

SA.NO.7882/21

Shahzad Khan S/O Amar Khan

Petitioner

Versus

1. Directorate of Human Resource Development, through its Secretary Shami Road Peshawar.
2. Chief Conservator of Forests Central Southern Forest Region-I, Peshawar
3. Secretary to Govt of Khyber Pakhtunkhwa Climate Change, Forestry, Wildlife and Environment Department, Peshawar.

..... Respondents.

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Respondent

Director

Institutional & Human Resource Development & Management
Directorate, Peshawar.

Director
I & Human Resource Dev:
Khyber Pakhtunkhwa Forest Deptt:
Peshawar

IN THE KHYER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

SA.NO.7882/21
Shahzad Khan

.....Petitioner

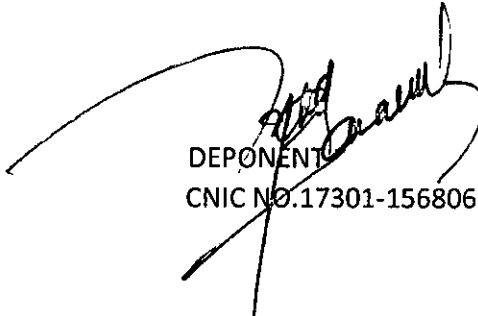
Versus

Forest Department Khyber Pakhtunkhwa

.....Respondents

AFFIDAVIT

I Muhammad Shakeeb, Deputy Director I&HRD&M (NMAs), Khyber Pakhtunkhwa, Forest Department, Peshawar do hereby solemnly affirm and declare on oath that the contents of accompanying Parawise comments on behalf of respondents No 1,2,3 are true and correct to the best of my knowledge and belief that nothing has been concealed from this Hon'ble Service Tribunal.


DEPONENT
CNIC NO.17301-1568069-7

Identified by

Additional Advocate General,
Khyber Pakhtunkhwa
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNEL PESHAWAR

SA. Appeal No.7882/24

Mr. Shahzad Khan S/O Amar khan

VERSUS

DIRECTOR I&HRD&M Directorate & Others.

Respectfully Sheweth

Para wise comments on behalf of respondent's No. 01 to 03 as under;

Preliminary objections

That the appellant has got no cause of action to file instant appeal.

That the appeal is not maintainable in this present form.

That the appeal is barred by law and limitation.

That the appeal is bad for misjoinder and non-joinder of necessary parties.

That the appellant has not come to this Honorable Tribunal with clean hands.

On Facts

1. Incorrect. The appellant was treated as per law and rules.
2. Pertains to record.
3. Incorrect. The appellant had been habitual of remaining absent from official duty as evident from his termination order wherein he has been proved guilty of misconduct by leaving office during duty hour without prior permission from the authorized officer (Annex-I).
4. Incorrect. The departmental appeal has been rejected in accordance with law.
5. Incorrect. The appellant has been dealt in accordance with law. As he was on probation and he was acting contrary to terms and conditions.

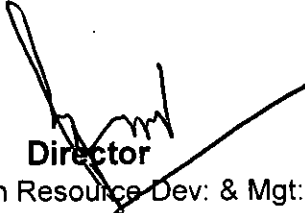
On Grounds

- A. Incorrect. No malafide has been committed by the respondents.
- B. Incorrect. The services of the appellant was terminated under the Civil Servant Act-1973 by the Competent Authority (Director I&HRD&M) hence, no violation were made in the subject proceeding.
- C. Incorrect. The appellant was absent from official duty on 14/04/2021, 26/04/2021 & 27/04/2021 (Annex-II).
- D. Incorrect. As already reflected in Para 03 of the facts.
- E. Incorrect. As the appellant was on probation period, therefore he was proceeded under Section 11 of Civil Servant Act-1973, instead of E&D Rules 2011. In such case, no charge sheet, statements of allegation as well as show cause notice are issued. Section-11 of the ibid act states that the services of a civil servant may be terminated without notice during the initial or extended period of his probation.

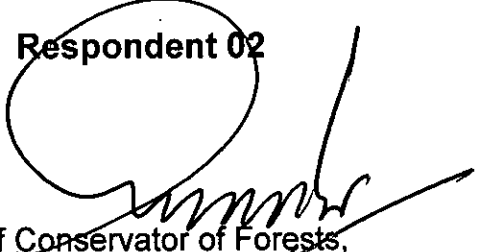
- F. Incorrect. As already reflected in Para E of the Grounds.
- G. Incorrect. The service record of the appellant is not satisfactory.
- H. Incorrect. There is no malafide and personal grudge of the respondent in the proceeding.
- I. Incorrect. The appellant has been treated according to law.
- J. Incorrect. All kind of opportunities available under the law were accordingly extended to him.
- K. Incorrect. As already reflected in Para I above.
- L. Incorrect. As the appellant violated conduct rule 1987 therefore his services were terminated.
- M. Incorrect. The appellant was terminated as per law.
- N. Incorrect, the appeal of Appellant was rejected by the Appellant Authority (CCF-I) after examining the content of the appeal which was found unsatisfactory.(Annex-I)
- O. Incorrect. The appellant was reported habitual absent from duty as reflected in Para 03 of the Facts.
- P. Incorrect. The appellant was on probation therefore action cannot be taken under E&D Rules 2011. Hence, his appeal may be rejected along with cost.
- Q. The respondents seek permission to raise additional grounds at the time of arguments.

It is therefore requested that the subject appeal being baseless having no legal footing may kindly be dismissed with cost.


Respondent 01


Director
I & Human Resource Dev: & Mgt:
Peshawar

Respondent 02


Chief Conservator of Forests,
Central Southern Forest Region-I
Khyber Pakhtunkhwa Peshawar

Respondent 03


Secretary
Climate Change, Forestry, Environment & Wildlife
Department



DIRECTORATE OF
INSTITUTIONAL & HUMAN RESOURCE DEVELOPMENT & MANAGEMENT
KHYBER PAKHTUNKHWA FOREST DEPARTMENT

Shami Road, Peshawar Phone No. (091)9212459 Fax (091) 5243293
Office Order. 12 Dated 30/04/2021

Whereas you were appointed vide this office order No.24 dated 02/05/2019 against the post of Chowkidar in the Directorate of I&HRD&M, Forest Department, Peshawar.

Whereas you have been found absent from government duty for so many times and you are time and again verbally warned to be careful in performing your official duty as you are a young man.

Whereas you are seem to be habitual of absence from duty as reported by Muhammad Abrar Khan, Instructor, I&HRD&M dated 14-04-2021.

Whereas you were telephonically contacted to come to office for your duty, but you did not bother to come to office.

Whereas on 26-4-2021 you were asked by the Account Assistant to be vigilant during performing your duties as directed by Director I&HRD&M, but in the evening, you left the office and remained absent at night.

Whereas on 27-04-2021, you have suddenly come to office at morning and while inquiring for night absence, you have said that you are no more interested to continue your official duty and left the office, beside the fact that you were on duty on that day.

Whereas the security situation is always alarming as per instructions issued by the security agencies and your absence from duty till to date i.e., 01-05-2021 creates venerable security situation for this office.

Whereas your absence shows your poor performance and negligence towards your official duties.

Whereas you are still on probation period and as per clause 2 and 3 of your appointment order, your services can be terminated without assigning any reason.

Now, therefore, the competent authority vide clause 2&3 of the Government of Khyber Pakhtunkhwa, Establishment Department letter No. SOR-VI(E&AD)1-3/2009/Vol-VIII dated 16-2-2010, terminate the services of Mr. Shahzad Khan (Chowkidar) w.e.f 01-05-2021.

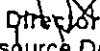

(Muhammad Junaid Dayar)
Director
I & Human Resource Dev: & Mgt:
Peshawar


No. 1675 / I & HRD & M/Estt:

Copy forwarded for information and necessary action to:-

1. Deputy Director, I&HRD&M Directorate Peshawar.
2. Account Assistant I&HRD&M Directorate.
3. Mr. Shahzad Khan s/o Amar Ali, Muhalla Ghari Jabar Khan P.O. Pabbi Dag Baisud District Nowshera.

Attested


Director
I & Human Resource Dev: & Mgt:
Peshawar


Director
I & Human Resource Dev:
Khyber Pakhtunkhwa Forest Deptt:
Peshawar

The Director
I&HRD&M Directorate
Khyber Pakhtunkhwa Forest Department
Peshawar


Subject: REPORT AGAINST MR. SHEHZAD, CHOWKIDAR AT I&HRD&M
DIRECTORATE

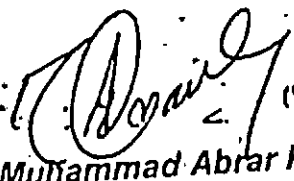
Dear Sir

It is stated that on 14-04-2021, at 1600 Hours, the undersigned, while leaving the office at office closing hours, noticed that the Chowkidar of &HRD&M Directorate, Mr. Shehzad was not available in the office building to perform his official duties i-e. to lock the offices and take care of Govt. Assets. The undersigned inquired about him and asked Mr. Jawad, P.A. to Director I&HRD&M Directorate, to call and direct him to make himself available in the office to perform the official duty. Mr. Shehzad replied on the phone call that he is sleeping and will come to the duty later. This irresponsible behavior of Mr. Shehzad, Chowkidar may result in theft of Govt. assets and sensitive official record or any other unwanted/unpleasant event.

Hence, the report is submitted for favor of information and necessary action at your end please.

Attested


Director
I & Human Resource Dev:
Khyber Pakhtunkhwa Forest Deptt:
Peshawar


(Muhammad Abrar Khan)
(Instructor)
& Human Resource Dev: & Mgt:
Peshawar