FORM OF ORDER SHEET

Court of			
Case No =	-	572 / 2023	

	Courtic		<u></u> .
	Case	No572 /:	2023
S.No.	Date of order proceedings	Order or other proceedings with signature o	•
1.	2	3	
1	15/03/2023	The appeal of Mr . H	ammad Ullah resubmitted
į		today by Mr. Taimur Ali Khan preliminary hearing before Sing	· ·
	•	on Parcha Peshi is given	to appellant/counsel for the
		date fixed.	
			Description of Chairman LEGISTRAR
·			

The appeal of Mr. Hamad Ullah Ex-Naib Qasid DRI KPK received today i.e. on 28.02.2023 is incomplete on the following score which is returned to the co Counsel for the appellant for completion and resubmission within 15 days.

- 1- Check list is not attached with the appeal.
- 2- Appeal has not been flagged/marked with annexures marks.
- 3- Memorandum of appeal be signed by the appellant.
- 4- Affidavit be attested by the Oath Commissioner.
- 5- Annexures of the appeal be attested.
- 6-. Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 7- Departmental appeal having no date be dated.
- 8- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 825 /S.T. Dt. 1037 /2023

> SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

> > 15/3/2023 6

Mir. Taimur Ali Khan Adv. High Court Peshawar.

Respected Six. 1-Removed 2. Removed 3- Romoved 4- Removed 6. copies of charge sheet, stand etc and all not provided to the appellant, therfore he was unable to a now with the The appellant has not mentioned date on the departmental appeal. Results mitted after compleme 8) Removed

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL **PESHAWAR**

SERVICE APPEAL NO. 579/2023

Hammad Ullah

V/S

Revenue Department

INDEX

S.NO.	Documents	Annexure	Page No.
1	Memo of Appeal		01-04
2	Affidavit		no
3	Copy of medical prescription	A	106-14
4	Copies of order dated 02.01.2023 and show cause notice	B&C	15-16
5 ·	Copies of departmental appeal and rejection order dated 03.02.2023	D&E	17-18
	Wakalat Nama		19

APPELLANT

THROUGH:

(TAIMOR ALI KHAN) ADVOCATE HIGH COURT

Sharir Luah Torrami Advocate

BEFORE THE KHYBER APKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 57-2 /2023 Proportion of the second sec

Mr. Hammad Ullah, Ex-Qaib Qasid,
Directorate of Land Records, Khyber Pakhtunkhwa, Peshawar.

(APPELLANT)

VERSUS

- 1. The Senior Member Board Of Revenue, Khyber Pakhtunkhwa Peshawar.
- 2. The Director Land Records, Khyber Pakhtunkhwa, Peshawar.
- 3. The Assistant Director Land Records, Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 02.01.2023, WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE AND AGAINST THE ORDER DATED 03.02.2023 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GROUND.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL THE ORDER DATED 02.01.2023 AND 03.02.2023 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF THE APPELLANT.



BEFORE THE KHYBER APKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 572 /2023

Mr. Hammad Ullah, Ex-Qaib Qasid, Directorate of Land Records, Khyber Pakhtunkhwa, Peshawar.

(APPELLANT)

VERSUS

- 1. The Senior Member Board Of Revenue, Khyber Pakhtunkhwa Peshawar.
- 2. The Director Land Records, Khyber Pakhtunkhwa, Peshawar.
- 3. The Assistant Director Land Records, Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

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RESPECTFULLY SHEWETH:



FACTS:

- 1. That the appellant was appointed as Naib Qasid in the respondent department in the year 2014. The appellant has a good service record and has worked quite efficiently and up to the entire satisfaction of his superiors.
- 2. That the father of the appellant is diabities and hypertensive patient and some time the appellant took him to different Hospitals and Doctors for treatment due to which he was unable to perform duty and was compel to remain absent from duty for one day or two days. (Copy of medical prescriptions are attached as Annexure-A)
- 3. That due to above mentioned reason, the appellant was removed from service vide order dated 02.01.2023 and show cause notice was also handed over to the appellant along with the removal order. It is peertitent to mention here that different dates of absence from the duty of the appellant have been mentioned in the show cause notice but the appellant has performed his duty on some of those days and only for few days he was remained absent from the duty which was also due to his egagment in the treatment of his father. (Copies of order dated 02.01.2023 and show cause notice are attached as Annexure-B&C)
- 4. That the appellant filed departmental appeal against the impugned removal order dated 02.01.2023, which was rejected on 03.02.2023 for no ground. (Copies of departmental appeal and rejection order dated 03.02.2023 are atatcehd as Annexure-D&E)
- 5. That the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal for the redressal of his grievances on the following grounds amongst others.

GROUNDS:

- A) That the impugned orders dated 02.01.2023 and 03.02.2023 are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That no inquiry was conducted against the appellant before passing the impugned order of removal, which is violation of law and rules.

- C) That proper procedure was not adopted by the respondent department before passing the impugned order of removal from service, which is violation of law and rules and as such the impugned order are liable to be seta side on this ground alone.
- D) That in show cause notice, the different days of absence have been mentioned, but the appellant has performed his duty in some of those days and only for few days the appellant was remained absent from the duty which is also due to his engagment in the treatment of his father.
- That the appellant did not willfully remain absent from his duty, but E) his father is diabities and hypertensive patient and some time the appellant took him to different Hospitals and Doctors for treatment due to which he was unable to perform his duty and was compel to remain absent from duty for one day or two days. Therefore, needs to be treated with a lenient view.
- That the penalty of removal from service is very harsh punishment F) which was passed in violation of law, therefore, the same is not sustainable in the eyes of law and liable to be set aside.
- That the appellant has been condemned unheard and has not been G) treated according to law and rules.
- That the appellant seeks permission of this Honorable Tribunal to H) advance others grounds and proofs at the time of hearing.

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

91176

THROUGH:

(TAIMOR ALI KHAN)

ADVOCATE HIGH COURT

Shakir Lunds Torani
Advocate

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

	•		-
SERVICE	APPEAL	NO.	/2023

Hammad Ullah

V/S

Revenue Department

AFFIDAVIT

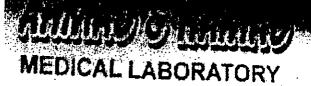
I, Hammad Ullah, Ex-Qaib Qasid, DLR Office, Peshawar (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.



DEPONENT

Hammad Ullah

(APPELLANT)





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RBI

Cardiologist & Physician

M.B.B.S, ECFMG Certified(US) F.C.P.S (Med CPS-Pak) F.C.P.S (Card Equ. PMDC) Consultant Cardiologist Govt NKB Hospital Pesh ما بيرؤ مراض دول ، بلذي ايشر ، شوكنه ، كونيسنة ول

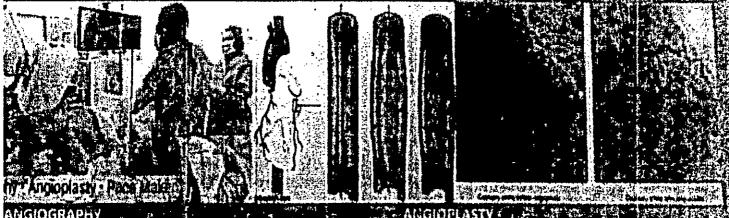




Patient Name.

Address_

Phone No._



Akbar Medical Centre Ramdas Raod Dabgari Garden Peshawar 0333-9102093 / 0321-9156631 / 0311-9889850 / 0332-9099094

DR ZAFAR IQBAL

MBBS, ECFMG, Certified (US) FCPS (Med) Pak, Level III qualified cardiologist (PMDC) Physician, Clinical & Interventional Cardiologist Head of Cardiology Department Govt.NKB Huspital Peshawar. Fellin Member of Pukistun Society of Interventional Cardiologist Director Cathlah & Consultant Interventional cardiologist PWICE Distr Cardiologist KPK, AP Cardiology JMC Peshawar dracfar7oggmail.com PMDC No 6194-N IIRC No 17448



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Dr. Nadia Kashif Mr. Izhar Ullah Clinical Technology pathology DMLT MSc MLT BGC MLT GOV! NKBALH Peutager

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: Abdul Ghaffar

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Dr. Nadia Kashif Pathologist MBBS M Phil Hematology Govi NKBMH Peshawar

.Mr. izhar Ullah 🦠 Clinical Technologist pathology FIMET MSc McF (BSc McF GOVI NEBMIÉ PESTANA

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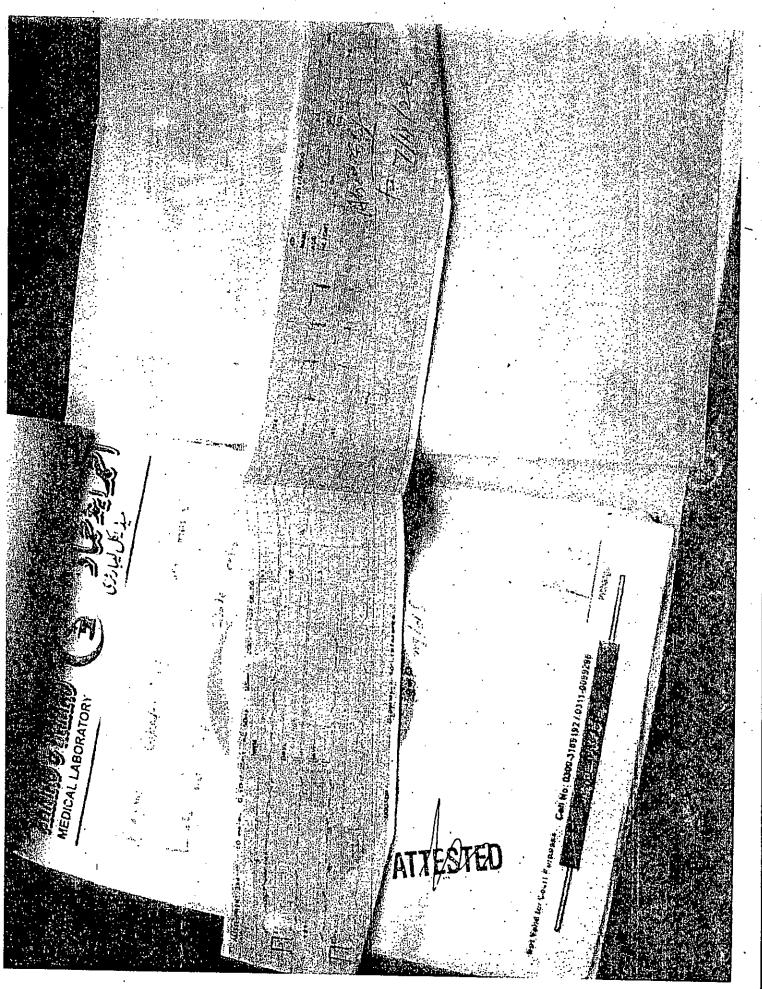
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Lab Incharge Malik Tayyab DMLT. (Medicial Faculty) Mah: 0311-9535304

Medical Laboratory

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GOVERNMENT OF KHYBER PAKE DIRECTORATE OF LAND RECORDS

REVENUE AND ESTATE DEPARTMENT

@LandrecordKP fb.com/landrecord.kpk

E-Mail: landrecord.kpk@gmail.com

Phone: 091-9210057

Peshawar dated the _Q_2_/0// 2023

NOTIFICATION

No.LR-IV/DLR Estt:/Vol-IV: 8246_52; WHEREAS. Mr. Hammad Ullah, Naib Qasid, of the office of Directorate of Land Records, Khyber Pakhtunkhwa, was proceeded under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Charge Sheet & Statement of Allegation served upon the said accused.

- AND WHEREAS, Mr. Umar Mukhtar, Assistant Director, Directorate of Land Records, 2. . Khyber Pakhtunkhwa was appointed as Inquiry Officer to conduct enquiry against the said accused under the rules ibid.
- AND WHEREAS, the Inquiry Officer, after having examined the charges, evidence on record, and explanation of the accused official, was submitted Inquiry Report and recommended major penalty to be imposed upon the accused vide No.ADLR/Estb:/5527 dated 27.04.2022 and accordingly the accused was proceeded by imposing major penalty i.e. "Removal form service" vide No.LR-IV/Estt:/Vol-III/ 9446-52 dated 29.06.2022, which was converted to Minor penalty on the written oath agreement submitted by the accused; however he did not mind his way, therefor show cause notice was served upon him vide No. LR-IV/DLR Esttb:/Vol-IV: 07.12.2022, but rather not responded by the said accused.
- NOW THEREFORE, I, Ijaz Ur Rehman, Director Land Records, Khyber Pakhtunkhwa, being Competent Authority after having examined the charges evidences produced, statement of the accused official, findings/recommendation of the Inquiry Officer, exercise of powers conferred under Rules-9 read with 4-I(b)(iv)& Rule 14 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 imposed major penalty of REMOVAL FROM SERVICE upon Mr. Hammad Ullah, Naib Qasid, office of the Directorate of Land Records, Khyber Pakhtunkhwa, with immediate effect.

End: NO & Date even:

Copy for information & necessary action is forwarded to the:-

- Accountant General, Khyber Pakhtunkhwa.
- 2. Accounts Officer, DLR office.
- Accountant / Assistant LR-II, DLR office.
- 4. Senior PS to Senior Member, Board of Revenue, Khyber Pakhtunkhwa.
- Accused concerned (Mr. Hamad Ullah)
 - 6. Personal File.
 - 7. Office order File.

Director Lund Records Khyber Pakhtunkhwa

Land Records

Khyber Pakhtunkhwa

GOVERNMENT OF KHYBER PAKHTANIAN.
DIRECTORATE OF LAND RECORDS
REVENUE AND ESTATE DEPARTMENT.

REVENUE AND ESTATE DEPARTMENT

(a LandrecordKP)

and calarecord.kpk a gnmil.com

Phone: 091-9210057

- fb.com/landrecord.kpk

No.LR-IV/DLR/Estt./Vol-IV: 7/

Peshawar dated the # 7 /19/2022

SHOW CAUSE NOTICE

f. Ijaz-ur-Rehman, Director Land Records, Khyber Pakhtunkhwa, as competent and under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011.

1. Computer Serve you Hamad Ullah, Naib Qasid, office of the Directorate of Land Records, Khyber and Land Re

That consequent upon the completion of enquiry conducted against you by har Mukhtar, Assistant Director Land Records, Khyber Pakhtunkhwa received vide letter 21 of 1 stb: 5527 dated 27.04.2022, through which major penalty i.e. Removal from service aboracd vide No.LR-IV/Esttb:/Vol-III: 9446-52 dated 21.06.2022. However, during personal for written statement on oath was submitted to the effect that in future no such incident will enter sed & will be careful in official. Therefore the said charges were converted to minor withholding of three increments for a period of three years with accumulative effect a R-IV Kafoor Dheri complaint/12436-42 dated 10.08.2022 in light of the written cent. But apparently of the above, you committed the following irregularities:-

- I hat you are habitually latecomer and leave the office early. You do not observe the official timings.
- 2. That you wilfully remained absent from the office for a period of the 10-15 days in the months (on different occasion/dates).
 - Lear you were time and again warned/directed verbally / in written to be punctual but you did not mend your ways and did not comply with the orders of competent authority.
- I not you deliberately remained absent from your official duty on 05.
 10,13.14.17.18.19.20.25.28 October,2022, 01,02,03,04,07,08,10,11.14.15.16,17.18.21.
 22.23.25.30 November, 2022 & 01, 02, 05, 06 December, 2022 without any prior approval/ permission of the competent authority, showing your lack of interest in official day.

1 am satisfied that you have committed the following acts/omissions specified in the said rules.

- a) Inefficient or has ceased to be efficient for any reason:
- d) Guilty of habitually absenting himself from duty without prior approval of leave.

Suresult thereof, I, as competent authority, have tentatively decided to impose upon you major divide removal from service as defined under Rule-4 of the Khyber Pakhtunkhwa Government distribution & Discipline) Rules, 2011.

you. And also intimate you desire to be heard in person.

case reply to this notice is received within 03 days or not more than 07 days of its delivery, it is recumined that you have no defence to put in and in that case ex-parte action shall be taken to the

where the findings of the inquiry officer is enclosed.

mammad Ullah)

and Qasid, Directorate of Land Records,

anyber Pakhtunkhwa

Director Land Records Khyber Pakhtunkhwa

D. Oggo

درخواست برائے عاجزاندائیل

جناب عالى!

1۔ پیر کہ سائل حمآد اللہ ولد عبد الغفار خان سکنہ گاوں شیخ محمدی، ڈاکخانہ شیخ محمدی، تھانہ بڈھ بیر پیثاور کارہا کشی و پیدائش باشندہ ہے۔

2- يدكه سائل محكمه بور دُآف ريونيومين Naib Qasid كى پوسٹ پراپنى ديوفى سرانجام دے رہاہے۔

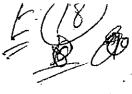
3۔ یہ کہ سائل کے والدین شو گراور بلڈ پریشر کے مریض ہیں۔اور سائل اپنے والدین کی دیکھ بھال کرتاہے۔ پچھلے دنوں سائل کے والدین بہت شخت بیار ہو گئے تھے جس کی وجہ سے سائل ڈیوٹی سے غیر حاضر رہا۔

4۔ یہ کہ سائل کو محکمہ کی طرف سے شوکازنوٹس دیا گیاہے اور سائل کو ڈیوٹی سے برطرف کر دیا گیاہے۔ سائل کے والدین بیار ہیں اور سائل کے معاش کا بہی ایک ذریعہ ہے۔

للذاآپ صاحبان سے عاجزانہ النماس ہے کہ سائل کودوبارہ نوکری پر بحال کیاجائے سائل اور اس کے والدین تاحیات آپ کے لیے وعاگور پینگے۔

> ے) ر الگ . حماد الله ولد عبد الغفار خان سکنه گاول شخ محمدی، ڈاکخانه شخ محمدی، تھانه بڈھ بیر پشاور 0301-8034553

MIESTE





E-Mail: landrecord.kpk@gmail.com

GOVERNMENT OF KITYEER PAKHTUNKHWA DIRECTORATE OF LAND RECORDS REVENUE AND ESTATE DEPARTMENT

> @LandrecordKP fb:eom/landrecord.kpk

No.LR-IV/PF/Hamad Ullah: 9863-65

Peshawar dated the 03/02/2023

То

Mr. Hamad Ullah, Ex. Naib Qasid, DLR office.

SUBJECT: APPLICATION / APPEAL.

I am directed to refer to the above cited subject and to state that your appeal dated 03-01-2023, has been examined and filed by the Competent Authority.

Phone: 091-9210057

Assistant Dakerov Land Record Khyber Takhtunkhwa

Endst: No. & date even.

Copy for forwarded to the:-.

I. SPS to Senior Member Board of Revenue Khyber Pakhtunkhwa.

2. PA to Director Land Records, Khyber Pakhtunkhwa.

Assistant Dicogno Land Record Khylegapakhtunkhwa

VAKALAT NAMA

NO/20	21
IN THE COURT OF <u>KP</u> Seejus	e- T8/2 1 Per
THE COOK! OF	Morning Maure
Hammad Ull	(Appellant) (Petitioner)
•	(Plaintiff)
VERSUS	
Renouve Sepa	(Respondent)
Me, Hannad Ullul	
we, man chan	
Do hereby appoint and constitute <i>Taimur Ali</i> Peshawar, to appear, plead, act, compromise, with ne/us as my/our Counsel/Advocate in the above note also default and with the authority to engage/appoints.	hdraw or refer to arbitration for ed matter, without any liability for
ny/our costs.	
/We authorize the said Advocate to deposit, withdraw nums and amounts payable or deposited on my/our ac the Advocate/Counsel is also at liberty to leave more proceedings, if his any fee left unpaid or is outstanding	ccount in the above noted matter. ny/our case at any stage of the
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Dated /2021	Wolz Slell
	(CLIENT)
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	TAIMORALIKHAN
&	Advocate High Court
	BC-10-4240 CNIC: 17101-7395544-5
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OFFICE:	74311
Room # FR-8, 4 th Floor,	Shawin Quah Torran
Bilour Plaza, Peshawar, Cantt: Peshawar) I was in
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