



15.02.2023

Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Pindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment for preparation of arguments. Adjourned. To come up for arguments on 14.04.2023 before the D.B.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

SCANNED
FOT
Peshawar

2nd Nov., 2022

Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. Advocate General for the respondents present.

Learned counsel for the appellant requests for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 02.12.2022 before the D.B.


(Fareeha Paul),
Member (E)


(Kalim Arshad Khan)
Chairman


SCANNED
KPST
Peshawar

2nd Dec. 2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Naseem Ullah Khan, Asst: Commissioner Revenue for respondents present.

Appellant seeks adjournment on the ground that his counsel is not available today. Last chance is given to the appellant to argue the case on the next date and ensure presence of his counsel. To come up for arguments on 15.02.2023 before the D.B.

(Fareeha Paul)
Member(Executive)


(Kalim Arshad Khan)
Chairman



COMMISSIONER BANNU DIVISION

P.O. Box. 12, Postal Code 28100, Bannu.
Phone: 0928-9270044 & 621144
Fax: 0928 - 9270041
E-mail : acr.bannu@yahoo.com

No. 661 E.A/F _____
Dated: 01-06, 2022

AUTHORITY LETTER

Mr. Muhammad Noman Shah, Reader to Commissioner, Bannu Division is hereby authorized to attend the Honorable Service Tribunal, Khyber Pakhtunkhwa in the appeal No. 11466/11470/11473/2020 Titled Niaz Wali & 2 others Versus Senior Member, Board of Revenue, etc on the date fixed and subsequent dates of hearing.

Secretary to Commissioner
Bannu Division

Even no. & date:
Copy forwarded to the

PS to Commissioner, Bannu Division.

Secretary to Commissioner
Bannu Division

POLICE DEPARTMENT

BAHJU REGION

ORDER

By this order will dispose off departmental appeals, preferred by the following Ex-police officers/officers of District Police Lakkh Marwat, wherein, they have requested for setting aside the major punishment of "dismissal from service", imposed upon them by DPO Lakkh Marwat, vide O.D numbers noted against each, after finding them guilty of the charges that "they either themselves or their spouses were receiving of BISP cash grant meant for destitute/poor families":

S.#	Name	Dismissed vide O.D No.	Dated
1.	Maidai Khan Senior Clerk	280	16.04.2020
2.	SI Sana Ullah Khan	231	14.04.2020
3.	SI Azad Khan	217	-do-
4.	SI Abdul Hakeem Khan	216	-do-
5.	ASI Karneem Khan	237	-do-
6.	AS Nazim Khan	256	-do-
7.	ASI Ham Din	222	-do-
8.	ASI Sharif Ullah No. 11	223	-do-
9.	ASI Sharif Ullah No. 24	249	-do-
10.	HC Barkat Ullah No. 144	247	-do-
11.	HC Hamayon Khan No. 394	169	-do-
12.	HC Ismail No. 453	266	-do-
13.	HC Fazal Rehman No. 147	220	-do-
14.	HC Shamial Khan No. 502	221	-do-
15.	HC Hameed Ullah No. 390	239	-do-
16.	HC Asmat Ullah No. 367	236	-do-
17.	LHC Muhammad Saleem No. 346	218	-do-
18.	CHC Noor Aslam No. 395	262	-do-
19.	FC Irfan Ullah No. 495	263	-do-
20.	FC Aziz Khan No. 704	251	-do-
21.	FC Ikram Ullah No. 209	255	-do-
22.	FC Gul Fayaz No. 21	246	-do-
23.	FC Malik Ullah No. 44	252	-do-
24.	FC Abdul Baseed No. 673	261	-do-
25.	FC Asmat Ullah No. 443	241	-do-
26.	FC Hussain Ali No. 781	253	-do-
27.	FC Javed Qobal No. 229	250	-do-
28.	FC Ali Aslam No. 438	166	-do-
29.	FC Syed Amin No. 374	260	-do-
30.	FC Abdul Qayom No. 324	214	-do-
31.	FC Noor Afzal No. 356	245	-do-
32.	FC Mudasir Shah No. 565	242	-do-
33.	FC Ahmad Nawaz No. 484	244	-do-
34.	FC Amir Azam No. 765	255	-do-
35.	FC Muhammad Younas No. 95	235	-do-
36.	FC Farooq Khan No. 258	258	-do-
37.	FC Nasir Ullah No. 370	254	-do-
38.	FC Habib Ullah No. 367	264	-do-
39.	FC Sher Nawaz No. 192	232	-do-
40.	FC Wali Khan No. 67	240	-do-
41.	FC Younis Khan No. 39	268	-do-
42.	FC Sartaroz No. 28	219	-do-
43.	FC Waheed Khan No. 66	246	-do-
44.	FC M. Bashir No. 05/SRO	257	-do-
45.	FC Mir Ahmad No. 02/SRO	234	-do-
46.	FC Raza Khan No. 03/SRO	229	-do-
47.	FC Asim Durrani No. 04/SRO	241	-do-
48.	FC Karim Khan No. 09/SRO	227	-do-
49.	FC Akhtar Zaman No. 08/SRO	210	-do-
50.	FC Sana Ullah No. 03/SRO	238	-do-
51.	FC Asim No. 09/SRO	226	-do-
52.	FC G. Zamir No. 07/SRO	168	-do-
53.	FC Mirza Mansoor No. 06/SRO	215	-do-
54.	FC Noor Ullah No. 20/SRO	244	-do-
55.	FC Khalid Khan No. 04	255	-do-
56.	FC S. Talooq No. 08	262	-do-
57.	FC Asim Khan No. 04	272	-do-

62.	FC Arab Khan (Ex-Khasadar)	197	-do-
63.	FC Motabar Khan	209	-do-
64.	FC Akhtar Nawaz	198	-do-
65.	FC Chinar Gul	201	-do-
66.	FC Mehrab Gul	205	-do-
67.	FC Mir Shah Jehan	206	-do-
68.	FC Watan Khan	210	-do-
69.	FC Zahid Ullah	226	-do-
70.	FC Muhammad Hussain	212	-do-
71.	FC Hayat Ullah	207	-do-
72.	FC Dastagir	263	-do-
73.	FC Muhammad Rafiq	211	-do-
74.	FC Hakim Aman Ullah	204	-do-
75.	FC Muhammad Aslam	250	-do-
76.	FC Alam Din	201	-do-
77.	ASI Satan Ahmad (Ex-Levy)	184	-do-
78.	ASI Ghani Ur Rehman	185	-do-
79.	HC Bahegar Khan	186	-do-
80.	HC Yar Muhammad	189	-do-
81.	HC Zulfi Khan	190	-do-
82.	HC Door Khan	187	-do-
83.	HC Taj Muhammad	188	-do-
84.	FC Akhtar Jan	193	-do-
85.	FC Sarfaraz	194	-do-
86.	FC Ali Muhammad	195	-do-
87.	FC Salim Shah	170	-do-
88.	FC Balqaz	172	-do-
89.	FC Abdul Karim	173	-do-
90.	FC Abdul Majid	174	-do-
91.	FC Hazrat Bilal	178	-do-
92.	FC Jan Muhammed	180	-do-
93.	FC Talib Jan	182	-do-
94.	FC Zargar Shah	183	-do-
95.	FC Maule Jan	196	-do-
96.	FC Musa Khan	181	-do-
97.	FC Raheem Dad	191	-do-
98.	FC Hidayat Ullah	177	-do-
99.	FC Imtiaz Khan	179	-do-
100.	FC Ayub Khan	171	-do-
101.	FC Abdur-Rehman	176	-do-
102.	FC Mir-Zaman	175	-do-
103.	FC Falak-Sher No.64/BDU	311	04.09.2020
104.	FC Rais-Khan No.187/BDU	312	-do-
105.	ASI Sher-Nawaz-BDU	313	-do-

Their replies to the show cause notices were perused and the plea taken by the appellants were found genuine. Hence, their departmental appeals were accepted.

Therefore, I, Abdul Ghafoor Afridi, Regional Police Officer, Bannu Region Bannu, in exercise of the powers vested in me under Khyber Pakhtunkhwa Police Rules, 1975 (amended in 2014) hereby set aside the orders of DPO Lakkhi Manwat passed vide OB numbers quoted above and reinstated them into services from the date of dismissal.

ORDER ANNOUNCED

(ABDUL GHAFOOR AFRIDI) Psp
Regional Police Officer,
Bannu Region, Bannu

No. S/65 dated Bannu the 12/09/2020

Copy to District Police Officer, Lakkhi Manwat for information and action w.r. to this
office number quoted above

(ABDUL GHAFOOR AFRIDI) Psp
Regional Police Officer,
Bannu Region, Bannu

مشرق

سلسلہ اشاعت کے 52 سال

بنوں لڑائی کی خود کشی فائرنگ حادثہ میں

سائبر نے گزلیو یا جاتی پر زہریلی گولیاں کما کر اپنی زندگی کا خاتمہ کر لیا، خزا
 اہل روگہ منڈان میں نامعلوم افراد سے فائرنگ کر کے اہم کوئی گولیاں 80 سالہ

بنوں (لاہندہ مشرق) بنوں میں گزلیو یا جاتی لڑائی
 زہریلی گولیاں کما کر خود کشی کر لی جبکہ فائرنگ اور
 ٹریک حادثہ میں ایک شخص جاں بحق اور 2 زخمی
 ہو گئے تھانہ ہویہ کی حدود میں واقع شہید بابا منڈیل
 بنوں میں سائبر نے اپنی دختر عطاء اللہ جان سے گھر کے
 اندر گھر میں پڑی زہریلی گولیاں کی (تقریباً 10 سالہ)

صوابی، اداپینہ میں گھوڑا گاڑی کی ٹکڑے سے ٹکرا کر

صوابی (پیدرو پورٹ) موضع اداپینہ میں چاٹا پٹانے ہو گیا تھا اور زبردست
 کے خوف سے بے قابو گھوڑا گاڑی کی ٹکڑے سے ٹکرا کر زخمی ہو گیا اور گاڑی
 جاں بحق ہو گیا۔ گھوڑا پٹانے کے بعد بے قابو ہو گیا اور گاڑی
 ڈیرہ ہ، خزا لڑائی کی ٹکڑے سے ٹکرا کر ٹکڑے ٹکڑے ہو گیا اور گاڑی
 زخمی ہو گیا اور گاڑی ٹکڑے ٹکڑے ہو گیا اور گاڑی ٹکڑے ٹکڑے ہو گیا اور گاڑی

دیوبند پولیس نے اغواء قتل، پیسے چھیننے والے ما

دیوبند (لاہندہ مشرق) موضع دیوبند میں پولیس نے اغواء قتل، پیسے چھیننے والے ما
 ٹران سے اسلحہ 15 لاکھ روپے اور چھیننے والے گاڑی کی گاڑی ہائیڈرو
 بلاسٹ (لاہندہ مشرق) موضع دیوبند پولیس نے اغواء قتل، پیسے چھیننے والے ما
 ٹران سے اسلحہ 15 لاکھ روپے اور چھیننے والے گاڑی کی گاڑی ہائیڈرو
 ٹران سے اسلحہ 15 لاکھ روپے اور چھیننے والے گاڑی کی گاڑی ہائیڈرو

ادور سیریا پاکستانیوں کیساتھ روپیہ قابل مذمت

ادور سیریا پاکستانیوں کیساتھ روپیہ قابل مذمت
 حکومت پیران ملک پاکستانیوں کی مدد کرنے کی بجائے

ایک مروت بی آئی ایس پی کی کا وظیفہ لینے والے 95 پولیس اہلکار بحال

پولیس اہلکاروں نے خود یا اپنے اہل خانہ کے نام پر بے نظیر آگ سہولت پروگرام سے مالی منفعت حاصل کی تھی
 برطرف کیے جائیں اور ان میں سب اسپیکرز اور لیوی وغیرہ دارخووس کے اہلکار بھی شامل تھے

کی مروت (لاہندہ مشرق) ریجنل پولیس آفس میں
 مروت (لاہندہ مشرق) موضع مروت کے 95 پولیس
 اہلکاروں کو ملازمت بحال کر دیا۔ ای بی ای کی مروت
 مروت کے گزشتہ ماہ ذکورہ اہلکاروں کو ملازمت
 سے برخواست کر دیا تھا جن میں سب اسپیکرز
 سب اسپیکرز اور لیوی (تقریباً 6 سالہ 10)

نوشہرو کینٹ پولیس نے دو گروپوں میں
 خون خرابی کی کوشش، کام بنادی
 نوشہرہ (لاہندہ مشرق) نوشہرو کینٹ پولیس کی برکت



14.02.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 06.06.2022 for the same as before.



Reader

06.06.2022

Appellant in person present. Mr. Noman Shah, Reader alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.


Appellant requested for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments on 17.08.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

17/08/2022

Due to summer vacation the case is adjourned 02/11/2022 for the same.


Reader.

06.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 14.07.2021 for the same as before.


READER

14.07.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Gul Rehman, AAC and Muhammad Saggad Litigation Officer for the respondents present.

Respondents have furnished reply/comments. The appeal is entrusted to D.B for arguments on 02.12.2021.


Chairman

2-12-21

Prasanna D.B on Text, therefore the case is adjourned to 14.2.22 for hearing.


Reader

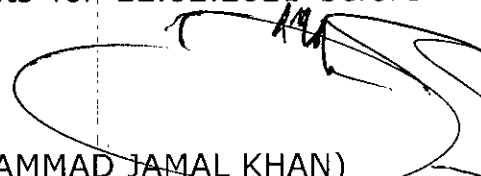
26.11.2020

Appellant in person alongwith Mr. Nasir Mehmood, Advocate, are present.

To summarize what has been agitated at the bar is that appellant was unaware of the fact that his wife is a recipient of Benazir Income Support Program, inquiry was made into the matter in which a major penalty of removal from service was imposed upon the appellant, the departmental appeal moved was allowed converting the removal from service into penalty of withholding of one increment for a period of two years without specifying the exact period for which it has to remain efficacious and the recovery of received amount. As regard limitation involved in the appeal according to the appellant the impugned order dated 03.07.2020 was received by him on 22.08.2020 the burden of proof lies on his shoulder to discharge.

The point so agitated at the bar needs consideration. The appeal is admitted for regular hearing subject to all just 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/comments for 22.02.2021 before S.B.



Appellant Deposited
Security & Process Fee


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

22.02.2021

Junior to senior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Neither written reply on behalf of respondents submitted nor representative of the department is present, therefore, learned Additional Advocate General is directed to contact the respondents and furnish written reply/comments on the next date of hearing. Adjourned to 06.04.2021 on which date file to come up for written reply/comments before S.B.



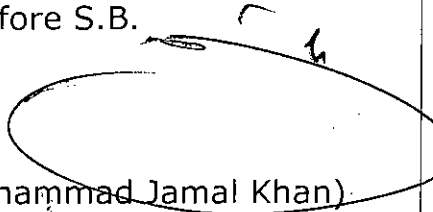

(Muhammad Jamal Khan)
Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 11466 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	01/10/2020	<p>The appeal of Mr. Niaz Wali resubmitted today by Mr. Nasir Mehmood Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/10/2020</u>.</p> <p> CHAIRMAN</p>
21.10.2020		<p>Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today therefore, the case is adjourned to 26.11.2020 on which date to come up for preliminary hearing before S.B.</p> <p> (Muhammad Jamal Khan) Member (Judicial)</p>

The appeal of Mr. Niaz Wali son of Mumtaz Ali Cook Commissioner office Bannu received today i.e. on 21.09.2020 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Affidavit may be got attested by the Oath Commissioner.
- 2- Annexures of the appeal may be attested.


No. 2769 /S.T,

Dt. 24/09 /2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Nasir Mehmood Adv. Pesh.

Resubmittal After doing the
Need full.


01-10-2020

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. _____/2020


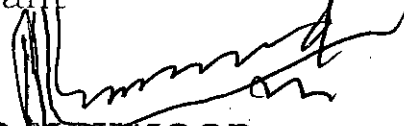
Niaz Wali..... Appellant

VERSUS

SMBR & Others Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal <i>with Stay Application</i>		1-8
2.	Affidavit		9
3.	Copy of Appointment Order, Show Cause Notice and reply	A	10-12
4.	Copy of the Inquiry Report & Statement	B	13-15
5.	Copy of the order dated 30.04.2020	C	16
6.	Copy of the Departmental Appeal and order dated 03.07.2020	D	17-20
7.	Copy of order dated 11.08.2020	E	21
8.	Wakalat nama		22


 نياز والی
 Appellant
 Through: 

NASIR MAHMOOD

Advocate, Supreme Court
Of Pakistan

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10488

Dated 21-9-2020

Service Appeal No. 11466 2020

Niaz Wali S/o Mumtaz Ali, Cook BPS-04, Commissioner
Office Bannu Division

..... Appellant

VERSUS

1. Senior Member Board of Revenue KPK Peshawar.
2. Commissioner Bannu Division Bannu.

..... Respondents

APPEAL UNDER SECTION 4 OF
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 AGAINST THE
ORDER OF RESPONDENT NO. 1
DATED 03.07.2020, WHEREBY
ORDER OF THE RESPONDENT NO 2
DATED 30.04.2020 WAS SET ASIDE
WHILE CONVERTING REMOVAL
FROM SERVICE INTO MINOR
PENALTY OF WITHHOLDING ONE
INCREMENT FOR A PERIOD OF TWO
YEARS AND RECOVERY OF

Filed to-day

Registrar
21/9/2020

Re-submitted to -day
and filed.

Registrar
01/10/2020

**RECEIVED AMOUNT IN MONTHLY
INSTALLMENT.**

Prayer:

On acceptance of this Appeal the impugned Orders dated 03.07.2020 may kindly be set aside and the order of withholding of on increment for a period of two years and recovery of process of received amount may be declared as illegal and this set aside, consequently the appellant may be held entitled to all back benefit.

Respectfully Sheweth:-

1. That the appellant on the recommendation of Departmental Selection Committee was appointed as Cook vide order dated 22.02.2011 in the office of respondent no 2 and was serving as such was issued show cause notice dated 17.03.2020 on the

ground that the **appellant's wife** was receiving BISP Cash Grant, the appellant filed reply to the Show Cause Notice. **(Copy of Appointment Order, Show Cause Notice and reply is attached as annexure A)**

2. That thereafter inquiry was held wherein the appellant submitted statement before the inquiry officer. **(Copy of the Inquiry report & Statement is attached as annexure B)**
3. That in the light of the inquiry report major penalty of removal from service was imposed upon the appellant vide order dated 30.04.2020. **(Copy of the order dated 30.04.2020 is attached as annexure C)**
4. That the appellant filed departmental appeal before the Respondent No 1 and respondents filed Para wise comments and thereafter the respondent No 1 through order dated 03.07.2020 while allowing the departmental appeal converted removal from service into penalty of withholding of

one increment for the period of 2 years and recovery of received amount was also ordered from the appellant. **(Copy of the Departmental Appeal and order dated 03.07.2020 is attached as annexure D)**

5. That in the light of order dated 03.07.2020 passed by Respondent no. 1 the appellant was re-instated into service vide order dated 11.08.2020 and the impugned order dated 03.07.2020 was received by the Appellant on 22.08.2020. **(Copy of order dated 11.08.2020 is attached as annexure E)**
6. That the Appellant having aggrieved wherefrom approaches this Hon'ble Tribunal, for setting aside the impugned order dated 03.07.2020, inter alia on the following grounds:-

GROUND S:-

- A. That the impugned order dated 03.07.2020 of Respondent No 1 is illegal, unlawful, without

authority as well as based on the malafide intentions. *and discrimination.*

- B. That since from the date of his appointment the appellant is having clean service record and ever since not a single explanation has been given to the appellant.
- C. That the Appellant being illustrate was not aware of the cash received by her wife from BISP Grant.
- D. That even the spouse of the appellant herself has not approached BISP rather her name was including during survey by the BISP authorities, so the appellant cannot be punished for the same.
- E. That the very act of the BISP is not having any baring provision to the effect that the dependents of government servant cannot avail the grant from BISP if otherwise found eligible.
- F. That it is celebrated principle of law that no one can be punished for the wrong committed by other person, so applying the same the appellant cannot

- be punished for the wrong committed by her spouse.
- G. That the appellant belongs to poor family was otherwise entitled for the grant of BISP Cash and at the time of start of BISP program there was confusion as to whether the govt servant can received cash from BISP or not.
- H. That the inquiry was not held in accordance with the provision contained in E&D Rules, so the impugned order is liable to be set aside.
- I. That any other ground will be raised at the time of arguments with prior permission of this Hon'ble Tribunal.

It is, therefore, respectfully prayed that On acceptance of this Appeal the impugned Orders dated 03.07.2020 may kindly be set aside and the order of withholding of on implement for a period of two years and recovery of process of received amount may be declared as illegal and this set

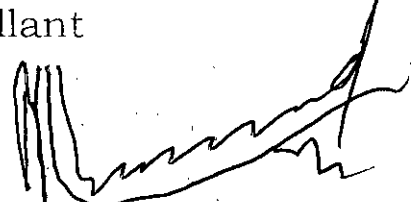
aside, consequently the appellant may be held entitled to all back benefit.

Any other relief deemed proper and fit in the circumstances of the case may also very graciously be granted to the appellant.

نازولی

Appellant

Through:

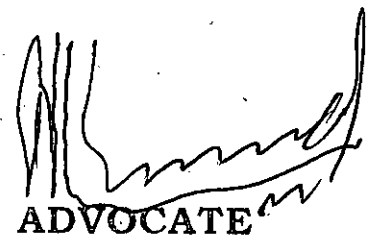


NASIR MAHMOOD

Advocate, Supreme Court
Of Pakistan

CERTIFICATE:-

Certified that as per instructions of my client no such Service Appeal on behalf of the petitioner has earlier been filed in this Hon'ble Tribunal on the subject matter.



ADVOCATE



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. ____/2020

Niaz WaliAppellant

VERSUS

SMBR & OthersRespondents

APPLICATION FOR SUSPENSION OF
IMPUGNED ORDER DATED 03.07.2020 OR IN
THE ALTERNATIVE SUSPENSION OF
RECOVERY OF RECEIVED AMOUNT
PROCEEDING FROM THE APPELLANT, TILL
THE FINAL DECISION OF THE INSTANT
SERVICE APPEAL

Respectfully Sheweth:

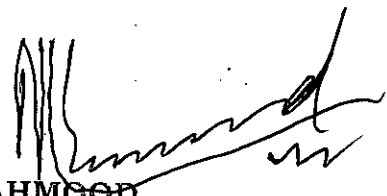
1. That the above noted Service Appeal is being filed before this hon'ble court, in which no date of hearing has yet been fixed.
2. That the applicant has got a good prima facie case in his favour besides having balance of convenience in his favour and will suffer irreparable loss if the recovery proceedings are not suspended.

It is, therefore, respectfully prayed that on acceptance of this application, the relief sought for in the heading of the application may kindly be granted in favour of the Appellant.

نثار والی

Appellant

Through:



NASIR MAHMOOD

Advocate, Supreme Court
Of Pakistan

AFFIDAVIT

It is solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

نثار والی
DEPONENT

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No: ____/2020

Niaz Wali..... Appellant

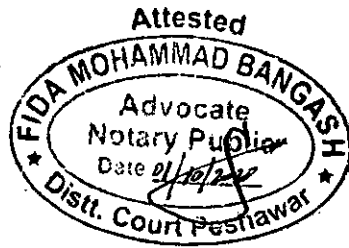
VERSUS

SMBR & Others Respondents

A F F I D A V I T

I, Niaz Wali S/o Mumtaz Ali, Cook BPS-04, Commissioner Office Bannu Division, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

نیاز ولی
DEPONENT



2
3/10

Amex = A

Postal Code: 7100 Bannu
Phone: 0992-234444
Fax: 0992-234444
E-mail: commissioner@bannu.gov.pk

COMMISSIONER BANNU DIVISION

504/GB/AG-I/PF

Date: 22-02-2011

ORDER:

On the recommendations of Departmental Selection Committee vide minutes of the meeting dated 17/02/2011, Mr. Niaz Wali son of Muntaz Ali resident of Nasim Baist Khel Tehsil & District, Bannu (CNIC No. 11101-6604311) having District Employment Exchange, Bannu registration No. 207/EP/2010, dated 07/5/2010 is hereby appointed as a Cook in BPS-04 at Commissioner's residence with immediate effect against the vacant post on contract basis as per Government policy.

The above appointment shall be subject to the following terms and conditions:

- (i) The services of the above will be liable to termination with or without any reason on one month's notice from either side.
- (ii) In case of termination without notice by the employers or one month notice from the employee for resignation, one month pay and allowances shall be paid by the Government or refunded by the employee as the case may be.
- (iii) He will not be entitled to pension / gratuity benefits.
- (iv) He will not contribute towards G.P Fund, however, he will contribute to C.P Fund @ 10% contribution, will be made by the Government, as per rules.
- (v) The above appointments will purely be on temporary basis and will not confer upon him any right for regular appointment.
- (vi) He will be allowed Conveyance, Medical, House Rent Allowances, Leave and T.A /D.A as per Government rules.
- (vii) He may be considered for higher appointment against higher post if found eligible and due for promotion.
- (viii) He will be entitled to facility of Benevolent Fund as per new Govt. recruitment policy.
- (ix) He shall produce a medical certificate of fitness from Medical Superintendent, DHIQ, Teaching Hospital Bannu.
- (x) He shall report for duty to this office, by 28/02/2011 failing which his appointment orders will stand withdrawn.
- (xi) He will remain on probation for a period of one year and shall be governed by the rules and regulations of Khyber Pakhtunkhwa Government

A. H. S. S. S.
A. S. S. S. S.

Recd. by Commissioner
Bannu Division.

6/5/2020

[Signature]
COMMISSIONER
BANNU DIVISION

No. 505-10 /GB/AG-I/PF

dated: 22/02/2011.

Copy to the:

1. Secretary, Board of Revenue, Khyber Pakhtunkhwa, Peshawar along with copy of minutes of Departmental Selection Committee meeting dated 17/02/2011.
2. Assistant to Commissioner (Revenue), Bannu Division.
3. District Comptroller of Accounts, Bannu.
4. PS to Commissioner, Bannu Division.
5. Accountant, Commissioner's Office, Bannu.
6. Official concerned.

ATTESTED

[Signature]
Assistant to Commissioner (Revenue)
Bannu Division



OFFICE OF THE
COMMISSIONER
BANNU DIVISION

P.O. Box. 12, Postal Code 28100, Bannu.
Phone: 0928- 9270044 & 621144
Fax: 0928 - 9270041
E-mail : acr.bannu@yahoo.com

No. 1221/AG-1/F.2
Dated: 17-03-2020

Mr. Niaz Wali, Cook (BPS-06),
Commissioner Office Bannu Division.

Subject: SHOW CAUSE NOTICE.

I, **Adil Sadique, Commissioner Bannu Division** as Competent Authority, under Khyber Pakhtunkhwa Government servants: (Efficiency & Discipline) Rules, 2011, do hereby serve you, as follows:-

I am satisfied that you have committed the following acts/omissions specified in rule-3 of the specified rules:-

a. That your spouse was receiving BISP Cash Grant.

1. In terms of Rule-5 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, I, as Competent Authority, dispense with the inquiry and serve you with a show cause notice under Rule-7 of the ibid Rules.
2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the following penalty under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011:-

i. Removal from service

3. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within seven days or not more than of fifteen days of its delivery, it shall be presumed that you have no defense to put in, and in that case and ex-parte action shall be taken against you.

-sd-
Commissioner
Bannu Division

Even no. & date:
Copy forwarded to the:

1. Additional Secretary-cum-PS to Chief Secretary Khyber Pakhtunkhwa, Peshawar.
2. Aziz Ullah Jan, Assistant to Commissioner (Rev), Bannu Division to conduct inquiry within 07 days positively.
3. Section Officer (R-I), Establishment & Administration Department, Peshawar w/r to above for information.
4. PS to Secretary (Establishment) E&AD, Peshawar.
5. PS to Commissioner, Bannu Division.

Handwritten signature of Adil Sadique

Reader to Commissioner
Bannu Division

ATTACHED
Secretary to Commissioner
Bannu Division
17/3/2020

کمزور صاحب کمر صاحب فقیر و فقیر بنوں

عنوان۔ درخواست نمبر ایسے جو اب طلبی

صفا علیہ

گزارش کی جاتی ہے۔ کہ محکمہ ایگریکلچر / 26 / 1 / 1221 / 17/3/2020

کا حوالہ سے گزارش کی جاتی ہے۔ یہ کہ سائل ملک میں طور و مدار سے سائل
مال بچھواری سے کوئی اور ذرا کم کفالت نہیں ہے۔ یہ سائل کی بیوی کا پتہ
13156

سروس میں 2014 سے کارڈ مندرجہ کر رہے ہیں اور اس کی سبھی سچ
کی بیوی بیسیاٹنس کی طرف سے ایسے اور وہ بھی کمر کی طرف سے

یہ سائل کو چونکہ اس بات کا علم نہیں تھا کہ اس کی بیوی سے

Please on file
24.3.2020

ب چونکہ سائل کو معلوم ہوا کہ اس کا راجہ اور اس کا رقم نہیں لگتا

یہ سائل نے یہ رقم لینا شروع کیا ہے۔ سائل تقویٰ سے ایسے اور وہ بھی کمر سے

لگی ہوئی طرف سے نہیں ہے۔ دفتر ایگریکلچر / 26 / 1 / 1221 / 17/3/2020

یہ قریب سے سائل نے بیسیاٹنس سے یہ سائل کو بھی سچ لگتا ہے

کوئی اور سچ نہیں یا وہ سچ کفالت یعنی کوئی کے نہیں ہے

لہذا آج صبح ان میں باہر سے سائل کے ساتھ کفالت کا معاوضہ فرمایا گیا

سائل: نیاز علی گنگوٹری گنگوٹری صاحب بنوں
0334-8846341

نیاز علی

Attested

Asad
6/5/2020

Reader to Commissioner
Bannu Division

ATTEMPTED

INQUIRY REPORT.

13

Annex-B-F

Vide Commissioner Bannu Division Show Cause Notice No. 1221/AG-I/F.26 dated 17-03-2020, the undersigned was directed to conduct inquiry into the show cause notice issued to Mr. Niaz Wali, Cook (BPS-06) of the Commissioner Office Bannu Division having been charged with that "his spouse was receiving BISP cash grant".

BACKGROUND.

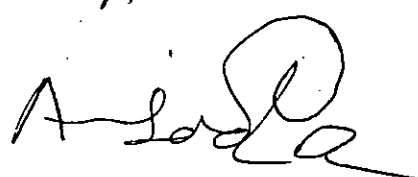
The Establishment & Administration Department, Khyber Pakhtunkhwa vide No. SOR-1(E&AD)4-17/2020 dated 14-02-2020 enclosed list of officials who either themselves or their spouses were receiving BISP cash grant for initiation of disciplinary action, their conduct being pre-judicial to good order/service discipline as provided in Rule-5 (a) of Khyber Pakhtunkhwa Government Servants (E&D) Rules. 2011. The list so provided to the Commissioner Bannu Division included the name of Niaz Wali s/o Mamtaz Ali, CNIC No. 11101-6604324-1 for his spouse being beneficiary of Benazir Income Support Program.

In compliance thereof, Mr. Niaz Wali was summoned, who submitted reply to the show cause notice and recorded his statement on 24-03-2020.

GIST OF HIS (NIAZ WALI) REPLY TO SHOW CAUSE NOTICE.

He submitted reply to show cause notice on 24/03/2020.

1. He is class-IV and is a father.
2. He has no other source of income.
3. His wife received cash from BISP in 2014
4. His wife is suffering from Hepatitis.
5. His mother is cancer patient.
6. He was not in the knowledge that a spouse of a government servant can not be a beneficiary of BISP, punishable under the law/rules.
7. He is poor fellow, took loan from other colleagues of his office including withdrawal of GP fund.
8. He may be judicially dealt with.

Attested


Officer to Commissioner
Bannu Division

6/5/2020

STATEMENT OF NIAZ WALI, COOK (BPS-06).

His Statement was recorded on 24/03/2020.

He stated that:-

1. He entered into Government service as Cook in the office of the Commissioner Bannu Division in the year 2011.
2. He got married in 2007.

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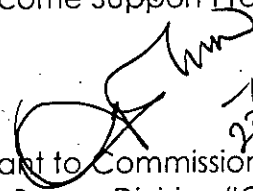
14

3. He has 04 sons and 02 daughters.
4. He has no other source of income except his monthly salary.
5. He was not in the knowledge of his spouse being beneficiaries of BISP until the installment/cash payment received by her in 2014.
6. He has not played any role in listing of his spouse in BISP.
7. The name of his wife was enlisted by the Survey teams of BISP while enlisting the names of poor people.
8. That his mother died of cancer in 2017.
9. That his wife is also suffering from Hepatitis B.
10. That he spent a lot of money on the treatment of his mother and wife.
11. That he took loan from others and also withdrawn Rs.51000/- GP fund advance in 2019 to return loan and to meet other essential needs.
12. That his children are school going.
13. It is difficult for him to look after and feed his family in such meager pay, therefore he may not be terminated from service.
14. That he wish to be heard in person.
15. That his disable sister is also depended on him.

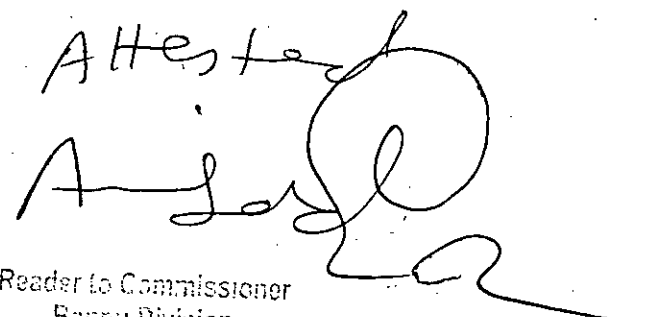
He prayed that keeping in view the above facts, he may be pardoned. He further prayed that he may be personally heard by the competent authority.

CONCLUSION.

Keeping the above in view, Niaz Wali, Cook (BPS-06) has admitted that his wife was beneficiaries of Benazir Income Support Program (BISP).


23/4/2020
Assistant to Commissioner (Rev)
Bannu Division/IO

~~ATTENDED~~

Attested

Reader to Commissioner
Bannu Division
6/5/2020

بناں اذان فیاضی وادھتار علی سکینہ لیمٹڈ ہسٹبل ہسٹبل فصل حال کنگ مکتبر
آفس بنوں ڈویژن

حلفاً بیان کیا میری شادی 2007 میں ہوئی اور میں 2011 میں لبر
کنگ مکتبر ہوا میرے چار بچے اور 2 بھینیاں رہے میری شریک حیات
کو 2014 سے BISP سے پیسے شروع ہوئے کیونکہ اس سے
پہلے اس کے شناختی کارڈ نہیں بنا۔ میری شریک حیات
کامیاب سروس میں فود میں ڈالا گیا میرے علی میں کوئی
بات نہیں رہے اور نہ ہی میں نے کوئی ٹھکانہ دد کی ہے
میری والدہ 2017 میں وفات پا گئی تھی جبکہ میرے والد
سابقہ حیات رہے۔ میری والدہ کسٹرن مارٹن تھی
اور اس سے وفات پا گئی۔ اس کے علاوہ میرے چھائی
رہے شریک حیات کے بیماری کے کھانڈا کے فوٹو دست
میں شامل کرنا ہوں اس کے ساتھ میری بیوی پیٹنٹس B میں
مندر ہے۔ اور اس پر میں نے اپنی جی پوٹی کے علاوہ
دوسرے لوگوں سے قرضے اور کافی رقم فرمائی ہے
نتیجہ کہ GP فنڈ انڈر سن (RS=51000) 2019 میں ساڑ
اس کے ساتھ فرم کر کے ہے۔ جس کی Sanction order
شامل نہیں کرتا ہوں۔ اس کے علاوہ ایک مفروضہ بین
کہ کفالت بھی کرنا پڑا ہے۔ میری کوئی زرعی اراضی
زینت نہیں ہے اور یہ کوئی دوسرا ذریعہ آمدن ہے
میں نے سکول میں یہ ہوتے رہے۔ مزید یہاں اپنی
شریک حیات کو BISP سے پیسے دلوانے میں
میرا کوئی اثر و رسوخ یا کوشش نہیں ہے
بلکہ سروس والاں نے فود سے ملزیم اور

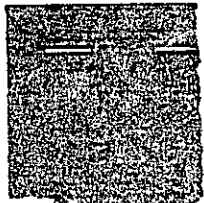
Attested
A Sada

Reader to Commissioner
Bannu Division

6/5/2020

ATTACHED

15A



حکومت کو ان کے باوجود کھاتے وقت

کے نام سے لکھ دیا تھا۔ جب کہ اس سے پہلے

حکومت کو BISP کے بارے میں خبر نہ تھی۔

یہ اطلاع یہی ہے کہ اس کے نام سے BISP کے بارے میں

معلومات کو پہلے ہی سے فراہم کیا گیا تھا اور اس کے

تعداد سے اس کا BISP سے موازنہ کیا گیا ہے۔

لینا سرکاری لوگوں کے لیے مشکل نہیں ہے۔

منہجہ والا قعات کو مد نظر رکھتے ہوئے جو معاشرے

میں پائیدار اور سہارا ہے اس لیے اس کا

مختار دستخط

APR 10 2020
11:03 AM

نیاز علی

نیاز علی ولد محمد علی
گھر نمبر 6-B گیسٹ ہاؤس

نئی دہلی
NIC NO - 11101-6604324-1

ATTESTED



Amir
16
**OFFICE OF THE
COMMISSIONER
BANNU DIVISION**

P.O. Box. 12, Postal Code 28100, Bannu.
Phone: 0928-9270044 & 621144
Fax: 0928-9270041
E-mail: acr.bannu@yahoo.com

No. 1556-60/AG.I/F/26
Dated: 30-04-2020

OFFICE ORDER.


In pursuance of the letter No. SOR-I(E&AD)4-17/2020, dated 14th February 2020, received from Establishment Department Khyber Pakhtunkhwa, showcause notices was served upon the accused official named Niaz Wali, Cook of this office by appointing Mr. Aziz Ullah Jan ACR of this office as Inquiry Officer (I/O) vide this office letter No. 1221/AG-I/F-26, dated 17/03/2020 regarding his alleged involvement in the monthly receipts of the BISP.

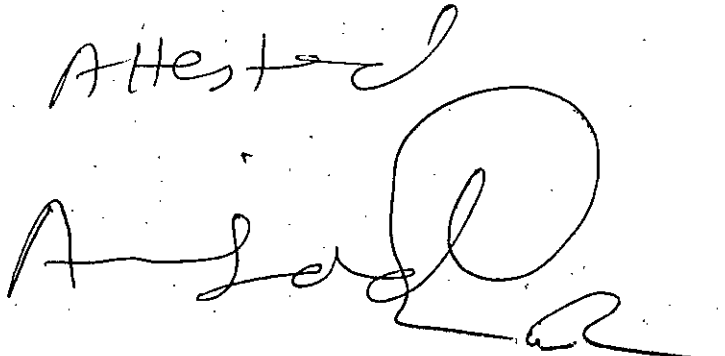
As proved by the Inquiry Officer and in light of the confession statement, major penalty of removal from service under the E&D Rules 2011 is hereby imposed upon Mr. Niaz Wali, Cook of this office with immediate effect.

-sd-
**Commissioner
Bannu Division**

Copy Forwarded to the:

1. Senior Member, Board of Revenue Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Government of Khyber Pakhtunkhwa Establishment Department, Peshawar.
3. Director BISP Khyber Pakhtunkhwa, Peshawar.
4. District Comptroller of Accounts Bannu.
5. Mr. Niaz Wali, Cook of this office.


**Secretary to Commissioner
Bannu Division**

Attested

**Reader to Commissioner
Bannu Division**

ATTACHED

6/5/2020

17 Annual D

**BEFORE THE HONORABLE SENIOR MEMBER, BOARD OF REVENUE,
KHYBER PAKHTUNKHWA, PESHAWAR**

Departmental Appeal / Presentation No. _____ Dt: _____

Niaz Wali (CNIC No. 11101-6604324-1) s/o Mamtaz Ali r/o Naseem Gula P/O
Baist Khel, Tehsil & District Bannu.

.....Appellant

VERSUS

Commissioner Bannu Division.

.....Respondent

Departmental Appeal / Presentation against the impugned order No. 1556-60/AG-I/Inquiry, dated 30-04-2020 passed by the learned Commissioner Bannu Division.

Respectfully Sheweth:-

Prayers.

c. It is humbly requested that the impugned order No. 1556-60/AG-I/Inquiry, dated 30-04-2020 (**Annex A**) regarding "Removal from Service" of the appellant issued by the Commissioner Bannu Division may very graciously be set-aside being malafide and against the prevailing rules & regulations.

d. Interim Relief of status quo may also be granted to the appellant to safeguard my due rights.

Grounds.

13. That the appellant was appointed as Cook (BPS-04) vide order dated 22-02-2011 (**Annex B**).

14. That since then the appellant has worked up to the entire satisfaction of his high-ups. No inquiry / Show Cause Notice even a single explanation has not been issued to the

ATTESTED

نواز ولی

appellant except Show cause of the impugned order in his entire 10 years' service.

15. That appellant was served upon by a Show Cause notice dated 17-03-2020 (**Annex C**) by the Commissioner Bannu Division alleging therein that the appellant being recipient of the aid from BISP in respect of his spouse.

16. That the appellant was summoned by the Inquiry officer vide summon (**Annex D**).

17. That the appellant appeared before the Inquiry Officer and submitted his rebuttal (**Annex E**) to the Show Cause notice based on fact and figures.

18. That the appellant had clarified to the I/O that being poor, lacking high qualification was unaware of the cash received by his spouse in the form of BISP.

19. That the very Act of BISP did not carry the instructions that dependents of the Govt: Servants can not avail the opportunity if otherwise found eligible.

20. That according to the provision contained in the rules and in light of the judgments passed by the apex court (2005 PLD page.78) no other person can be punished for the fault /crime of others.

21. That in such case the defaulter were the illiterate-cum-poor wife of the appellant and not he himself.

22. That after inquiry report (**Annex F**) the appointing authority directly issued his termination order / the impugned order (**Annex A**) without giving the opportunity of personal

Handwritten signature or initials on the left margin.

~~ATTACHED~~

19

hearing to the appellant as provided in Rule. 7(d) of the Khyber Pakhtunkhwa E&D Rules, 2011:

23. That the inquiry report, (**Annex F**) did not carry any recommendation to the appointing authority.

24. That the impugned order is not vivid carrying the clear cut orders of termination.

In view of the above it is humbly prayed that the impugned order dated 30-04-2020 may very graciously be set-aside, the appellant may be reinstated into Govt: service with all service back benefits and operation of the impugned order may be suspended till the final decision of the case.

نیاز والی

Niaz Wali
s/o Mamta Ali r/o
District Bannu (Ex-Cook
BPS-04 Commissioner Office
Bannu Division)
(Appellant)

Dated: ____/____/2020

~~ATTESTED~~

(20)

9

BEFORE THE SENIOR MEMBER, BOARD OF REVENUE
KHYBER PAKHTUNKHWA.

Niaz Wali Ex-Cook office of the Commissioner Bannu.....Appellant

Ver:sus

Commissioner Bannu Division Bannu.....Respondent

ORDER.

This is an appeal filed by Mr. Niaz Wali Ex-Cook office of the Commissioner Bannu against the order dated 30.04.2020 passed by Commissioner Bannu Division whereby the appellant was removed from service on the basis of involvement in monthly receipt of the Benazir Income Support Program (BISP) fund.

The appellant was called for personal hearing on 03.07.2020. During arguments, the appellant stated that he was serving as Cook in Commissioner office Bannu since the last 10 years and receiving total Rs.24800/- as monthly Salary. He is a low paid government servant and there is no source of income except monthly salary. He further stated his wife is beneficiary of Benazir Income Support Program (BISP) since the last 06 years and received a total amount of Rs. 60,000/- uptill now, but he was unaware of the government policy to the effect that receiving the said amount is pre-judicial to good order service. In the last, the appellant being a low paid Government servant requested for setting aside the order of Commissioner Bannu and re-instatement in service.

After perusal of the record and hearing of the appellant as well as Mr. Zia-Ur-Rehman, Secretary to Commissioner Bannu (Representative of Commissioner Bannu) it reveals that there is no clear guidelines for stating that Government Servant cannot access this support. It is a poverty support programme and the applicant was also brought in the survey net by the survey team of BISP on poverty basis. Given this lack of clarity earlier and now the decision of Government to take punitive action against the receiving Government servants, the Commissioner Bannu has awarded harsh punishment in the shape of removal from service to the appellant.

Keeping in view the above, the major penalty of removal from service is converted into minor penalty of withholding of one increment for a period of 2 years upon the appellant and the recovery of received amount of Rs. 60000/- in monthly installments.

The order of the Commissioner Bannu dated 30.04.2020 is set aside and the appellant is re-instated into service w.e.f the date of his removal from service. Commissioner Bannu may make sure the recovery from the appellant. Appeal is accepted to this extent.

Syed Zafar Ali Shah
Senior Member

Announced.
03.07.2020

~~ATTACHED~~

نیاز والی
22/08/2020



Amir E
**OFFICE OF THE
COMMISSIONER
BANNU DIVISION**

P.O. Box. 12, Postal Code 28100, Bannu.
Phone: 0928- 9270044 & 621144
Fax: 0928 - 9270041
E-mail : acr.bannu@yahoo.com

21
No. 2453 /A.E./F.3
Dated: 11-08-2020

OFFICE ORDER.

In pursuance of the order dated 03/07/2020 passed by the Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar in the service appeal/presentation titled "Naiz Wali Ex-Cook Vs Commissioner Bannu Division", Mr. Niaz Wali is hereby re-instated in service against his post of Cook (BPS-06) with all back benefits with reterospective effect by with holding of one (01) annual increment for a period of two (02) years.

The amount received in lieu of BISP grant by the family members of the official will be recovered from him in monthly installments equal to the amount received per mensum from the BISP.

[Signature]
COMMISSIONER
BANNU DIVISION
10/8

Even No and Date:-
Copy forwarded to the:-

1. Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
2. Section Officer (R-I), Establishment Department, Khyber Pakhtunkhwa, Peshawar.
3. District Comptroller of Accounts, Bannu.
4. Assistant Director, BISP, Bannu.
5. Accounts Officer, Commissioner Office Bannu Division.
6. Official concerned for compliance.

~~ATTACHED~~

[Signature]
COMMISSIONER
BANNU DIVISION
10/8

بعد التظلم - سندس نواب جو کل کارروائی متعلقہ



2020ء منجانب سید شمس
بنام S.M.B.A.R

نیازوی

موزخہ
مقدمہ
دعوی
جرم

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ،
 آن مقام ~~نیازوی~~ کیلئے ~~سید شمس~~ کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بسورت ڈگری کرنے اجراء اور صولی چیک و روپیہ 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 برآمدگی 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 کارروائی 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 بالا اختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوا ~~سید شمس~~ کے سب سے دہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے ~~سید شمس~~
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم

العبد _____ واہ العبد _____

بمقام نیازوی ~~سید شمس~~ کے لئے منظور ہے۔ ~~سید شمس~~

کھدالت جناب چیرمین سروس ٹریبیونل KPK پشاور

11466/20

نام SMBR

نیازو حکم



درخواست لبراد اجازت دین بابت جمع کرنے سلیوری و پرو سس فیس:-

جناب عالی!

ماہر حسب ذیل عرضی دسماں ہے۔

- 1) یہ مقدمہ عنوان بالا / سروس اپیل 11/2020 کو ایڈمٹ ہوئی ہے جس میں آئندہ پیشی 22/02/21 قرار دی ہے۔
- 2) یہ مقدمہ عنوان بالا اپیل میں سلیوری و پرو سس فیس بوجہ رابطہ نہ ہونے اپیلانٹ جمع نہ ہوئے ہے۔
- 3) یہ مسائل سلیوری فیس / پراسس فیس جمع کرنا چاہتا ہے۔

اس درخواست کے لیے کہ لہذا منظور و عا درخواست

یہاں اپیلانٹ کو سلیوری / پراسس فیس جمع کرنے

کی اجازت مرحمت فرمائی جائے۔

اپیلانٹ

بذریعہ:- نامہ محمد ایدولیت
سپر لبر کورٹ آف پاکستان

Period for requisite report is extended for 03 working days.

11/2/21

①

BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Appeal No. 11466 of 2020

Niaz Wali S/o Mumtaz Ali, Cook BPS-04, Commissioner Office Bannu Division

..... **(Appellant)**

Versus

1. Senior Member Board of Revenue KPK Peshawar.

2. Commissioner Bannu Division Bannu.

..... **(Respondents)**

JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO.1 & NO.2

Respectfully Shewith:

Respondents submit as under:-

PRELIMINARY OBJECTIONS:

1. The appeal in hand is badly time barred.
2. The appellant has no cause of action and locus standi to bring the present appeal.
3. The appeal is barred by law and not maintainable in the present form.
4. The appeal is bad for mis-joinder and non joinder of necessary and proper parties.
5. The appellant is estopped by his own conduct.
6. That this Honorable Tribunal has no Jurisdiction to adjudicate upon the matter.

REPLY ON FACTS:

1. Correct. To the extent that the appellant is permanent government servant in this office working as a cook and further submitted that show cause notice dated 17-03-2020 (Annexure-A) was correctly served to the appellant as his spouse was recipient of BISP cash grant.
2. Pertains to record. However, the statement of appellant was not satisfactory.
3. Correct.
4. Respondent No.1 being a competent authority, rightly issued order dated 03-07-2020 in accordance with Law/Rules.
5. Pertains to record. Moreover, the appellant was well aware about the order dated 03-07-2020 as he was also personally heard on the said date.
6. That the instant service appeal is baseless and barred by law.


REPLY ON GROUNDS:

- a. Incorrect. The order is based on law and issued after fulfilling all codal formalities.
- b. Pertains to record.
- c. Incorrect. The appellant was well aware of the fact that his spouse was taking cash grant from BISP.
- d. Pertains to record. Detail reply have been given above.

- e. Subject to proof.
- f. Incorrect. Government of Khyber Pakhtunkhwa Establishment and Administration Department Peshawar letter bearing No.SOR-I(E&AD)4-17/2020 dated 14-02-2020 (Annexure-B) circulated through Respondent No.2 a list of officer/official, who either themselves or their spouse were receiving BISP cash grant. In this context the competent authority has therefore, decided to issue direct Show Cause Notices to the accused civil servants as provided in Rule-7 of the Rules ibid dispensing with the formal inquiry. (Annexure-C).
- g. That the instant Para is contradictory to Para D & F. The spouse of appellant illegally received cash grant form BISP.
- h. Incorrect. The appellant was treated in accordance with the prevailing Government Civil servant policy/rules. Detail reply have been given in Para (F) ibid.
- i. That other ground shall be explained during the arguments with permission of Honorable Tribunal.

It is therefore, most humbly prayed that this appeal may be dismissed with cost.


Commissioner,
Bannu Division Bannu,
(Respondent No.2)


Senior Member,
Board of Revenue, Khyber Pakhtunkhwa,
(Respondent No.1)

B

83

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

Niaz Wali S/o Mumtaz Ali, Cook BPS-04, Commissioner Office Bannu Division

..... (Appellant)

Versus

1. Senior Member Board of Revenue KPK Peshawar.
2. Commissioner Bannu Division Bannu.

..... (Respondents)

AFFIDAVIT

I, Gull Rehman Assistant to Commissioner (Pol/Dev) (PMS BPS-17) do hereby solemnly affirm and declare on oath that the contents of the accompanying parawise comments/report on behalf of Commissioner Bannu Division Bannu are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Honorable Court.



DEPONENT

C.N.I.C. No. 17301-8897816-7

Identified by

Additional Advocate General,
Khyber Pakhtunkhwa,
Service Tribunal Peshawar.

49

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

Appeal No. 11466 of 2020

Niaz Wali S/o Mumtaz Ali, Cook BPS-04, Commissioner Office Bannu Division

..... (Appellant)

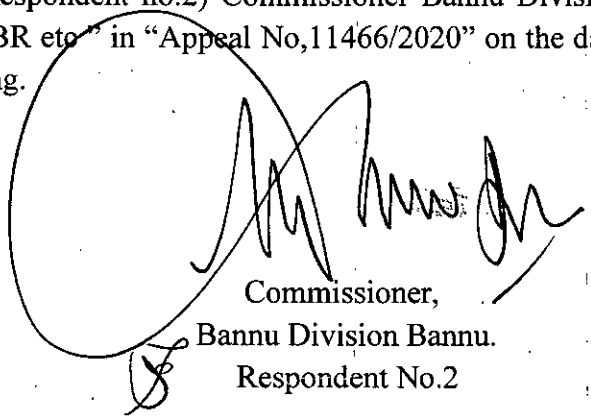
Versus

1. Senior Member Board of Revenue KPK Peshawar.
2. Commissioner Bannu Division Bannu.

..... (Respondents)

AUTHORITY

Mr. Gull Rehman Assistant to Commissioner (Pol/Dev) (PMS BPS-17) is hereby authorized to attend the Court on behalf of (Respondent no.2) Commissioner Bannu Division Bannu in the case titled "Niaz wali versus SMBR etc" in "Appeal No,11466/2020" on the date fixed 06-04-2021 and subsequent dates of hearing.



Commissioner,
Bannu Division Bannu.
Respondent No.2