Son of Aziz Khan  
R/o Markez Karoona, Domail  
Tehsil & District Karak.....

**Appellant**

**V E R S U S**

- 1) Govt. of Khyber Pakhtunkhwa through Secretary/Senior member Board of Revenue Civil Secretariat, Peshawar
- 2) Principal Revenue School/Academy Phase-III Chowk Hayatabad, Peshawar
- 3) Director Land Record Khyber Pakhtunkhwa
- 4) Deputy Commissioner Karak
- 5) Assistant Commissioner Karak

.....**Respondents**

**APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT,  
1974 AGAINST THE ORDER NO.5787/LR-1  
DATED 02.09.2019 WHEREBY THE  
DEPARTMENT APPEAL OF THE APPELLANT  
AGAINST THE IMPUGNED ORDER**

**Filed to-day**  
*[Signature]*  
**Registrar**  
30/9/19

**NO.7247/LR-1/128L DATED 19.06.2019  
HAS BE REJECTED.**

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**Prayer in Appeal**

On acceptance of this service appeal, the orders No.7247/LR-1/128L Appeal dated 19.06.2019 and that of No.5787-/LR-1/Appeal dated 02.09.2019 may please be set aside and the appellant may please be reinstated into services with all back benefits.

Any other relief, this Hon'ble Tribunal which deems fit and appropriate tha may also be awarded in favour of the appellant

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**Respectfully Sheweth:-**

1. That the appellant was serving as Naib Qasid (BPS-03) in Revenue Academy Karak.
2. That the appellant has been terminated from service vide impugned order dated 19.06.2019, which is to be set aside. (Copy of the order dated 19.06.2019 is attached as annexure "A")

3. That appellant preferred an appeal against the impugned order dated 19.06.2019 and the contempt authority i.e. how also rejected the representation/departmental appeal vide order dated 02.09.2019. (Copy of representation and rejection order dated 02.09.2019 is attached as annexure "B" & "B1").
4. That feeling aggrieved from the orders dated 19.06.2019 and 02.09.2019 of the respondents the appellant assails the same inter alia on the following grounds:

**GROUND S:**

- A. That the impugned orders dated 19.06.2019 and 02.09.2019 passed by the respondents are patently illegal, against facts and evidence available on file, hence liable to be reserved and set aside.
- B. That no fact findings inquiry, issuance of show cause notices whatsoever has been issued to

the appellant as prescribed in the services law and judgments of the superior court.

- C. That the appellant till date is performing his duty in the office of the Assistant Commissioner Karak respondent No.4 and no question of absence from duty arise in the case of appellant.
- D. That the appellant has been badly condemned unheard which is against the settled provision of law, judgments of the higher forums and equity.
- E. That all the impugned proceedings in shape of one sided inquiry has been conducted at the back of the appellant which is against the law and judgments of higher forums.
- F. That any other grounds will be raised at the time of arguments with the permission of this Hon'ble Court.

It is, therefore most humbly prayed that on acceptance of this service appeal, the orders No.5787/LR-1/Appeal dated 02.09.2019



and that of No.7247-/LR-1/Appeal dated 19.06.2019 may please be set aside and the appellant may please be reinstated into services with all back benefits.

Any other relief which deemed fit and appropriate in the circumstances of the case may also be passed in favour of the appellant.

نصیر بادشاہ  
Appellant

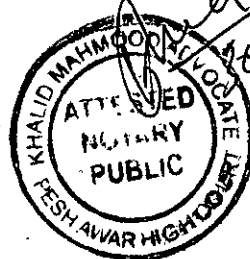
Through

  
Hidayatullah Khattak  
Advocate High Court

Dated 30/09/2019

### AFFIDAVIT

I, Naseer Badshah Son of Aziz Khan, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



نصیر بادشاہ

DEPONENT

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

Service Appeal No. \_\_\_\_\_/2019

Naseer Badshah.....**Appellant**

**V E R S U S**

Govt. of Khyber Pakhtunkhwa through Secretary/Senior member Board of Revenue & others.....**Respondents**

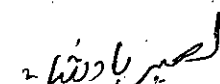
**ADDRESSES OF PARTIES**

**A P P E L L A N T:**

Naseer Badshah Son of Aziz Khan  
R/o Markez Karoona, Domail  
Tehsil & District Karak

**R E S P O N D E N T S:**

- 1) Govt. of Khyber Pakhtunkhwa through Secretary/ Senior member Board of Revenue Civil Secretariat, Peshawar
- 2) Principal Revenue School/Academy Phase-III Chowk Hayatabad, Peshawar
- 3) Director Land Record Khyber Pakhtunkhwa
- 4) Deputy Commissioner Karak
- 5) Assistant Commissioner Karak

  
 Appellant

Through

  
**Hidayatullah Khattak**  
 Advocate High Court

Dated 30.09.2019



NOTIFICATION

Dated Peshawar the 19/06/2019

No. 7247 /LR-I/128L. Whereas; Mr. Naseer Badshah while posted as Naib Qasid (BS-03) in Revenue School/Academy Peshawar was proceeded against under the prevail Policy/Rules for non-compliance of the orders of the competent authority as he was directed report for official duty at the said School/Academy vide communication letters dated, 27.02.2018 and dated 16.04.2018 respectively, but he failed to comply with till 17.06.2019 without information or prior permission as per report of the Principal/Instructor of the School/Academy. ibid.

AND WHEREAS; he was issued show cause/notice, but he did not bother to comply with and remained absent from duty till 17.06.2019.

AND WHEREAS; being contract/temporary employee, he was given final notice and given opportunity to mend his way but yet to report as such was show caused/Noticed.

AND WHEREAS; I, Muhammad Khalid Zaman, Director Land Records, Board of Revenue, Khyber Pakhtunkhwa, after having examined the charges, evidence produced and recommendation of Principal Revenue School/Academy.

AND THEREFORE; I, as competent authority in exercise of the power under Rule/Pattina the services as Chowkidar Revenue School/Academy of Mr. Naseer Badshah Naib Qasid (Revenue School/Academy Peshawar) are hereby terminated with immediate effect.

Director Land Records,  
Khyber Pakhtunkhwa

Endst: No. 7248-255 /LR-I/128L.

Copy forwarded to the:-

- 1) Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2) Deputy Commissioner, Karak.
- 3) Principal Revenue School/Academy, Peshawar.
- 4) Assistant Commissioner (Revenue), Karak.
- 5) District Accounts Officer, Karak.
- 6) Private Secretary to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
- 7) Official concerned.
- 8) Office order file.

Director Land Records,  
Khyber Pakhtunkhwa

**ATTESTED**

8

B  
Anexa

خدمت جناب سینیئر میجر صاحب پورٹ آف دیویٹی  
میجر پیٹر خواہ پشاور

عنوان :- درخواست اپیل پرائے پائل ملزمت  
جناب عالی!

مؤدیاند الثماں ہے کہ قدوی دیویٹی و آئیڈی پشاور  
میں بطور نائب قاصد اپنی خدمات تہایت خوش اسلوبی  
سے سرانجام دے رہے۔

جناب عالی! اس دوران دیویٹی و آئیڈی چونکہ پہلے  
کرت میں تھی، بعد ازاں پشاور منتقل ہوئی اور

قدوی کو پشاور حاکم کیلئے کیا گیا۔ چونکہ قدوی  
ہا تعلق ہمد کرد سے ہے۔ اور ایک تہایت غریب

گھرانے سے تعلق رکھتا ہے۔ دیویٹی پر پروٹیکشن  
ہا تہر تہیں پورہ کیا۔ میں کی بتا، پور قدوی کو

ملزمت سے ہر تہا متے کو دیا گیا۔

لہذا جناب عالی سے عاجزانہ درخواست ہے کہ قدوی کی عورت  
اور مساتوی کو ہمد تہر تہر قدوی کو ملزمت پریالی  
کے احکامات ہمد ر تہما ہیں۔ میں تہا تہر تہی۔

الغافل

قدوی نائب قاصد میجر یاد شاہ ولی پور تہفات حرکت کورونہ

دستخط لکھنیا شاہ

موبائل

03339711062

ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE AND ESTATE DEPARTMENT

PHONE # 091-9210057

FAX # 091-9213989

E-MAIL: LANDRECORD.KPK@GMAIL.COM

Facebook ID: [www.facebook.com/landrecord.kpk](https://www.facebook.com/landrecord.kpk) Twitter ID: @Landrecord.kpk

No. 5787 /LR-I/Appeal/Naseer Badshah  
Dated Peshawar the 2 /09/2019


To,

Mr. Nasser Badshah,  
Naib Qasid, Revnue Academy, Peshawar

SUBJECT: REPRESENTATION/APEAL AGAINST THE IMPUGENED  
NOTIFICATION NO. 7247/LR-I/128 DATED 19/06/2019.

Memo:

I am directed to refer to your departmental appeal dated, 03/07/2019 on the subject noted above and to state that your appeal has been examined and filed by the competent authority.

  
Assistant Secretary (Estab.),  
Khyber Pakhtunkhwa

No. 5788-81 /LR-I/Appeal/Naseer Badshah

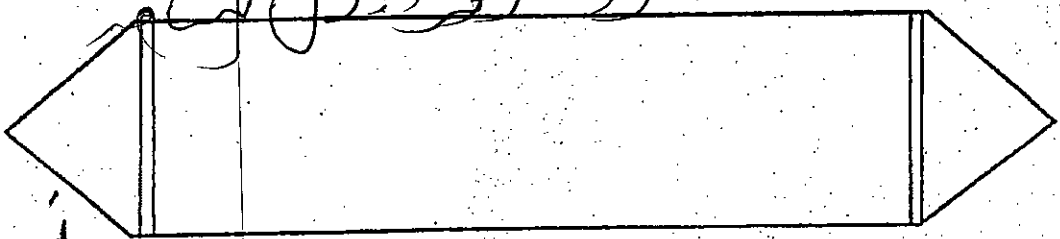
Copy forwarded to the the:-

- 1) Principal, Revenue Academy, Peshawar.
- 2) Assistant Commissioner, Karak
- 3) PS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
- 4) District Accounts Officer, Karak

  
Assistant Secretary (Estab.),  
Khyber Pakhtunkhwa

H  
ATTESTED

# بعدالت سند و لیسٹ و وصولی کے لئے



2. منجانب لکھنؤ بادشاہ  
لکھنؤ بادشاہ بنام حکومت

موزعہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ  
آن مقام کے لئے لکھنؤ بادشاہ کے لئے  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپیاہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لایا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھنؤ یا کہ سند ہے۔

الرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20 \_\_\_\_\_  
واہ العبد \_\_\_\_\_

کے لئے منظور ہے۔

بمقام

لکھنؤ بادشاہ و لکھنؤ بادشاہ