

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

Khyber Pakhtunkhwa  
Service Tribunal

Service appeal No. 1743 /2022

Diary No. 4066

Dated 6/3/2023

**MUNIR KHAN** S/o Muhammad Yousaf (Tube Well  
Operator) Directorate of Archaeology and Museums, Govt. of Khyber  
Pakhtunkhwa.

.....Appellant

Vs

**3. DIRECTOR, ARCHAEOLOGY & MUSEUMS.**  
Khyber Pakhtunkhwa Peshawar Museum, Peshawar & Other.

.....Respondents

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**MAN**

DEPONENT

CNIC: 17301-8940064-7

Cell No: 03469148978

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

Service appeal No. 1743 /2022

**MUNIR KHAN** s/o Muhammad Yousaf (Tube Well Operator) Directorate  
of Archaeology and Museums, Govt. of Khyber Pakhtunkhwa.

... Appellant

Vs

**1. DIRECTOR, ARCHAEOLOGY & MUSEUMS.**  
Khyber Pakhtunkhwa Peshawar Museum, Peshawar & Other.

... Respondents

**REPLY/COMMENTS ON BEHALF OF THE RESPONDENTS.**

**Preliminary Objections:-**

1. That appellant has not come to this tribunal with clean hands.
2. That appellant has no locus standi and cause of action to file the instant appeal.
3. That the instant appeal in its present form is not maintainable.
4. That the appellant has suppressed the material facts.
5. That the case is hit by estoppel.
6. That the appeal is time barred and not maintainable.
7. That the appellant was only deputed for duty on stop gap arrangement in District Peshawar and not transferred to any other District.

**ON FACTS:**

- 1) Para "1" of the facts pertain to records of the appellant needs no comments.
- 2) Para "2" of the facts is correct to the extent that the appellant was transferred to City Museum, Gor Khatri Peshawar. Moreover, he was transferred on staff gap arrangements in District Peshawar.
- 3) Para "3" of the facts is false, baseless and wrong, as the Office of Walled City and City Museum Gor Khatri are within the walled City, District Peshawar.

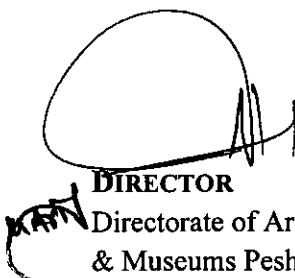
- 4) Para "4" of the fact is incorrect, false and baseless. Moreover, detail reply has been given in the proceeding Para, needs no reiteration for the purpose of repetition.
- 5) Para "5" of the facts is incorrect, false and baseless. The appellant was deputed for duty to Pari Chehra Graveyard which falls within the premises of Walled City, Peshawar. Moreover various Archaeological sites are acquired as well as transferred from Govt. Departments. In order to protect these sites, no new posts were created rather the same was maintained and protected through the same available human resources.
- 6) Para "6" of the facts is incorrect, that the appellant was not transferred to any other District wherein; he was deputed for duty in the Sub-Offices of this Directorate within the District Peshawar on staff gap arrangement basis.


#### **GROUND**

- a) Para "a" of the grounds is incorrect, false and baseless. As per section-10 every civil servant can be transferred even outside ditrict Peshawar.
- b) Para "b" of the grounds is incorrect, false and baseless, that the appellant was treated in accordance with law.
- c) Para "c" of the fact is incorrect, false and baseless. Moreover, detail reply has been given in the proceeding Para.
- d) Para "d" of the grounds is incorrect, false and baseless, as explained above in detail.
- e) Para "e" of the grounds is incorrect, false and baseless, as explained above in detail.
- f) Para "f" of the grounds is incorrect, false and baseless, as explained above in detail.

- g) Para "g" of the grounds is incorrect, false and baseless, that the appellatant was transferred to Sub-Offices of this Directorate within the District Peshawar.
- h) Para "h & I" of the fact is incorrect, false and baseless. Moreover, detail reply has been given in the proceeding Para.

It is therefore humbly prayed that on acceptance of these comments, the instant appeal may kindly be dismissed with cost in the best public interest.

  
**DIRECTOR**  
Directorate of Archaeology  
& Museums Peshawar.  
(Respondent No. 1)

  
**RESEARCH OFFICER**  
Directorate of Archaeology  
& Museums Peshawar.  
(Respondent No. 2)

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

Service appeal No. 1743 /2022

**MUNIR KHAN** S/o Muhammad Yousaf (Tube Well Operator) Directorate of Archaeology and Museums, Govt. of Khyber Pakhtunkhwa.

.....Appellant

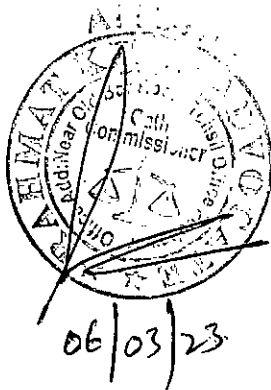
Vs

**2. DIRECTOR, ARCHAEOLOGY & MUSEUMS.**  
Khyber Pakhtunkhwa Peshawar Museum, Peshawar & Other.

.....Respondents

**AFFIDAVIT**

I, Muhammad Arif, Litigation Officer Directorate of Archaeology & Museums, Peshawar, do hereby solemnly affirm and declare on oath that the contents of Para-wise comments/ reply in the above petition on behalf of Respondents No. 3 and 4 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'able Court.



**MARIF**  
DEPONENT  
CNIC: 17301-8940064-7  
Cell No: 03469148978



# PESHAWAR MUSEUM, PESHAWAR

Phone: 091-9210985 Fax: 9210690

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No. 131/PM-4 / PM

Dated: 30/03/2012

To

Mr. Munir Khan  
Tube Well Operator  
Peshawar Museum, Peshawar.

Subject: EXPLANATION/LAST WARNING.

It has been observed by the undersigned that you are not taking interest in your duty. During duty hours you leave your place of duty and while the tube well machine is on unattended. This act of yours results in wastage of electricity and excessive water flows in the surrounding areas causing damage to the machine, museum and surrounding buildings.

You are therefore directed to explain your position of your irresponsibility and willful absence from your duty and submit your written explanation to this office with in two days failing in case a strict disciplinary action will be initiated against you.

Nidaullah Sehrai  
Curator

Copy to:

1. Director, Archaeology & Museums, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. Superintendent, Directorate of Archaeology & Museums, Govt. of Khyber Pakhtunkhwa, Peshawar.

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31/3/12

Nidaullah  
Curator



DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS  
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR

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No. A-57/1695 / Archymus  
Dated: 9-8-17

C/O Peshawar Museum Peshawar

Ph. # 091-9211194, 9211488  
Fax # 091-9210690

To

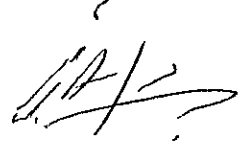
- 1) Mr. Haider Ali  
Electrician
- 2) Mr. Munir Khan  
Tube well operator
- 3) Mr. Tahir Shah  
Naib Qasid
- 4) Mr. Suneel Michal  
Sweeper
- 5) Mr. Shehzad Masih  
Sweeper

Subject: WARNING

Memo:

Reference your application dated 08-08-2017, your apology is conditionally accepted by the Director Archaeology & Museums that if anyone found absent from duty without prior permission of your Incharge, a strict disciplinary action will be initiated against you.

Director Archaeology further directed and warned that in future there will no compromise on duty timing and all employees will observe office timings strictly.

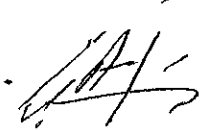
  
Syed Ali Anjum Naqvi  
Superintendent (Admin)

Dated: 9/8/2017

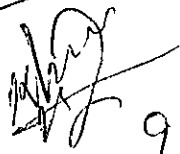
Endst: No. A-57/1695-97 / Archymus

Copy to:-

- 1) Director Archaeology & Museum for information
- 2) Incharge Peshawar Museum Peshawar for information and necessary action.
- 3) Officials concerned.

  
Superintendent (Admin)

Received



9/8/17

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**DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS  
GOVERNMENT OF KHYBER PAKHTUNKHWA, PESHAWAR**

No. 1691/A-57 Archymus

Dated: 9-8-18

C/O Peshawar Museum Peshawar

Ph. # 091-9211194, 9211488

Fax # 091-9210690

**Office order**

Due to negligence of Mr. Munir Khan Tube Operator Peshawar Museum the Water Tank was not filled on time and due to which the water supply was disconnected to the Peshawar Museum and Directorate buildings from 08:00 am to 01:00 pm on 09-08-2018. His this act cause severe disintegration to the official work in the both offices. He is previously warned so many times to reform yourself but he paid no heed to these warnings.

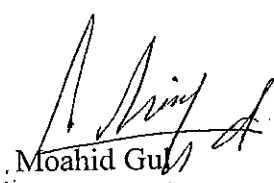
In light of above Mr. Munir Khan is hereby suspended from service with immediate effect for a period of one month.

The following officers are hereby directed to inquire the causes of above mentioned disorder and submit report with a period of one month.

1. Mr. Noor Khan  
Assistant Research Officer Peshawar Museum
2. Mr. Khalid Khan  
Office Assistant

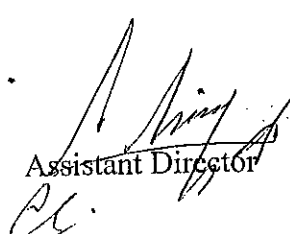
No-1691-95/A-57

Dated  
9-8-18

  
Moahid Gul  
Assistant Director

Copy to:

1. The Director Archaeology & Museums for information.
2. The Assistant Curator Peshawar Museum for entering in Service Book.
3. Mr. Noor Khan, Assistant Research Officer Peshawar Museum.
4. Mr. Khalid Khan Office Assistant, Directorate of Archaeology & Museums.
5. Mr. Munir Khan Tube Operator Peshawar Museum with the direction to appear before the inquiry committee.

  
Assistant Director

Received  
9/8/18

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4/6/18





**DIRECTORATE OF ARCHAEOLOGY AND MUSEUMS  
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR**


Tel# 091-9211194, 9211488

Email: [info.archaeology@kp.gov.pk](mailto:info.archaeology@kp.gov.pk)

No. 47-93/Archymus/ 2648  
Dated: 03.3.2023

**AUTHORITY LETTER**

Mr. Muhammad Arif, Litigation Officer (BPS-17), Directorate of Archaeology & Museums Govt. of Khyber Pakhtunkhwa is hereby authorized to attend the Khyber Pakhtunkhwa Service Tribunal, Peshawar in connection with the case titled "**Munir Khan Vs Government of Khyber Pakhtunkhwa & others**".

  
**DIRECTOR**  
Par