

02.09.2020

Petitioner in person and Addl. AG alongwith Amjad Ali, Assistant for the respondents present.

Representative of the respondents states that a CPLA has been preferred before the Apex Court against the judgment under implementation.

The record shows that the petitioner was reinstated in service with all back benefits and in that regard an office order was issued on 24.11.2017. On the other hand, petitioner is still aggrieved due to non-implementation of judgment to the extent of grant of back benefits.

In the circumstances the respondents are required to pay the entire back benefits to the petitioner before next date of hearing if the judgment under execution is not set aside or suspended by the Apex Court till then.

Adjourned to 06.10.2020 before S.B.


Chairman

06.10.2020

Petitioner in person and Addl. AG alongwith Saleem Javed, Litigation Officer for the respondents present.

Former states that the judgment has been implemented in his favour, therefore, a request for consigning the proceedings to the record is made.

Order accordingly.


Chairman

16.03.2020

Petitioner in person present. Mr. Kabirullah Khattak learned Addl. AG for the respondents present. Petitioner requested for adjournment. Adjourned. To come up for further proceedings on 21.04.2020 before S.B.



Member

21.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 15.07.2020 for the same. To come up for the same as before S.B.



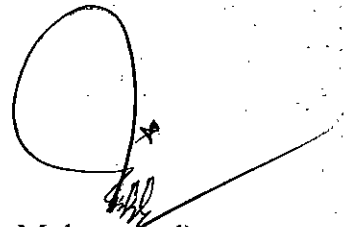
Reader

15.07.2020

None for the petitioner present. Addl: AG alongwith Mr. Amjad Ali, Assistant for respondents present.

On the previous date of hearing the case was adjourned through Reader Note, therefore notices be issued to the petitioner and his counsel.

Adjourned to 02.09.2020 before S.B.



(Mian Muhammad)
Member(E)

Restoration Application No. 371/2019
Tanzil-ur-Rahman vs Govt

18.12.2019

Petitioner in person and Addl. AG alongwith Malak Zaheer, Assistant for the respondents present.

Instant application is with the prayer for restoration of Execution Petition No. 371/2018 consigned to record on 02.08.2018. It is contended in the application that the judgment of this Tribunal was not implemented in letter and spirit while the back benefits in favour of petitioner ~~would~~^{were} yet to be awarded when the proceedings were consigned.

The grounds noted in the application prima-facie warrant the acceptance of application. Allowed, Subject to all just exceptions, Execution Petition No. 371/2018 shall be restored to its original number and come up for further proceedings on 03.02.2020 before S.B.


Chairman

03.02.2020



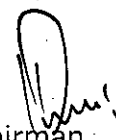
Petitioner in person present. Addl: AG alongwith Malik Zahir, Assistant for respondents present. The petitioner while arguing his case stated that though through order dated 02.04.2018, he was reinstated in service but issue of payment of back benefits was still held up, as CPLA has been filed in the august Supreme Court of Pakistan by the respondents which is pending adjudication. He sought relevant record of the aforementioned CPLA filed by the respondents. The respondents are directed to provide the said on the next date of hearing. Adjourned. To come up for further proceedings on 16.03.2020 before S.B.


Member

Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 371/2019

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	03.10.2019	<p>The application for restoration of Execution Petition No. 26/2018 submitted by Mr. Tanzil-ur-Rehman petitioner, may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	05.11.2019	<p>This restoration application is entrusted to S. Bench to be put up there on <u>05/11/19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	05.11.2019	<p>Petitioner in person present.</p> <p>Notice of the application be given to respondents for 18.12.2019 before S.B.</p> <p style="text-align: right;"> Chairman</p>

02.08.2018

Petitioner Tanzeel ur Rehman in person present. Dr. Irshad and Mr. Amjid Ali, Assistant alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present and submitted implementation report alongwith arrival report of the petitioner. However, on one hand, the petition contended that he has not been given the back benefits and on the other hand, the above named representative produced another letter whereby the respondents have filed CPLA in the august Supreme Court of Pakistan.

In view of the above stated circumstances, the suggestion was floated that till the decision of the CPLA, the current execution petition be filed without any further proceedings.

The suggestion is robust, thus allowed. The current petition is filed for the time being. However, the petitioner will be at liberty that after decision of the august Supreme Court of Pakistan, and he had still some grievance, he maybe ask for restoration of the current execution petition or bring fresh one. No order as to costs. File be consigned to the record room.

Announced:
02.8.2018


Chairman 2.8.2018

15.03.2018

Petitioner in person present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Amjid Ali, Assistant and Mr. Jaffar Shah, Assistant for the respondents also present. Implementation report not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for implementation report on 15.05.2018 before S.B.



(Muhammad Amin Khan Kundi)
Member

15.05.2018

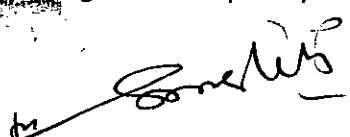


Petitioner in person and Mr. Kabirullah Khattak, Addl. AG alongwith Jaffar Ali, Senior Clerk for the respondents present. Learned AAG requested for further time. To come up for implementation report on 02.08.2018 before S.B.



Chairman

FORM OF ORDER SHEET

Execution Petition No. 26 /2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	23.01.2018	<p>The Execution Petition of Mr. Tanzeel-ur-Rehman submitted today by him may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	24/01/18.	<p>This Execution Petition be put up before S. Bench on <u>06/02/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
06.02.2018		<p>Petitioner in person and Addl:AG for respondents present. Notices be issued to the respondents for submission of implementation report on 15.03.2018 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member(E)</p>

AR-12

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

PESHAWAR.

Execution Petition No. 26 /2018

Khyber Pakhtunkhwa
Service Tribunal

In

Diary No. 92

Dated 23/01/2018

Service Appeal No. 48/2016

Tanzeel Ur Rehman son of Hamayatullah, Ex-JCT (Ophthalmology)

District Headquarter Hospital, Battagram.....(Petitioner)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Health Department, Peshawar.
2. Director General Health, Khyber Pakhtunkhwa, Peshawar.
3. Medical Superintendent District Headquarter Hospital, Battagram.
4. District Health Officer, Battagram. (Respondents)

EXECUTION PETITION FOR IMPLEMENTATION OF
JUDGMENT DATED 19.10.2017 IN SERVICE APPEAL
NO. 48/2016.

RESPECTFULLY SHEWETH.

1. That the appellant was removed from service on 11.09.2015, against which the Petitioner filed service appeal No. 48/2016 before this Honourable Tribunal.
2. That vide judgment dated 19.10.2017, the petitioner was reinstated in service with all back benefits. (Annexure-A).
3. That the petitioner after obtaining certified copy of judgment submitted application on 28.11.2017 followed by another application dated 16.01.2018 for reinstatement in service.(Annexure-B and B/1)

4. That a period of more than three months elapsed but till date the petitioner has not been reinstated in service despite the fact that the respondents have not obtained stay order from the august Supreme Court of Pakistan.
5. That the petitioner is a poor person and pressing hard for reinstatement and arrears of pay as ordered by this Honourable Tribunal.
6. That similarly placed person who had been removed from service alongwith the petitioner have been reinstated in service with all back benefits. (Annexures-C)

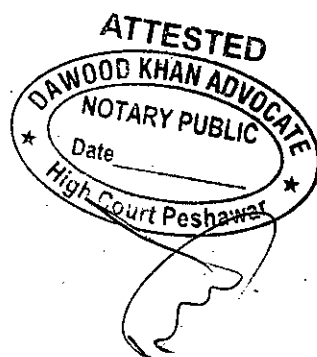
It is most humbly prayed that on acceptance of this Execution Petition the respondents may kindly be directed to reinstate the petitioner in service as per judgment of this Tribunal with all back benefits.


(TANZEELUR RAHMAN
Petitioner

AFFIDAVIT

I Tanzeelur Rehman son of Hamayatullah do hereby solemnly affirm and declare that the contents of this application are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honourable Tribunal.


DEPONENT



23 JAN 2018

Annex - A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD

Service Appeal No. 48/2016
 Date of Institution... 12.01.2016
 Date of decision... 19.10.2017



Tanzeel Ur Rehman son of Hamayatullah, Ex-JCT (Ophthalmology) District
 Headquarter Hospital, Battagram. (Appellant).

Versus

1. Government of Khyber Pakhtunkhwa through Secretary, Health, Peshawar
 and 3 others. (Respondents)

MR. KHAN AFZAL,
 Advocate

... For appellant.

MR. MUHAMMAD BILAL
 Deputy District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
 MR. MUHAMMAD AMIN KHAN KUNDI,

... CHAIRMAN
 ... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - This judgment shall dispose
 of the instant service appeal as well as connected service appeal No. 49/2016 of
 Rashid Khan as in both the appeals common questions of law and facts are
 involved.

2. Arguments of the learned counsel for the parties heard and record
 perused.

FACTS

3. Both the two appellants were served with show cause notice on
 23.07.2015 under the Khyber Pakhtunkhwa Government Servants (Efficiency &
 Disciplinary) Rule, 2011. Both the appellants submitted replies to the show cause
 notice and thereafter the impugned order dated 11.09.2015 was passed by the

ATTESTED

MEMBER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar


competent authority, imposing major penalty of removal from service. Against this impugned order, the appellants filed departmental appeals on 09.10.2015 which were not responded to and thereafter the present appeals on 12.01.2016.

ARGUMENTS

4. The learned counsel for the appellant argued that no specific charge has been leveled in the show cause notice. That the charge is only in general terms regarding violation of the rules/standard criteria of the Government in the appointment. That in the show cause notice the regular enquiry has not been dispensed with nor any enquiry was conducted. That no charge sheet and statement of allegations were served on the appellants as there was no enquiry at all. That it is not made known to the appellants that under which specific charge show cause notice has been served upon them. That only in the reply of the respondents in present appeals, it has been mentioned that the appellants were terminated on the ground that diplomas were not registered. But the diplomas of both the appellants were verified on 26.03.2015. That even in the impugned order no specific detail of proof of any charge has been mentioned. That in the light of such casual approach of the authority, the penalties imposed on the appellants, cannot be sustained.

5. On the other hand, the learned Deputy District Attorney, argued that the then DHO Batagram (Dr. Aqeel Bangash) had made certain appointments in violation of law and rules. That an enquiry was conducted against that DHO and in that enquiry certain irregularities were pin pointed by the enquiry committee. That those illegalities/irregularities were made the basis of the show cause notices against the appellants. He further argued that there is no illegality in the disciplinary proceedings.

ATTESTED


 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

CONCLUSION.

6. The very show cause notice is in general term giving no specific detail of the charge/charges against the appellants. In absence of any specific charge/charges no proceedings could be initiated against the appellants. The authority has also not mentioned that why a regular enquiry was not being conducted. So much so that no order of dispensing with the regular enquiry was made by the authority much less the reasons for dispensing with the enquiry. The appellants have approached the departmental authority against the impugned order and have approached this Tribunal well within time. It is clear from the above facts and circumstances that the whole proceedings are illegal and cannot be sustained in the eyes of law. If any specific charge like fake diploma was leveled against the appellants, then that should have been mentioned in the show cause notice, at least. Non mentioning of this charge or any other charge, has deprived the appellants from defending themselves in proper way. The diplomas were duly verified by the concerned Institute before the impugned orders.

7. In view of the above, both the appeals are accepted and the appellants are reinstated in service with all back benefits. Parties are left to bear their own costs.

File be consigned to the record room.

Announced SD/- Niaz Muhammad Khan,
19-10-2017
Chairman.
Camp Court A/Abad.

SD/- M. Aunin Khan Kundt,
Member.

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 19-10-2017
Number of Words 1200
Copying Fee 8-
Urgent -
Total 8-
Name of Copyist [Signature]
Date of Completion 25-10-17
Date of Delivery of Copy 25-10-17

خدمت جناب میڈیکل سپرینٹنڈنٹ صاحب DHQ ہسپتال منگراہم

عنوان : درخواست برائے بحالی

گزارش لکھائی ہے کہ سائل کو محکمہ ہذا میں 11-09-2015 کو

ملازمت سے غلط طریقے پر برخاست کیا گیا تھا۔ جس کے بعد

سائل مذکورہ نے بعدالت سروس ٹریبونل ایٹے آباد میں

اپیل دائر کی تھی جس کا اپیل نمبر 2016-48 ہے۔ جس

کو سروس ٹریبونل نے منظور کر کے 19-10-2017 کو تمام مراعات

کے ساتھ سائل کے حق میں فیصلہ دے دیا۔

لہذا گزارش لکھائی ہے کہ سروس ٹریبونل کے

مذکورہ فیصلے پر عمل درآمد کے سائل مذکورہ کو سروس

ٹریبونل کے فیصلے کے مطابق بحال کرنے کا حکم صادر فرمائیں

العارض

تنزیل الرحمن

JCT ایٹھالوچی

28-11-2017

حکومت چھان بینگیل سپرنٹنڈنٹ ڈی اچ ڈی اچ سیال شہرام

عوامی درخواست برائے بحال ملازمت

صالح علی

تاریخ 11/09/15 کو غلطی سے کپڑے لٹا دیے گئے تھے۔
Ex-JCT-OPhtalmology

کو 11/09/15 کو غلطی سے کپڑے لٹا دیے گئے تھے۔

صالح علی کی درخواست پر 11/09/15 کو غلطی سے کپڑے لٹا دیے گئے تھے۔

KPK ایسٹ ایب و ایچ میں درخواست عملہ عدالت کے خلاف دائر کیا

صالح علی کی درخواست پر 11/09/15 کو غلطی سے کپڑے لٹا دیے گئے تھے۔

کے ساتھ تمام مراعات کے ساتھ 19/10/17 کو حکم سنایا۔

گورنمنٹ کے حکم پر بحال کرنے کا حکم صادر فرمایا جائے۔

حکومت چھان بینگیل سپرنٹنڈنٹ ڈی اچ ڈی اچ سیال شہرام

الفار OP

تاریخ 16/01/18

Ex-JCT-OPhtalmology

ڈی اچ ڈی اچ سیال شہرام

16-01-18

Annex C



OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL BATTAGRAM

MS Office Phone No. 0997-311518 Email Address; dhqbtg518@yahoo.com
Casualty Dept Phone No. 0997-310018 Fax No. 0997-311518

No. 4741-47 / Office Order dated 24.11.2017

OFFICE ORDER.

In the light of the decision of the Service Tribunal Khyber Pakhtunkhwa camp court Abbottabad Bench on the petition/ Appeal No. 1043/2015 & Appeal No. 1044/2015, Director General Health Services KPK Peshawar letter No. 7404-06/AD(Lit) Dated 08.11.2017 in the subject case & on the recommendation of Departmental inquiry committee constituted for the subject case. The appellants bellows are hereby reinstated on their services with all back benefit with immediate effect.

The period from the date of termination to date of reinstatement may be ~~treating~~ ^{reated} as leave the kind due.

S.NO	Name	Father Name	Designation
1	Mr. Asad Ullah ✓	Azmatullah	JCT Surgical BS-12
2	Mr. Siraj Ud Din	Firdos Khan	JCT Radiology BS-12

Sd x x x

Medical Superintendent
DHQ Hospital Battagram

No & date even above:-

Copy forwarded to the;-

1. Registrar Service Tribunal Khyber Pakhtunkhwa Abbottabad Bench for information with reference to his letter No. 2294/ST Dated 25.10.2017.
2. Director General Health Services KPK Peshawar for information please.
3. Assistant Director (Lit Cell), Directorate General Health Department Khyber Pakhtunkhwa Peshawar with reference to his letter No. 7404-06/AD (Lit) Dated 08.11.2017.
4. District Accounts Officer Battagram for information
5. Account Branch office of the undersigned for information and N/A.
6. Officials concerned for information and compliance

Medical Superintendent
DHQ Hospital Battagram

To,

The Medical Superintendent
DHQ Hospital Battagram

Subject:

ARRIVAL REPORT.

Sir,

Reference your office letter No. 1038-46/OFFICE ORDER Dated 02.04.2018.

With due respect it is submitted that my order of reinstatement have been made by your good office letter No. 1038-46/OFFICE ORDER Dated 02.04.20186 in DHQ Hospital Battagram on my original post of JCT Ophthalmology BS-12. I am submitting my arrival report against my original post of JCT Ophthalmology BS-12 in the DHQ Hospital today on 02.04.2018 (FN). Kindly accept my arrival and oblige please.

Dated 02.04.2018

Accepted
Muzamil

Your Obediently

Tanzeel Ur Rehman

Tanzeel Ur Rehman S/O
Hamayat Ullah
JCT Ophthalmology BS-12
DHQ Hospital Battagram

To,

The Medical Superintendent
DHQ Hospital Battagram

Subject: ARRIVAL REPORT.

Sir,

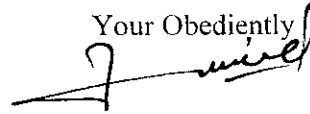
Reference your office letter No 1038-46/OFFICE ORDER Dated 02.04.2018.

With due respect it is submitted that my order of reinstatement have been made by your good office letter No. 1038-46/OFFICE ORDER Dated 02.04.2018 in DHQ Hospital Battagram on my original post of JCT Surgical BS-12. I am submitting my arrival report against my original post of JCT Surgical BS-12 in the DHQ Hospital today on 02.04.2018 (FN). Kindly accept my arrival and oblige please.

Dated 02.04.2018

*Accepted
Rashid*

Your Obediently



Rashid Khan S/O
Ghulam Akbar
JCT Surgical BS-12
DHQ Hospital Battagram



OFFICE OF THE MEDICAL SUPERINTENDENT DHQ HOSPITAL BATTAGRAM

MS Office Phone No. 0997-311518 Email Address; dhqbtg518@yahoo.com
Casualty Dept Phone No, 0997-31008 Fax No, 0997-311518

No, 1038-46 /Office Order dated 02.04.2018

OFFICE ORDER.

In the light of the decision of the service Tribunal Khyber Pakhtunkhwa Camp Court Abbottabad Bench on the petition/Appeal No. 48/2016 & Appeal No. 49/2016 dated 19.10.2017 & Health Department Khyber Pakhtunkhwa letter No.SOH(Lit-II)13-3085/2016 dated 14.03.2018. The appellants below are hereby provisionally reinstated on their services till the final decision of the Supreme Court of Pakistan with immediate effect.

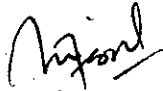
S.NO	Name	Father Name	Designation
01	Mr. Tanzeel Ur Rehman	Hamayat Ullah	JCT Ophthalmology BS-12
02	Mr. Rashid Khan	Ghulam Akbar	JCT Surgical BS-12

Sd x x x
Medical Superintendent
DHQ Hospital Battagram

No & date even above;-

Copy forwarded to the;-

- 1- Registrar Service Tribunal Khyber Pakhtunkhwa Abbottabad bench for information.
- 2- PS to Secretary Health Government of Khyber Pakhtunkhwa Peshawar for information.
- 3- Section Officer (Lit-II) Health Department Khyber Pakhtunkhwa w/r to his letter No. SOH (Lit-II) 13-3085/2016 dated 14.03.2018 for information.
- 4- Director General Health Services Khyber Pakhtunkhwa Peshawar for information.
- 5- District Account Officer Battagram for information.
- 6- Account branch of this office for information.
- 7- Official concerned for information.


Medical Superintendent
DHQ Hospital Battagram



**MOST IMMEDIATE
COURT MATTER.**

GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT
NO. SOH (Lit-II)13-3085/2016
Dated Pesh: the, 14/03/2018

To

1. The District Health Officer,
Battagram.
2. The Medical Superintendent,
DHQ Hospital, Battagram.

Subject:- AN EXECUTION PETITION NO. 27/2018 IN SERVICE APPEAL NO. 49/2016
- MR. RASHID KHAN VERSUS GOVT. OF KHYBERPAKHTUNKHWA
HEALTH DEPARTMENT AND OTHERS.

I am directed to refer to the subject noted above and to state that the judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 19.10.2017 may be implemented provincially till the final decision of the Supreme Court of Pakistan under intimation to this department please.

Being Court matter, hence may please be treated as Most Urgent

SECTION OFFICER (LIT-II)

Endst: Even No. & date.

Copy forwarded for information to :-

1. The Registrar Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
2. P.A to the Additional Secretary (Dev) Health Department.

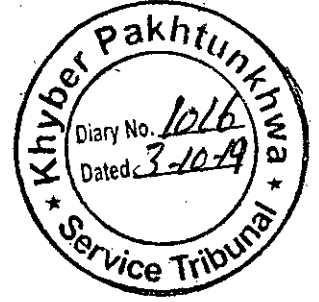
SECTION OFFICER (LIT. II)

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Restoration Application No. 371/19

E.P No 26/2018

In Service appeal No.48/2016



TANZIL UR REHMAN

VS

GOVT OF KPK

APPLICATION FOR RESTORATION OF EXECUTION
PETITION NO. 27/18 CONSIGNED ON 02/08/2018
WITHOUT IMPLEMENTING JUDGMENT IN ITS
LETTER AND SPIRIT AND NO BACK BENEFITS
AWARDED TILL DATED

Respected Sir,

Applicant humbly submitted as under:-

1. That execution petition, in the said appeal was filed by applicant, for implementation of the judgment. (annexure-A)
2. That execution petition, was not implemented in its letter and spirits consigned to record room without awarding back benefits till date.

It is therefore, requested to re-open the execution petition for implementation of the judgment and applicant may kindly be awarded back benefits.

Tanzil Ur Rehman
Applicant
TANZIL UR REHMAN

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD



Service Appeal No. 48/2016
Date of Institution... 12.01.2016
Date of decision... 19.10.2017

Tanzeel Ur Rehman son of Hamayatullah, Ex-JCT (Ophthalmology) District
Headquarter Hospital, Battagram. ... (Appellant).

Versus

1. Government of Khyber Pakhtunkhwa through Secretary, Health, Peshawar
and 3 others. (Respondents)

MR. KHAN AFZAL,
Advocate

... For appellant.

MR. MUHAMMAD BILAL
Deputy District Attorney

... For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. MUHAMMAD AMIN KHAN KUNDI,

... CHAIRMAN
... MEMBER

JUDGMENT

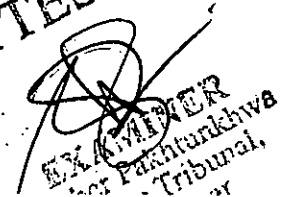
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involved.

2. Arguments of the learned counsel for the parties heard and record
perused.

FACTS

3. Both the two appellants were served with show cause notice on
23.07.2015 under the Khyber Pakhtunkhwa Government Servants (Efficiency &
Disciplinary) Rule, 2011. Both the appellants submitted replies to the show cause
notice and thereafter the impugned order dated 11.09.2015 was passed by the

ATTESTED


CHAIRMAN
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

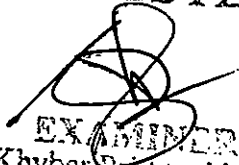
competent authority, imposing major penalty of removal from service. Against this impugned order, the appellants filed departmental appeals on 09.10.2015 which were not responded to and thereafter the present appeals on 12.01.2016.

ARGUMENTS

4. The learned counsel for the appellant argued that no specific charge has been leveled in the show cause notice. That the charge is only in general terms regarding violation of the rules/standard criteria of the Government in the appointment. That in the show cause notice the regular enquiry has not been dispensed with nor any enquiry was conducted. That no charge sheet and statement of allegations were served on the appellants as there was no enquiry at all. That it is not made known to the appellants that under which specific charge show cause notice has been served upon them. That only in the reply of the respondents in present appeals, it has been mentioned that the appellants were terminated on the ground that diplomas were not registered. But the diplomas of both the appellants were verified on 26.03.2015. That even in the impugned order no specific detail of proof of any charge has been mentioned. That in the light of such casual approach of the authority, the penalties imposed on the appellants, cannot be sustained.

5. On the other hand, the learned Deputy District Attorney, argued that the then DHO Batagram (Dr. Aqeel Bangash) had made certain appointments in violation of law and rules. That an enquiry was conducted against that DHO and in that enquiry certain irregularities were pin pointed by the enquiry committee. That those illegalities/irregularities were made the basis of the show cause notices against the appellants. He further argued that there is no illegality in the disciplinary proceedings.

ATTESTED


EXAMINER
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CONCLUSION.

6. The very show cause notice is in general term giving no specific detail of the charge/charges against the appellants. In absence of any specific charge/charges no proceedings could be initiated against the appellants. The authority has also not mentioned that why a regular enquiry was not being conducted. So much so that no order of dispensing with the regular enquiry was made by the authority much less the reasons for dispensing with the enquiry. The appellants have approached the departmental authority against the impugned order and have approached this Tribunal well within time. It is clear from the above facts and circumstances that the whole proceedings are illegal and cannot be sustained in the eyes of law. If any specific charge like fake diploma was leveled against the appellants, then that should have been mentioned in the show cause notice, at least. Non mentioning of this charge or any other charge, has deprived the appellants from defending themselves in proper way. The diplomas were duly verified by the concerned Institute before the impugned orders.

7. In view of the above, both the appeals are accepted and the appellants are reinstated in service with all back benefits. Parties are left to bear their own costs.

File be consigned to the record room.

Announced SD/- Niaz Muhammad Khan,
19.10.2017
Chairman
Camp Court A/Abad.

SD/- M. Anwar Khan Kundli,
Member.

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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