

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SERVICE APPEAL NO. 181/2019

Date of institution ... 06.02.2019

Date of judgment ... 24.07.2019

Inzer Gul S/o Shahzada

R/o House # 1, Kainat Colony, Hassan Ghar, Khyber Pakhtunkhwa, Peshawar.

... (Appellant)

VERSUS

1. The Secretary Establishment Khyber Pakhtunkhwa, Peshawar.
 2. Service Tribunal through its Registrar, Judicial Complex, Peshawar.
 3. The Accountant General Khyber Pakhtunkhwa, 10th Fort Road, Peshawar.
- ... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 IMPUGNING THEREIN THE OFFICE ORDER DATED 10.10.2018 ISSUED AT THE INSTANCE OF RESPONDENT NO.2; WHEREIN MAJOR PENALTY OF REMOVAL FROM SERVICE HAVING BEEN AWARDED; WHICH ACT NONETHELESS IS CONTRARY TO THE CONSTITUTION, LAW AND JURISPRUDENCE IN VOGUE IN THE STATE OF ISLAMIC REPUBLIC OF PAKISTAN.

Mr. Ali Azim Afridi, Advocate.

.. For appellant.

Mr. Muhammad Jan, Deputy District Attorney

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. HUSSAIN SHAH

.. MEMBER (EXECUTIVE)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: - Appellant

alongwith his counsel present. Mr. Zakiullah, Senior Auditor on behalf of respondent No. 3 alongwith Mr. Muhammad Jan, Deputy District Attorney for all respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant was serving as Driver in Service Tribunal Khyber Pakhtunkhwa. He was transferred from the post of Driver to the post of Naib Qasid. He was imposed

M. Amin
24.7.2019

major penalty of removal from service vide order dated 10.10.2018 on the allegation of absence from duty as well as running a private business without permission of the competent authority. The appellant filed departmental appeal on 29.10.2018 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 was imposed major penalty of removal from service on the aforesaid allegation but neither any absence notice was issued to the appellant at his home address regarding his absence nor any absence notice/show-cause notice was advertised in two newspaper as required under rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. It was further contended that neither charge sheet, statement of allegation was framed or served regarding the aforesaid allegation of absence from duty and running a private business nor proper inquiry was conducted nor the appellant was associated in any inquiry proceeding nor the appellant was issued any show-cause notice nor the appellant was provided opportunity of personal hearing, therefore, the appellant was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. It was further contended that the alleged absence of the appellant for which the appellant was imposed major penalty of removal from service is less than twenty days therefore, it was contended that the major penalty of removal from service is also harsh and prayed for acceptance of appeal.

5. On the other hand, learned Deputy District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant remained absent from duty without permission of the competent

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authority. It was further contended that the appellant was also running a private business. It was also contended that a proper show-cause notice was also served but the appellant refused to receive the same. It was further contended that the appellant was also called for personal hearing but the appellant deliberately did not appear for personal hearing. It was further contended that under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the competent authority is competent to dispense regular inquiry. It was further contended that the competent authority has dispensed a regular inquiry in the show-cause notice, therefore, the appellant was rightly imposed major penalty of removal from service after fulfilling all the codal formalities and prayed for dismissal of appeal.

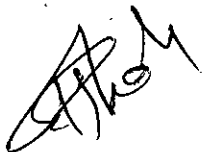
6. Perusal of the record reveals that the appellant was serving as Driver. He was transferred/posted to the post of Naib Qasid vide order dated 27.06.2018. Later on, the appellant was imposed major penalty of removal from service vide order dated 10.10.2018 on the aforesaid allegation but the record reveals that neither absence notice was issued to the appellant at his home address nor any absence notice/show-cause notice was published in two newspaper as required under rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Same way, neither any charge sheet/statement of allegation was framed or served upon the appellant nor regular inquiry was conducted nor the appellant was associated in any regular inquiry. Though the respondent-department has claimed that show-cause notice was issued to the appellant but there is nothing on the record in the shape of Parwana/summon or any statement to show that the appellant was informed regarding the said show-cause notice or he was handed over the copy of show-cause notice therefore, the appellant was condemned unheard which has rendered the whole proceeding

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24.7.2019

illegal and liable to be set-aside. As such, we accept the appeal, set-aside the impugned order and reinstate the appellant into service. However, the respondents are at liberty to conduct de-novo inquiry in the mode and manner prescribed under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 within a period of 90 days from the date of copy of receipt of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

24.07.2019



(HUSSAIN SHAH)
MEMBER

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

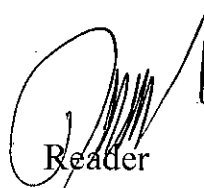
23.04.2019 Appellant in person present. Addl: AG alongwith Mr. Naqibullah, Stenographer for respondents no. 1 and 2 and Mr. Zakiullah, Senior Auditor for respondent no.3 present. Written reply/comments on behalf of respondent no. 3 submitted which is placed on file. Case to come up for written reply of respondents no.1 and 2 on 10.05.2019 before S.B.


(Ahmad Hassan)
Member

10.05.2019 Appellant alongwith his counsel present. Mr. Naqibullah, Stenographer for respondents No. 1 & 2 alongwith Mr. Usman Ghani, District Attorney for the respondents present. Representative of respondents No. 1 & 2 submitted written reply today while written reply on behalf of respondent No. 3 has already been submitted. Adjourned to 27.06.2019 for rejoinder and arguments before D.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

27.06.2019 Counsel for the appellant and Asstt. AG alongwith Naqibullah, Steno and Zakiullah, Senior Auditor for the respondents present. Due to incomplete bench case is adjourned to 12.07.2019 for arguments before the D.B.


Reader

12.07.2019

Counsel for the appellant and Addl: AG alongwith Mr. Zahid ur Rehman, Inspector for respondents present. Counsel for the appellant seeks adjournment. Adjourned. Case to come up for arguments on 24.07.2019 before D.B.

Member



Member

24.07.2019

Appellant alongwith his counsel present. Mr. Zakiullah, Senior Auditor on behalf of respondent No. 3 alongwith Mr. Muhammad Jan, Deputy District Attorney for all respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of four pages placed on file, we accept the appeal, set-aside the impugned order and reinstate the appellant into service. However, the respondents are at liberty to conduct de-novo inquiry in the mode and manner prescribed under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 within a period of 90 days from the date of copy of receipt of this judgment. The issue of back benefits will be subject to the outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

24.07.2019



(HUSSAIN SHAH)
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

15.02.2019

Learned counsel for the appellant present. Preliminary arguments heard.

The appellant (Ex-Driver) has filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order dated 10.10.2018 whereby major penalty of removal from service was awarded to the appellant.

Points raised need 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 notices be issued to the respondents for written reply.

~~Appellant Deposited
Security & Process Fee~~

► To come up for written reply/comments on 03.04.2019 before S.B.


Member

03.04.2019

Appellant with counsel and Addl: AG alongwith Mr. Muqaddar Shah, Supdt for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. Case to come up for written reply/comments on 23.04.2019 before S.B.

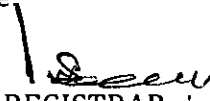


(Ahmad Hassan)
Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 181/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	06/2/2019	<p>The appeal of Mr. Inzer Gul presented today by Mr. Ali Azim Afridi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15-2-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. 181/2019

Service Tribunal

Peshawar, Khyberpakhtunkhwa

Inzer Gul S/O Shahzada R/O House # 1, Kainat Colony,
Hassan Ghar, Khyber Pakthunkhwa, Peshawar

.....Appellant

VERSUS

1. The Secretary Establishment Khyber Pakhtunkhwa,
Peshawar
2. Service Tribunal through its Registrar, Judicial Complex,
Peshawar
3. The Accountant General Khyber Pakhtunkhwa, 10th Fort
Road, Peshawar

.....Respondent(s)

SERVICE APPEAL

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. 181 /2019

Inzer Gul

.....Appellant

Versus

The Secretary Establishment KP & Others

.....Respondent(s)

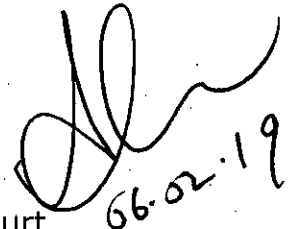
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4.	Copy of the transfer/posting order dated 27.06.2018 is annexed as Annexure "B"	12
5.	Copy of the Departmental Appeal dated 10.07.2018 is annexed as Annexure "C"	13
6.	Copy of the Application dated 10.09.2018 along-with Office Order dated 11.09.2018 is annexed as Annexure "D" and "D-1"	14-15
7.	Copy of the application dated 13.09.2018 along-with office order(s) are annexed as Annexure "E", "E-1", "E-2" and "E-3"	16-19
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Appellant**Through**

Ali Azim Afridi

Advocate High Court

Contact # 0333-9555000


66.02.19

BEFORE THE SERVICE TRIBUNAL KP, PESHAWARService Appeal No. 81 /2019

Inzer Gul S/O Shahzada R/O House # 1, Kainat Colony,
Hassan Ghar, Khyber Pakhtunkhwa, Peshawar

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 160

.....Appellant

Dated 06-2-2019

Versus

1. The Secretary Establishment Khyber Pakhtunkhwa,
Peshawar
2. Service Tribunal through its Registrar, Judicial Complex,
Peshawar
3. The Accountant General Khyber Pakhtunkhwa, 10th Fort
Road, Peshawar

.....Respondent(s)

**APPEAL UNDER SECTION 4 OF THE KP
SERVICE TRIBUNAL ACT, 1974 IMPUGNING
THEREIN THE OFFICE ORDER DATED
10.10.2018 ISSUED AT THE INSTANCE OF
RESPONDENT NO. 2; WHEREIN MAJORY
PENALTY OF REMOVAL FROM SERVICE
HAVING BEEN AWARDED; WHICH ACT
NONETHELESS IS CONTRARY TO THE
CONSTITUTION, LAW AND
JURISPRUDENCE IN VOGUE IN THE STATE
OF ISLAMIC REPUBLIC OF PAKISTAN.**

Respectfully Sheweth,

1. That The Constitution of Islamic Republic of Pakistan aims at

Filed to-day
Registrar
6/2/19

protecting civil servants in order to ensure smooth running of affairs of the Government and Institutions so as to benefit the public citizenry.

2. The Constitution of Islamic Republic of Pakistan equally beshields civil servants from being treated otherwise than in accordance with law.

In Sheikh Riaz-ul-Haq's Case¹, it was held that, *"Admittedly, civil servants being citizens of Pakistan have fundamental rights including the right to access to justice as envisaged under Article 9 of the Constitution"*.

3. That the Constitution of Islamic Republic of Pakistan evenly emphasizes on equality for the citizens and by the citizens; aimed at underpinning rule of law.

ON FACTS

4. That the appellant was appointed as Driver (BPS-06), against the vacant post in the Khyber Pakthunkhwa Service Tribunal. **(Copy of the appointment order dated 13.08.2015 is annexed as Annexure "A")**.
5. That the appellant was performing as driver to the best of his abilities, determination and perseverance; to the entire satisfaction of the competent authority from the date of inception; in the Service Tribunal Khyber Pakhtunkhwa.
6. That during the interregnum the appellant was informed vide office order dated 27.06.2018; regarding his transfer from the position of Driver to that of Naib Qasid. **(Copy of the office order dated 27.06.2018 is annexed as Annexure "B")**
7. That aggrieved therefrom the appellant preferred a Departmental Appeal before the respondent No. 1; which

¹ PLD 2013 SC 501

remained unattended at the relevant time. **(Copy of the Departmental Appeal dated 10.07.2018 is annexed as Annexure "C")**

8. That for the sake of brevity and information; the appellant had sought earned leave from respondent No. 2; being competent authority, but instead of doing the needful; explanation was sought from the appellant; regarding running of private business. **(Copy of the application dated 10.09.2018 along-with Office Order dated 11.09.2018 is annexed as Annexure "D" and "D-1")**
9. That though the appellant was kept in state of lurch; as such another office order was issued seeking explanation on account of absence from official duty.
10. That following the same; explanation(s) were sought time and again; mentioning the factum of non-submission of an application seeking leave; which act amounts to misconduct and liable to disciplinary proceedings. **(Copy of the application dated 13.09.2018 along-with office order(s) dated 13. 09. 2018, 22.09.2018 and 25.09.2018 is annexed as Annexure "E", "E-1" "E-2" and "E-3")**
11. That the appellant responded to the explanation(s) sought and as such moved another application seeking casual leave; but that too was declined by the competent authority on 24.09.2018. **(Copy of the reply dated 22.09.2018 along-with application dated 22.09.2018 is annexed as Annexure "F" and "F-1")**

In Suo Moto Case No. 19 of 2016², it was held that, "Good governance was not a favour to be bestowed on the people; it was their right".

² 2017 SCMR 683

12. That having said that; the appellant was served with an office order dated 10.10.2018; wherein major penalty of Removal from Service was imposed on account of involvement in illegal business; monetary transactions and absence from official duty. **(Copy of the office order dated 10.10.2018 is annexed as Annexure "G")**

13. That the appellant preferred departmental appeal/representation on 29.10.2018 against the impugned office order No. 2041-43/ST Dated 10.10.2018; seeking reinstatement into service along-with back/consequential benefits; which appeal was left unattended to by the competent authority i.e. respondent No. 1 till date. Hence the instant service appeal inter-alia on the following grounds:- **(Copy of the Departmental Appeal dated 29.10.2018 is annexed as Annexure "H")**

In Tanveer Ahmad's Case³, it was held that, "Discretion without a uniform yardstick or a formula was a loose jumble of haphazard human subjectivity, which was inescapably susceptible to error and indubitably arbitrary, ex facie discriminatory, highly irrational and illogical; administrative compulsion and wisdom to structure discretion was to remove human subjectivity from exercise of discretion; constitutional and jurisprudential importance of structured discretion was that it nursed the requirements of due process, fairness and fair trial and safeguarded the discretion against the vice of discrimination and arbitrariness".

GROUND

A. That the impugned notification dated 10.10.2018; is contrary to law, well-settled jurisprudence in field and practice.

B. That the impugned notification dated 10.10.2018; is totally

³ PLD 2013 Lhr 386

uncalled for, against the law governing the subject matter.

- C. That the appellant was neither provided opportunity of hearing nor any show-cause notice was issued in line with E & D rules, 2011 of Khyber Pakhtunkhwa.
 - D. That the competent authority had failed to take into consideration the procedure provided; under E & D rules of 2011.
 - E. That the respondent No. 2; having overlooked the well-settled principles, while imposing major penalty of Removal from Service; which cannot stand at all.
 - F. That exercise of such powers and that too by respondent No. 1 and 2; abdicates the well-entrenched principle of "structured discretion.
 - G. That the purported omission(s) on the part of respondents; itself speaks volumes engraving danger to the notion of good governance, hence requires interference of the Hon'ble Court.
- In Qaiser Iqbal's Case⁴, it was held that, "Rule of Law meant supremacy of law as opposed to arbitrary authority of the Government; said supremacy guaranteed three concepts; first, the absence of arbitrary power; second, equality before law and third the rights of a citizen".**
- H. That it is cardinal principle of law and justice that what cannot be done directly cannot be done indirectly.⁵
 - I. That public functionaries had to reinforce good governance, observe rules strictly and adhere to rule of law in public service; public functionaries were not obliged to follow illegal orders of higher authorities⁶.
 - J. That the respondent No. 2 by no stretch of imagination can issue office order(s) of alike nature; allowing trespass and

⁴ 2018 PLD Lahore 34

⁵ PLD 1993 SC 473 at Page 687

⁶ 2015 SCMR 456; PLD 2013 SC 195

transgression of the precincts laid down by the Supreme Court of Pakistan.

- K.** That "Expressio Unis Est Exclusio Alterius", commanding that when law requires a thing to be done in particular manner then, it should be done in that manner as anything done in conflict of the command of law shall be unlawful being prohibited.
- L.** That "*Ignorantia juris non excusat*", commanding that ignorance of the law excuses not.
- M.** That further necessary grounds will be raised during the course of arguments.

PRAYER

It is therefore humbly prayed that on acceptance of this Service Appeal:-

1. The impugned office order dated 10.10.2018; be set at naught in line with the grounds agitated in the service appeal; allowing re-instatement of the appellant along-with back/consequential benefits.
2. Any such order be passed which this Hon'ble Tribunal deems fit and appropriate as the circumstances may require for determination of the subject at hand.

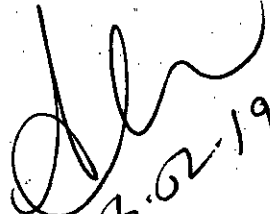

Appellant

Through

Ali Azim Afridi

Advocate High Court

Contact # 0333-9555000


06.02.19

BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. /2019

Inzer Gul

.....Appellant

Versus

The Secretary Establishment KP & Others

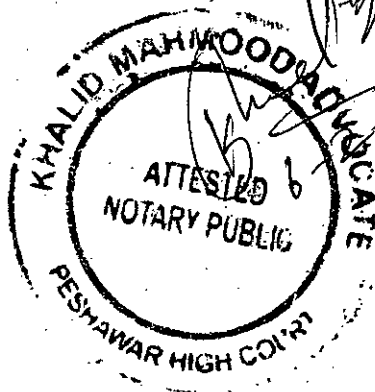
.....Respondent(s)

AFFIDAVIT

I, **Inzer Gul S/O Shahzada R/O House # 1, Kainat Colony, Hassan Ghar, Khyber Pakthunkhwa, Peshawar**, appellant do hereby on oath affirm and declare that the contents of the Service Appeal are true and correct to the best of my knowledge, belief and nothing has been concealed therefrom the Hon'ble Tribunal.

Deponent

CNIC # 42201-9064286-1



BEFORE THE SERVICE TRIBUNAL KP, PESHAWAR

Service Appeal No. /2019

Inzer Gul

.....Appellant

Versus

The Secretary Establishment KP & Others

.....Respondent(s)

MEMO OF ADDRESS OF PARTIES**Appellant**

Inzer Gul S/O Shahzada R/O House # 1, Kainat Colony,
Hassan Ghar, Khyber Pakthunkhwa, Peshawar

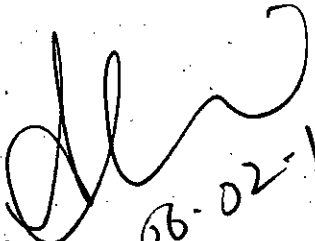
Respondent(s)

1. The Secretary Establishment Khyber Pakhtunkhwa,
Peshawar
2. Service Tribunal through its Registrar, Judicial Complex,
Peshawar
3. The Accountant General Khyber Pakthunkhwa, 10th Fort
Road, Peshawar

Appellant**Through**

Ali Azim Afridi

Advocate High Court

Contact # 0333-9555000


06-02-19

GOVERNMENT OF KPK, SERVICE TRIBUNAL, PESHAWAR

ORDER

In pursuance of the recommendation of the Departmental Selection Committee, Mr. Inzer Gul S/o Mr. Shahzada and Mr. Shabir Ahmad S/o Mr. Gul Rehan are hereby appointed as Driver (BPS-4) viz. (6730-300-15730) plus usual allowances as admissible under the rules in the Khyber Pakhtunkhwa Service Tribunal Peshawar with immediate effect.

They will be governed by such rules and regulations as may be issued from time to time by the Provincial Government, for the category of Civil Servant to which they belong. Their terms and conditions are as follows:-

- I. They will be initially, on probation for a period of one-year extendable for further period of one year.
- II In case they wish to resign at any time, fourteen days notice will be necessary or in lieu thereof fourteen days pay shall be forfeited to Government.
- III. They will produce medical certificate of fitness from Medical Superintendent, Civil hospital, Peshawar.
- IV. Their appointments are on temporary basis and liable to be terminated at any time without assigning any reason before the expiry of the period of probation, if their performance during this period are not found satisfactory.

CHAIRMAN
KPK SERVICE TRIBUNAL
PESHAWAR

NO 1199-1201/ST

Dated 13 - 8 /2015

Copies forwardéd.

- 1. The Accountant General, Khyber Pakhtunkhwa Peshawar, for information and necessary action.
- 2. Officials concerned.
- 3. Personal File

REGISTRAR
KPK SERVICE TRIBUNAL
PESHAWAR

(12)

Annexure "B"



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. 1295-98/ST Dated: 27/06/2018

The competent authority is pleased to order the following postings and transfers in the public interest.

S.No	Name & Designation	From	To
1	Mr. Inzer Gul, Driver	Attached with Hon'ble Chairman as Driver.	Attached with Hon'ble Chairman as Naib Qasid in his own pay and scale.
2	Mr. Suleman, Naib Qasid	Attached with Hon'ble Chairman.	Posted as Chowkidar vice No. 3 (on his own request)
3	Mr. Abdul Majid, Chowkidar	Chowkidar	Posted as Naib Qasid vice No. 2.
4	Mr. Shamshad Khan, Naib Qasid	Attached with Hon'ble Chairman as Naib Qasid	To look after the official cars of Hon'ble Chairman.

REGISTRAR
KPK SERVICE TRIBUNAL
PESHAWAR

Copy forwarded to all official concerned.


REGISTRAR,
KPK SERVICE TRIBUNAL
PESHAWAR

13

Anwar "C"

To

1. The Secretary Establishment Department,
Government of Khyber Pakhtunkhwa,
Peshawar.
2. Hon'ble Chief Justice Peshawar High Court,
Peshawar.
3. Hon'ble Chief Justice,
Supreme Court of Pakistan,
Islamabad.

Subject: DEPARTMENTAL APPEAL FOR WITHDRAWAL OF OFFICE ORDER NO. 1295-98/ST DATED 27/06/2018.

It is submitted that I am working in Khyber Pakhtunkhwa Service Tribunal since 13/08/2015, with full zeal and zest and to the satisfaction of my superiors.

My dedication towards my job is shown from service record which does not have any warning/ explanation nor advice issued to me during my entire service.

On 15th May 2018, I started performing my official duty with incumbent Chairman on very first day, his son, Adnan Sher, Advocate asked me to wash all the cars (05 in Numbers-02 official and 03 private cars) of the family on daily basis, which I refused politely.

Since, then, I have been forced to perform duty with his son. (Adnan Sher Advocate) Every now and then, I have been directed to reach the Chairman's home, situated at Regi Lalma, even before dawn and upon reaching there, I have been asked to wash the personal cars of the family. After that I have been directed to perform duty with his son (Adnan Sher Advocate).

On 21st June 2018, I was asked to reach the Chairman's house at 5:00 AM in the morning. Upon reaching there I was asked to drive his son (Salman Sher a PAF Officer) to Kamra. I obeyed the order. I came back to Peshawar in evening. On 22nd June 2018, I was once again asked to reach the Chairman's home at 5:00 AM in morning. Upon my arrival, I washed the car and once again drove his son (Salman Sher) to Kamra. On my way to Kamra, his son, Adnan Sher, called me and was furious for not washing his personal car. I asked him that I was already tired due to yesterday's journey, even then I washed one car and then I was to go to Kamra. Therefore, I couldn't wash his car. He complained to his father, who resultantly transferred me to the lower post and that too belongs to another cadre.

In view of the above, it is most respectfully submitted that office order No. 1295-98/ST Dated 27/06/2018 may graciously be withdrawn and I may kindly be reposted on my original post as driver.

Yours Obediently,
Inzer Gul,
Driver Khyber Pakhtunkhwa
Service Tribunal.

Dated 10/07/2018

ok

حضور حضرت نواب گلبرگین، ایف بی ایف، ایف بی ایف، ایف بی ایف

درخواست بمقام عطا علی 15 یوم چھٹی

عطا علی!

مؤدبانہ گزارش کی جاتی ہے کہ سائل آپ
 حضور والا کے زیر سایہ بطور ڈائریکٹر ایف بی ایف
 انجام دے رہا ہے۔ سائل کے دوستوں نے گاڑیوں کے
 کاروبار میں مجھے کچھ گاڑیوں کا سامن بنادیا تھا لیکن ان
 گاڑیوں کے کاروبار میں کچھ مسئلہ آگیا تھا جس کی وجہ سے
 ان گاڑیوں کے خلاف FIR درج ہوا ہے کہ یہاں پر ایف بی ایف
 اسلام آباد میں دائر ہو چکا ہے۔ چونکہ میں اس میں سامن اور
 سادری دائر کر رہا ہوں اور یہ آگئی تھی۔ اس لیے میں ان گاڑیوں
 کو ڈھونڈ رہا ہوں۔ جس میں سے چند گاڑیاں واپس مل گئی
 ہیں لیکن چند گاڑیوں کا مسئلہ اب بھی ہے۔

اس لیے آپ صاحبان کی فرقت میں التماس کی جاتی
 ہے کہ سائل کو 15 یوم کی چھٹی سوزم 11/09/2018 سے 25/09/2018 تک
 عطا علی کے احکامات جاری نہیں ہندے مگر سوزم سوزم سوزم

الگار من

الترجم 10/09/2018

ایف بی ایف
 ڈائریکٹر ایف بی ایف
 KP ST, Peshawar

(15)

Amman D-L

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1831 /ST

Dated 11/9 /2018

To.

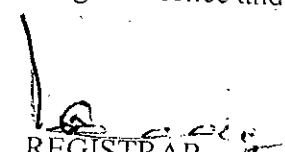
Mr. Inzer Gul,
Naib Qasid,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Subject:- EXPLANATION

You, Mr. Inzer Gul, Naib Qasid submitted an application for grant of leave for 15 days on the grounds that you have a dispute regarding vehicles. After perusal of application, it is crystal clear that you have never sought any permission from the competent authority to run a private business as required by virtue of rule 16 of KPK (Government Servant Conduct Rules 1987).

You are, therefore, called upon to explain as to why disciplinary action should not be initiated against you under the relevant rules.

Your reply to this explanation should reach to the undersigned within 7 days failing which it shall be presumed that you have nothing in defence and plead guilty.


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

(16)

Amman & E11

27/9/18
3:18

The Chairman
RP Service Tribunal
Peshawar.

Sr

With due respect, it is stated that I have an urgent piece of work at Swat. Therefore, requested that kindly grant me ~~one~~ two days leave for 13 & 14 Sept 2018.

I shall be very thankful to you for this kindness

put up on file

Leaves
13/9/18

Supdt

Yours obediently

W/mt
Inza Gul
Driver

Dated: 13/9/18

(17)

Answer E&D

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1831 /ST

Dated 13-9 /2018


To.

Mr. Inzer Gul,
Naib Qasid, KPK Service Tribunal Peshawar.

Subject:- EXPLANATION

You, Mr. Inzer Gul, Naib Qasid, absented yourself from official duty today on 13/9/2018 without any application or prior permission of the authority. Your this act amounts to mis-conduct and hereby called upon to explain your position as to why disciplinary action under E&D rules should not be taken against you.

You are hereby called upon to explain the reason for your absence and irregular attitude in your official duty within three days, for onward submission to the Hon'ble Chairman for appropriate action failing which disciplinary action will be initiated against you.


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

18

Ann^r [E-2]

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1890 /ST

Dated 22-9/2018

To,

Mr. Inzer Gul,
Naib Qasid, KPK Service Tribunal Peshawar.

Subject: **EXPLANATION.**

You, Mr. Inzer Gul, Naib Qasid, absent yourself from official duty from 13.09.2018 to 19.09.2018 without any application or prior permission of the authority. Your this act amounts to mis-conduct and hereby called upon to explain your position as to why disciplinary action under E&D rules should not be taken against you.

You are hereby called upon to explain the reason for your absence and irregular attitude in your official duty within three days, for onward submission to the Hon'ble Chairman for appropriate action failing which disciplinary action will be initiated against you.


REGISTRAR

KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

(19)

Annexure E-34

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 924 ST

Dated 25/9/2018

Mr. Inzer Gul,
Naib Qasid, KPK Service Tribunal Peshawar.

Subject: EXPLANATION

You, Mr. Inzer Gul, Naib Qasid, absented yourself from official duty on 24/9/2018 & 25/9/2018 without prior permission of the authority. Your this act amounts to mis-conduct and hereby called upon to explain your position as to why disciplinary action under E&D rules should not be taken against you.

You are hereby called upon to explain the reason for your absence and irregular attitude in your official duty within three days, for onward submission to the Hon'ble Chairman for appropriate action failing which disciplinary action will be initiated against you.



REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

(20)

The Registrar
KP Service Tribunal
Peshawar

Amman P. F. 11

Subject Explanation

With reference to your explanation no 1890/ST dated 22/9/18

It is submitted that I was absent from the official duty from 13/09/18 to 19/09/18 because of unavoidable domestic problem. I was not in position to attend the office due to these unavoidable circumstances. I have submitted applications dated 10-09-18 and 13-09-18 for grant of leave which were not allowed by your good self.

It is evident from my service record that I have performed my duties with full dedication and applied for any kind leave. It is, therefore, requested that the said explanation may kindly be withdrawn.

I shall be very thankful to you for this kindness

Yours Sincerely

22.09.2018
Inger Gul
Driver

(21)

Answered F-24

The Chairman,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Subject: EARNED LEAVE

Sir,

With due respect it is submitted that I have been summoned in the G9 Police Station Islamabad 24 & 25 September 2018. I am unable to attend the office from 24 & 25 September 2018.

It is, therefore, requested that I may kindly be granted two day casual leave, for the above mentioned dates.

Yours Sincerely,

Inzer Gul
Driver

Dated: 22.09.2018

Dis-allowed

24/9/2018

(22)

Annexure "G"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 2041-43 /ST Dated 10-10 /2018

OFFICER ORDER

You Inzer Gul, Driver of this Tribunal, was taking no interest in the performance of your official duties as driver and ultimately you were posted as Naib Qasid in your own pay and scale, but even then, you did not take interest in the performance of official duties. Thereafter, you submitted an application seeking therein leave and admitted yourself that you were already involved in illegal monetary business viz transactions and due to fraud, even FIRs were registered. Your application was dis-allowed and you were directed to explain your involvement in the illegal business as no such permission was neither sought nor granted as required by virtue of Rule 16 of Khyber Pakhtunkhwa (Govt. Servant Conduct Rules 1987). Instead of replying/explaining your position, you absented yourself from duty un-authorizedly. You were repeatedly served with explanations, but you offered no reply in order to justify your illegal business and willful absence from duty.


Since you admitted your involvement in the illegal business and monetary transactions and also did not explain your willful absence, so in the light of circumstances mentioned above, regular inquiry was dispensed with, and you were served with a show cause notice, you got copy of the same but you refused to sign and acknowledge its receipt. You were also offered opportunity of personal hearing, but you lost the same and failed to appear before the competent authority. Thereafter, you submitted an application for 20 days earned leave w.e.f. 1/10/2018 to 20/10/2018 on the pretext of urgent work at Chitral, but it was too rejected vide order dated 8/10/2018.

Now the undersigned, is satisfied that you are not interested in performing official duty rather deeply involved in illegal business and monetary transactions and absented yourself from duty without permission, hence you can not be retained in government service any more. Therefore, I, Subhan Sher, Chairman Khyber Pakhtunkhwa Service Tribunal as competent authority hereby award you major penalty of Removal from Service with immediate effect by virtue of rule-4 (b)(III) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011.

(SUBHAN SHER)
CHAIRMAN
KPK SERVICE TRIBUNAL
PESHAWAR

Copy forwarded to:-

1. The Accountant General Khyber Pakhtunkhwa Peshawar.
2. Mr. Inzer Gul, Driver.
3. Personal File.


REGISTRAR
KPK SERVICE TRIBUNAL
PESHAWAR

To

(23)

Diary No. 8821
Dated 29/10/2018
Annexure "H"

Secretary Establishment,
Govt of Khyber Pakhtunkhwa,
Peshawar.

Through: Proper Channel:

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 10.10.2018, WHEREBY THE MAJOR PENALTY OF "REMOVAL; FROM SERVICE" WAS IMPOSED UPON THE APPELLANT.

Prayer in appeal:

ON ACCEPTANCE OF THE DEPARTMENTAL APPEAL THE ORDER DATED 10.10.2018, MAY PLEASE BE SET-ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS.

RESPECTFULLY SUBMITTED:

The few lines are submitted for your kind and sympatric consideration as under:

1. That the appellant was serving as DRIVER in KPK SERVICE TRIBUNAL PESHAWAR and Ever since his appointment, He had performed his duties assigned to him with zeal and devotion and there was no complaint, what so ever regarding his performance.
2. That while the appellant was performing duties with the Ex-chairman Subhan Sher, the son of the Ex-Chairman asked appellant to wash all the cars (5 in number including three private cars) on daily basis, which appellant refused with genuine reason. But after that, the Ex-chairman started personal grudges with the appellant and also changed the designation of the appellant from driver to Naib Qasid. which has been legally protested by the appellant by filling departmental appeal.
Copy attached.

an sr

3. That while performing duties as Naib Qasid the appellant applied for the 15 days earned leave due to some serious domestic problems and the Ex-chairman due to personal grudges refuses the same but the appellant could not performed duties due to some serious domestic problem. The Ex-chairman called explanation from the appellant which was properly replied by the appellant and explained his position. **Copy attached.**
4. That thereafter by taking ex-parte action with baseless allegations the impugned order dated 10.10.2018 without following proper procedure was issued to appellant whereby the major penalty of "removal from service" was imposed upon the appellant. **Copy of the impugned order is attached.**
5. Hence the under signed constrained to file the instant departmental appeal on the following grounds.

GROUND:

- A. That the impugned order dated 10.10.2018 whereby penalty imposed upon the appellant is illegal, unlawful and against law and facts and liable to be set aside.
- B. That no proper procedure has been followed before awarding major penalty to appellant, no inquiry has been conducted, statements of witnesses if any were never taken in the appellant presence nor the appellant have been allowed opportunity of cross examination, thus the proceedings so conducted are defective in the eyes of law. So the impugned order is illegal and nullity in the eyes of law.
- C. That the allegation leveled against the appellant of illegal business was baseless and without any cogent proofs but only with the malafide intention of authority due to personal grudges.
- D. That as regards to absentia the appellant properly submitted application and further it is added that before imposing major penalty the provisions Rule 9 of the E&D Rules 2011 have not been followed neither charge sheet was issued nor inquiry was conducted so the impugned order has no legal value in the eye of law and liable to be set aside.

- E. That the allegation regarding illegal business was without any proof and nothing on record which prove that the appellant involved in private business. So, the allegation leveled against the appellant is baseless and only on the basis of personal grudges which cannot sustain in the eye of law and the penalty order liable to be set-aside.
- F. That the appellant was removed from service only on the basis of 6 days absentia despite the fact that the appellant properly informed by submitting proper application. The absentia of the appellant was due to unavoidable circumstances. The penalty imposed upon the appellant was so harsh and liable to be set aside.
- G. That no chance of personal hearing was provided to the appellant which is violation of the judgment of Hon'able Tribunal; law and rules.
- H. That the appellant was condemned un-heard which is violation of law.

It is, therefore, humbly prayed that on acceptance of the departmental appeal the order dated 10.10.2018, may please be set aside and the appellant may be reinstated into service with all back and consequential benefits.

Yours obediently,

Inzer Gul
Inzer Gul

Ex. Driver KPK

Service Tribunal

Peshawar

Cell NO# 03219087584

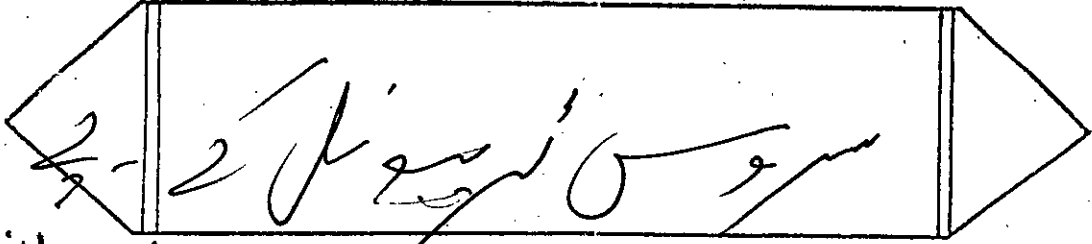
Date 29-10-18

AL AZEM APPELL

Bc-16-6960

0333-9555000

بعدالت



تاریخ

2 جناب انجیل
الٹرنگ بنام سیکریٹری ایسیسٹنٹ

(سروس ٹریبونل)

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکے

مقدمہ مشدرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 آن مقام لٹاور کیلئے علی عظیم احمد صاحب کے ایڈووکیٹ کی طرف سے
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالت فیصلہ بر حلقہ دیئے جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک دروپہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی براندگی 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 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا 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 جانش التوائے مقدمہ کے سبب سے وہ 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 لکھ دیا کہ سند ہے۔

المرقوم 06 ماہ 02 2019

کے لئے منظور ہے۔
Accepted By
[Signature]

بنام لٹاور

الٹرنگ وکل دورہ تہذیبیہ صلی
کشمی شامی دورہ
طائفات طائر صلی
[Signature]

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 181/2019

Mr. Inzar GulAppellant.

Vs

Secretary to Govt of Khyber Pakhtunkhwa, Establishment
Department, Peshawar and othersRespondents.

Reply on behalf of Respondent No.3

Preliminary Objections:-

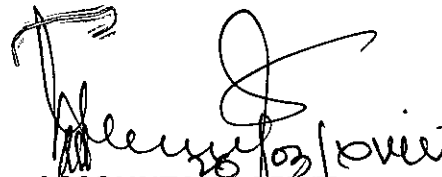
1. That the appellant has no cause of action.
2. That the appellant has no locus standi.
3. That the appeal is time barred.
4. That the appellant is bed due to joinder and mis-joinder of the necessary parties.

Respectfully Sheweth:

Para 1 to 13:-

It is submitted that being an administrative matter it relates to respondent No. 1 & 2 and they are in a better position to redress the grievances of the appellant. Besides, the appellant has raised no grievances against respondent No.3.

Keeping in view the above mentioned facts, it is humbly prayed that the appellant may be directed to approach respondent No. 1 & 2 for the satisfaction of his grievances and the appeal in hand having no merits may be dismissed with cost.


ACCOUNTANT GENERAL
KHYBER PAKHTUNKHWA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 181/2019

Inzar GulAppellant

Versus

Govt. of Khyber Pakhtunkhwa and others Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 & 2

PRELIMINARY OBJECTIONS:

1. That the Appellant has not come to the tribunal with clean hands.
2. That the Appellant has suppressed material facts from the Hon'ble Tribunal.
3. That the Appellant has not estopped by his own conduct.
4. That the Appeal is not maintainable in its present form.

ON FACTS:

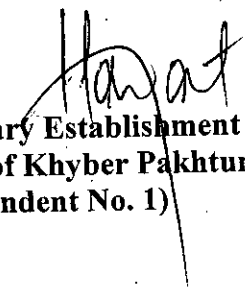
- 1-3 Needs no comments.
- 4 Correct.
- 5 Incorrect as the performance of the Appellant was found unsatisfactory and that several explanations were called upon him.
- 6 Correct up to the extent that the order was passed by the Competent Authority in the public interest (**Annex A**).
- 7 Pertains to the record.
- 8 Correct to the extent that the Appellant submitted an application for earned leave but his application was turn down by the competent authority. The Competent Authority called upon his explanation, including one for running private business without seeking proper permission but he failed to offer any satisfactory reply.
- 9 Incorrect. The second explanation letter was issued to the Appellant on account of his unauthorized absence from duty (**Annex B**).
- 10 Incorrect. As disciplinary proceeding was initiated against the Appellant in accordance with law.
- 11 Correct to the extent that the application of the Appellant for grant of leave was declined.
- 12 Correct to the extent that the removal order of the Appellant was passed after observing all codal formalities.
- 13 Pertains to record.


ON GROUNDS:

- A) Incorrect. The impugned order dated 10.10.2018 is lawful one, having passed by the Competent Authority after extending due opportunity of defense to the Appellant but he failed to explain his position and was found guilty of misconduct.
- B) As explained in Para-A.
- C) Incorrect. The Appellant was duly served with a Show Cause Notice and that an opportunity of personal hearing was also provided to him but he failed to offer any lawful jurisdiction. (Copy of Show Cause notice is annexed as Annex-C).
- D) As reply in Para-A.
- E) Incorrect. The whole proceeding has taken place according to the law and rules.
- F) Incorrect. As reply in Para-A.
- G) Incorrect. The Competent Authority passed the impugned order after observing all codal formalities.
- H) The Appellant has been dealt with in accordance with Law.
- I) Incorrect. No illegality has been done.
- J) Respondent No. 2 acted as per Law.
- K) The whole proceeding against the Appellant has been done by the Competent Authority in accordance with the law.
- L) As per paras above.
- M) No comments.

PRAYED

It is therefore humbly prayed that the Appeal of the Appellant may kindly be dismissed with costs.


**Secretary Establishment
 Govt. of Khyber Pakhtunkhwa,
 (Respondent No. 1)**


**Registrar,
 Khyber Pakhtunkhwa,
 Service Tribunal, Peshawar
 (Respondent No. 2)**



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. 1295-98/ST Dated: 27 / 06 / 2017

The competent authority is pleased to order the following postings and transfers in the public interest.

No	Name & Designation	From	To
1	Mr. Inzer Gul, Driver	Attached with Hon'ble Chairman as Driver.	Attached with Hon'ble Chairman as Naib Qasid in his own pay and scale.
2	Mr. Suleman, Naib Qasid	Attached with Hon'ble Chairman.	Posted as Chowkidar vice No. 3 (on his own request)
3	Mr. Abdul Majid, Chowkidar	Chowkidar	Posted as Naib Qasid vice No. 2.
4	Mr. Shamshad Khan, Naib Qasid.	Attached with Hon'ble Chairman as Naib Qasid	To look after the official cars of Hon'ble Chairman.

Copy forwarded to all official concerned.

REGISTRAR
KPK SERVICE TRIBUNAL
PESHAWAR

REGISTRAR,
KPK SERVICE TRIBUNAL
PESHAWAR

33

1

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1890 /ST

Dated 22-9 /2018


To,

Mr. Inzer Gul,
Naib Qasid, KPK Service Tribunal Peshawar.

Subject: **EXPLANATION.**

You, Mr. Inzer Gul, Naib Qasid, absent yourself from official duty from 13.09.2018 to 19.09.2018 without any application or prior permission of the authority. Your this act amounts to mis-conduct and hereby called upon to explain your position as to why disciplinary action under E&D rules should not be taken against you.

You are hereby called upon to explain the reason for your absence and irregular attitude in your official duty within three days, for onward submission to the Hon'ble Chairman for appropriate action failing which disciplinary action will be initiated against you.


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

34

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 1924 /ST

Dated 25/9 /2018


To.

Mr. Inzer Gul,
Naib Qasid, KPK Service Tribunal Peshawar.

Subject:- EXPLANATION

You, Mr. Inzer Gul, Naib Qasid, absented yourself from official duty on 24/9/2018 & 25/9/2018 without prior permission of the authority. Your this act amounts to mis-conduct and hereby called upon to explain your position as to why disciplinary action under E&D rules should not be taken against you.

You are hereby called upon to explain the reason for your absence and irregular attitude in your official duty within three days, for onward submission to the Hon'ble Chairman for appropriate action failing which disciplinary action will be initiated against you.


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

No. 1941/ST Dated 27-9/2018

SHOW CAUSE NOTICE

I, Subhan Sher, Chairman Khyber Pakhtunkhwa Service Tribunal as Competent Authority under the Khyber Pakhtunkhwa Government Servant(Efficiency & Discipline) Rules 2011, do hereby serve you "Mr. Inzer Gul" Driver/now posted as Naib Qasid of this Tribunal as follows:-

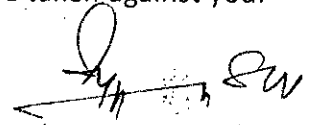
- i. That you submitted an application for 15 days leave on the grounds that you have a dispute regarding vehicle. The application was rejected on the grounds that you have never sought any permission from the competent authority to run a private business as required by virtue of rule-16 of KPK (Government servant conduct rules 1987). Therefore, you were called upon to explain your position as to why disciplinary action should not be initiated against you under the relevant rules. But you failed to offer any reply in support of your version.
- ii. That you remained absent from duty from 13/9/2018 to 26/9/2018 without any prior permission un-authorizedly, therefore, you were served with the explanation No. 1890/ST dated 22/9/2018 to justify your absence from duty within three days. You submitted reply which was not found satisfactory.
- iii. That you also submitted an application for two days earned leave, but the same was rejected and you were directed to resume the duty as your request was turned down. But despite that, you failed to comply with the order of Competent Authority and did not report to duty.
- iv. That you submitted another application for leave from 26/9/2018 to 29/9/2018, but this application was also turned down by the competent authority and you were informed telephonically to attend the duty positively. But you have turned a deaf ear to the same till today i.e 27/9/2018 you did attend the office.

2. From the above facts and circumstances it is proved that on one hand you are involved in illegal business in which the matter reached to registration of criminal cases as admitted by you in application of leave and on the other hand you absented yourself from duty willfully without prior permission. In such circumstances each and every thing is clear and the undersigned is satisfied decided to dispense with the inquiry by virtue of Rule-7 of the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011.

3. As a result thereof, the undersigned as competent authority, have tentatively decided to impose upon you one the major penalties as provided under Rule -4 of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011.

4. You are therefore, served with show cause as to why the aforesaid penalty should not be imposed upon you. Your reply must reach the office of undersigned within 7 days. You are further directed to show your desire whether you want to be heard in person or otherwise.

In case of failure to submit reply within prescribed time, it shall be presumed that you have no defense to offer and in that case ex-parte action shall be taken against you.



(SUBHAN SHER)

CHAIRMAN

KPK, SERVICE TRIBUNAL PESHAWAR

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1420-21 /ST

Dated 16-8- / 2019

To


1. The Registrar, Service Tribunal,
Government of Khyber Pakhtunkhwa,
Peshawar.
2. Secretary, Establishment Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 181/2019, MR. INZER GUL.

I am directed to forward herewith a certified copy of Judgement dated 24.07.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.