


FORM OF ORDER SHEET

Court of _____

Case No.- 548/2023

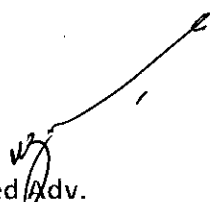
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/03/2023	<p>The appeal of Mr. Liaqat Ali resubmitted today by Uzma Syed Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>


The appeal of Mr. Liaqat Ali Ex-Driver Establishment KP Peshawar received today i.e. on 07.03.2023 is incomplete on the following score which is returned to the co Counsel for the appellat for completion and resubmission within 15 days.

Annexures-A & B of the appeal are illegible which may be replaced by legible/better one.

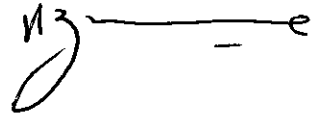
No. 901 /S.T,

Dt. 8/3 /2023


Uzma Syed Adv.
High Court at Peshawar.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

objection remove & file resubmitted!



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 548 /2023

Liaqat Ali

V/S

Govt of KP.

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APPELLANT
Liaqat Ali

THROUGH:

(UZMA SYED)
ADVOCATE HIGH COURT.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Appeal No. 548 /2023

Liaqat Ali Ex-Driver
Establishment and Administration Deptt: KP Peshawar.

APPELLANT

VERSUS

1. The Chief Secretary to Govt of KP, Khyber Pakhtunkhwa. Civil Secretariat, Peshawar.
2. The Secretary Administration Department, Government of Khyber Pakhtunkhwa. Civil Secretariat, Peshawar.

RESPONDENTS

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 27/07/2011 WHEREBY THE APPELLANT HAS BEEN REMOVED FROM SERVICE OR ALLOWED COMPASSIONATE ALLOWANCE UNDER SECTION 3 OF CIVIL SERVANT ACT 1973 AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

.....

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 27/07/2011 MAY BE SET ASIDE AND MAJOR PENALTY OF DISMISSAL FROM SERVICE MAY BE CONVERTED IN TO MAJOR PENALTY OF COMPULSORY RETIREMENT KEEPING IN VIEW LONG SERVICE CAREER OF APPELLANT OF 14 YEARS ON STRENGTH OF SUPERIOR COURT JUDGMENT, 2007 PLC (CIVIL SERVANT) 978 AND TRIBUNAL JUDGMENT DATED

19.01.2022 IN APPEAL NO. 67/2018 OR THE RESPONDENT MAY BE DIRECTED TO ALLOWED COMPASSIONATE ALLOWANCES UNDER SECTION 3 OF CIVIL SERVANT ACT, ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

1. That the appellant was appointed as driver in BPS-04 vide order dated 18.02.1996. since appointment appellant working with full zeal and devotion. **Copy of appointment order is attached as annexure-A.**
2. That the appellant was removal from service vide order dated 27.07.2011 on the basis of wilful absence. That the appellant having fourteen years of service on his credit. Therefore, filling this Departmental Appeal for conversion of major penalty of removal from service to major penalty of compulsory retirement on strength of superior court Judgment dated 19.01.2022 in appeal No. 67/2018 OR allowed compassionate allowances U/S 3 Civil Servant Act, 1973. **Copy of removal order and departmental appeal are attached as anneure-B & C.**
3. That thereafter, the appellant waited for the statutory period of ninety days but no reply has been received from the respondents. That appellant feeling aggrieved and having no other remedy filed the instant service appeal on the following grounds amongst the others

GROUND:

- A. That the impugned order dated 27.07.2011 removal from service was very harsh and not taking action on the departmental appeal of the appellant is against the law and rules.
- B. That according to section 3 of Civil Servant Act, 1973 the person removal or dismissed from service shall be eligible for compassionate allowances of pensionary benefit the appellant has fourteen years of service on his credit therefore entitled for the same.
- C. That according to superior court Judgment cited as 2007 PLC (Civil Servant) 678, without touching other merit of the case on the

basis of fourteen years' service major penalty of compulsory retirement to avoid pensioner benefits.

- D. That the absence of the appellant is not willful but due to compelling reason so, the penalty imposed upon the appellant is so, harsh without considering the fourteen years of service on his credit.
- E. That the appellant was not treated accordance to law and rules.
- F. That no proper procedure has been followed before the awarding the major penalty of "Removal from service", the whole proceedings are conduction in violation of the RSO 2000 and thus not tenable in the eye of the law.
- G. That no regular inquiry has been conducted and there is no order in black & white form for dispensing with regular inquiry and without passing an order regarding dispensing with inquiry awarded a major penalty to the appellant which is violation of the express provision of law and dictums laid down by the superior courts.
- H. That, there is no charge sheet are statement of allegation was issued to the appellant which is necessary under RSO 2000.
- I. That the appellant has 14 years service with good record at his credit and the impugned order has been passed so harsh. So keeping in view the long service career of the appellant the major penalty of removal from service may be converted in to the major penalty of the compulsory retirement.
- J. That the appellant has been condemned unheard and has not been treated according to law and rules.
- K. That neither the appellant was associated with neither the inquiry proceedings nor any statement of the witnesses have been recorded in the presence of appellant. Even a chance of cross examination was also not provided to the appellant which is violation of norms of justice.
- L. That the in the service appeals NO 872/2014 and 898/2014, in same circumstances the Hon'able Tribunal kind enough to accept the appeal and the major penalty of Dismissal from service was converted in to the major penalty of compulsory retirement. So the appellant is entitled to the same relief.
- M. That the penalty of dismissal from service is very harsh which was passed in violation of law and rules, therefore, the same is not sustainable in the eyes of law.

N. That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.

APPELLANT
Liaqat Ali

THROUGH:

(UZMA SYED)
ADVOCATE HIGH COURT.

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2023.

Liaqat Ali

V/S

Govt Of KP:

CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in ther Tribunal, except the present one.

DEPONENT

LIT OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.

**(SYED NOMAN ALI BUKHARD)
ADVOCATE HIGH COURT**

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2023

Liaqat Ali

V/S

Govt Of KP:

AFFIDAVIT

I, Liaqat ALI, (Appellant) do hereby affirm that the contents of the service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.

DEPONENT

Liaqat ALI

GOVERNMENT OF NWFP
SERVICES & GENERAL ADMINISTRATION DEPARTMENT
(GENERAL WING)

(A) (7)

DATED PESH THE 18/2/1996.

ORDER.

NO. F&A(S&GAD) 4(2)80.

M. Liaqat Ali Khan S/O Abdul Akbar Khan

Mohallah Babian Khwaishki Payan Nowshera is hereby appointed as Staff Car Driver in BPS-4(Rs.1360-58-2230) against an existing vacancy in the S&GAD from the date of arrival.

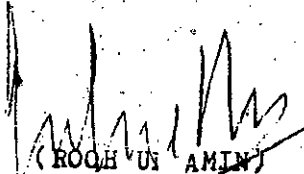
2. His appointment in the Civil Secretariat is purely on temporary basis and subject to the following conditions:-

- a) His services are liable to be terminated without assigning any reason. In case he wishes to resign from service, 15-days' advance notice will be necessary in lieu thereof 15-days' pay shall be forfeited.
- b) He will be governed by such rules and orders relating to leave, TA, medical attendance, pay etc; as applicable to the Government Servants of the same categories as may be issued by the Government from time to time.
- c) ~~He should produce medical certificate from~~
Civil Surgeon Peshawar.
- d) He should report to the GAD within 7-days, otherwise he will be deemed to have not accepted the offer.

SECRETARY TO GOVT OF NWFP
SERVICES & GENERAL ADMINISTRATION
DEPARTMENT.

Cost number & date even.

1. Copy forwarded to the:
 - 1) Accountant General NWFP Peshawar.
 - 2) PS to Minister for Minority Affairs NWFP


(ROOH ULL AMIN)
SECTION OFFICER (GENERAL) S&GAD.



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT & ADMINISTRATION
DEPARTMENT

Dated 27.07.2011

ORDER

NO.F&A(AD)2(140)/06- WHEREAS, Mr. Liaqat Ali Khan Driver (BPS-05), Administration Department, was charged against under the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 for the charges of willful absence from duty without prior approval of leave;

2. AND WHEREAS, Notices were served upon him at his home address followed by a Show Cause Notice published in the newspapers, giving him an opportunity to explain within fifteen days his cause of absence;

3. AND WHEREAS, the Competent Authority after considering the charges, evidence on record, the reply of the accused to the Show Cause Notice served upon him and after giving him an opportunity of personal hearing, is satisfied that the charge laid against Mr. Liaqat Ali Khan Driver is proved.

4. NOW THEREFORE, in exercise of the powers conferred by Section 3 of the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000, the Competent Authority hereby orders the imposition of major penalty of "Removal from Service" upon Mr. Liaqat Ali Khan, Driver, Administration Department with immediate effect.

SECRETARY TO GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

ADPT. OF EVENING NO. & DATE

Copy forwarded to the:

- 1) Accountant General Khyber Pakhtunkhwa.
- 2) Section Officer (Transport), Administration Department.
- 3) Section Officer (Admin) ST&IT Department.
- 4) Bill Assistant/Establishment Assistant-II, E&A Department.
- 5) Mr. Liaqat Ali Khan, P.O Abdul Akbar Khan R/O Mohallah Babian, Khwaishki, Tansi & District Nowshera.
- 6) P/File.

Ehsan Elahi
(EHSAN ELAHI)
SECTION OFFICER (ADMN)

To

12/10/22

2612

13/10/22

(C) (A)

Secretary Government of Khyber Pakhtunkhwa
Administration Department.

Ps to Secy Admin
387
Dairy No: _____ Date: 12/10/22

Subject: Departmental Appeal for compassionate Allowances under Section 3 of Civil Servant Act, 1973, conversion of penalty of removal from service to compulsory retirement on strength of superior court Judgment, 2007 PLC (Civil Servant) 978 and Tribunal Judgment dated 19.01.2022 in appeal No. 67/2018.

2942
13/10/22

Respectfully Sheweth:-

- 1) That the appellant was appointed as driver in BPS-04 vide order dated 18.02.1996. since appointment appellant working with full zeal and devotion.
- 2) That the appellant was removal from service vide order dated 27.07.2011 on the basis of wilful absence.
- 3) That the appellant having fourteen years of service on his credit. Therefore, filling this Departmental Appeal for conversion of major penalty of removal from service to minor penalty of compulsory retirement on strength of superior court Judgment dated 19.01.2022 in appeal No. 67/2018 OR allowed compassionate allowances U/S 3 Civil Servant Act, 1973.

GROUND:

- A) That the impugned order dated 27.07.2011 may kindly be modified being harsh and major penalty may be converted to compulsory retirement.

- 10
- B) That according to section 3 of Civil Servant Act, 1973 the person removal or dismissed from service shall be eligible for compassionate allowances of pensionary benefit. That the appellant has fourteen years of service on his credit therefore entitled for the same.
- C) That according to superior court Judgment cited as 2007 PLC (Civil Servant) 678, without touching other merit of the case on the basis of fourteen years' service major penalty of compulsory retirement to avoid pensioner benefits.
- D) That the absence of the appellant is not willful but due to compelling reason so, the penalty imposed upon the appellant is so, harsh without considering the fourteen years of service on his credit.
- E) That the appellant was not treated accordance with law and rules.

Prayer:-

On acceptance of this Departmental Appeal the major penalty of removal from service convert to compulsory retirement or compassionate allowance. That the appellant may kindly be thankful.

Dated 12/10/2022

Your obediently



Liaqat Ali

Ex-Driver (BPS-04)

0313-9929894

بجرائت

119 Service Tribunal, Faisalabad

25ء منجانب
لیاقت علی نام

حکومت

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام پیدئاد کیئے عظمیٰ سید ایڈووکیٹ سید عرفان ایڈووکیٹ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے قی تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی براندگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا محتاج ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی 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 مذکور با اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ ہوں گے سب ہے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

20

ماہ

المرقوم

7/3/23

واہ العبد