

Order

06.03.2023

Nemo for appellant.

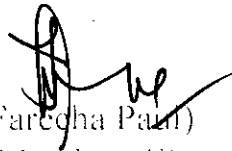
Umair Azam learned Additional Advocate General alongwith Kashif Ihsan, District Food Controller for respondents present.

At the very outset this bench was informed in respect of death of the appellant. His death certificate was also produced and is placed on file.

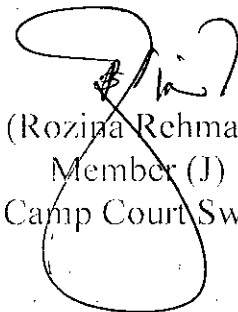
Keeping in view the death of the appellant, instant appeal stands filed. File be consigned to record room.

Announced

06.03.2023



(Fareeha Parul)
Member (F)
Camp Court Swat




(Rozina Rehman)
Member (J)
Camp Court Swat

08.02.2023

Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Today there is nobody present on behalf of the respondents nor submitted written reply/comments. The time provided in Rule-12 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 for filing reply is seven days before the date fixed but despite providing opportunity the respondents have not filed the comments. They are thus placed ex-parte and their right to file reply/comments stands struck off. To come up for arguments on 06.03.2023 before D.B at camp court Swat.

SCANNED
KPST
Peshawar


(Muhammad Akbar Khan)
Member
Camp Court Swat

Order

06.03.2023

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Umair Azam learned Additional Advocate General alongwith Kashif Ihsan, District Food Controller for respondents present.

At the very outset this bench was informed in respect of death of the appellant. His death certificate ^{was} ~~is~~ also produced and ^{is} placed on file.

Keeping in view the death of the appellant, ~~the~~ instant appeal stands filed. File be consigned to record room.

Announced

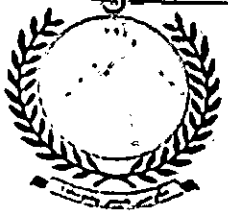
06.03.2023

(Farecha Paul)
Member (F)
Camp Court Swat

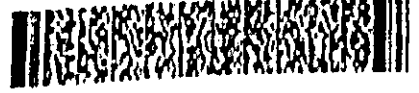
(Rozina Rehman)
Member (J)
Camp Court Swat

4. Mir Zaman Safi Advocate, learned counsel for appellant contended that the impugned orders dated 28.04.2021 and 25.08.2021 were against the law, facts, norms of natural justice, hence not tenable and liable to be set aside. He submitted that the appellant was not treated in accordance with law and rules and respondents violated Article 4 & 25 of the Constitution of Islamic Republic of Pakistan. It was submitted that no charge sheet alongwith statement of allegations were served upon the appellant and that no regular inquiry was conducted before issuing the impugned order. Lastly it was submitted that the appellant was not afforded any opportunity of personal hearing.

5. Conversely, learned Additional Advocate General submitted that the appellant remained absent from lawful duty w.e.f 14.08.2019 to 01.09.2019, 16.09.2019 to 30.09.2019, 20.02.2020 to 09.03.2020 and 05.05.2020 till the date of dismissal i.e 28.07.2020 for total period of 132 days without any leave or prior permission of the competent authority. He further submitted that charge sheet alongwith statement of allegations was properly issued and S.I Mushtaq Shah FRP, Peshawar Range was nominated as inquiry officer who submitted his report wherein the present appellant was found guilty of the charges leveled against him and was recommended for major punishment. In the meanwhile, he was found involved in criminal case, wherein 1220 gm heroin was recovered from his possession by local police on spot. Lastly, he submitted that after fulfillment of all codal formalities major punishment was awarded according to law.



حکومت خیبر پختونخوا پاکستان
Govt of Khyber Pakhtunkhwa



اندراج وفات سرٹیفکیٹ

Death Registration Certificate

Tracking Id: 91100015905842

CRMS No D322683550

OLD/M REG #

دفتر اندراج : TARNAB 08_500926

Old CRMS No.:

Deceased Person's Details متوفی کے حوالے

Name : Rooh Ul Amin	نام : روح الامین
Nationality : Pakistani	قومیت : پاکستانی
CNIC No : 17301-1645626-9	شناختی نمبر : 17301-1645626-9
Date of Birth : 05-Aug-1968	تاریخ پیدائش : 05-Aug-1968
Gender : Male Religion : Islam	جنس : مرد مذہب : اسلام
Sickness Period : 0 Days 0 Months 0 Years	مدت علالت : 0 دن 0 ماہ 0 سال
Date of Death : 13-Feb-2023	تاریخ وفات : 13-Feb-2023
Date of Burial/Last rite : 13-Feb-2023	تاریخ تکفین/آخری رسومات : 13-Feb-2023
Place of Death : Home	جائے وفات : گھر
Reason of Death : Natural Nature of Death : Normal	وجہ وفات : قدرتی کیفیت وفات : عام
Buried/Last rite at : Jogian	جگہ تکفین/آخری رسومات : جوگیان

Parental Information والدین کے حوالے

Father's Name : Umar Gul	والد کا نام : عمر گل
CNIC No :	شناختی نمبر :
Mother's Name : Qudrat Bibi	والدہ کا نام : قدرت بی بی
CNIC No :	شناختی نمبر :

Address پتہ

Address : Jogian Village Jogian, Post Office Tarnab Farm	پتہ : جوگیان گاؤں جوگیان، ڈاکخانہ ترناب فارم
Tehsil : Peshawar	تحصیل : پشاور
District : Peshawar	ضلع : پشاور

Applicant's Details درخواست دہندہ کے حوالے

Name : Fotia Amin	نام : فوزیہ امین
CNIC No : 17301-0715445-4	شناختی نمبر : 17301-0715445-4
Relation with Deceased: Wife	متوفی سے رشتہ : بیوی

Information of Burial/Last rite by تکفین/آخری رسومات کنندہ کے حوالے

Name : Amir Nawaz	نام : امیر نواز
CNIC No : 17301-8114244-1	شناختی نمبر : 17301-8114244-1
Relation with Deceased: Brother	متوفی سے رشتہ : بھائی

Entry Date : 20-Feb-2023 تاریخ اندراج : 20-Feb-2023
Issue Date : 21-Feb-2023 تاریخ اجراء : 21-Feb-2023

Entry Status : Normal

اندراج اسٹیٹس : نارمل

اضافی معلومات :

Additional Information

دستخط سیکرٹری



ویلج کونسل ترناب 08

تحصیل چمکنی ضلع پشاور

SECRETARY
V.C Tarnab #8
Tehsil Chamkani
Distt: Peshawar

04.01.2023

Counsel for the appellant present.

Preliminary arguments heard. Record perused.

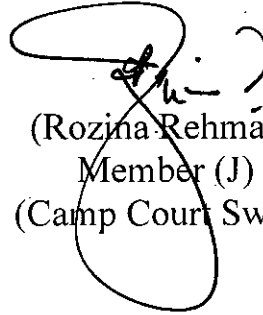
Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to respondents for submission of written reply/comments. To come up for written reply/comments on 08.02.2023 before S.B at camp court Swat.

All the respondents were put on notice

*Rs-100/-
Appellant Deposited
Security & Process Fee*

*A. Jaffar
13/1/23*

Annexed with the memo of appeal is an application for suspension of the operation of impugned order dated 28.07.2022. Notice of this application also be served upon the respondents.

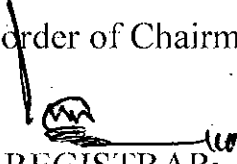

(Rozina Rehman)
Member (J)
(Camp Court Swat)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1569/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/11/2022	<p>The appeal of Mr. Rooh-ul-Amin presented today by Mr. Khaled Rehman Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on <u>4-1-23</u> Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR.</p>

*Counsel was informed
Telephonically
on 23/12/22*

**SCANNED
KPST
Peshawar**