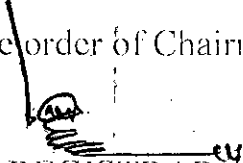


FORM OF ORDER SHEET

Court of _____

Case No. - _____ 594/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/03/2023	<p>The appeal of Mr. Ikram Ud Din presented today by Mr. Imdad Ullah Advocate. It is fixed for preliminary hearing before touring Single Bench at Swat on _____.</p> <p>Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. SA/4 of 2023

Ikram Ud Din Junior Clerk at AAC (R) Dir Lower.

...Appellant

VERSUS

The Senior Member Board of Revenue Government of Khyber Pakhtunkhwa,
Peshawar and Others.

...Respondents

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6.	Copy of the Order dated 01-12-2022	C	11
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Appellant Through

Imdad
Imdad Ullah

Advocate Swat

Office: Khan Plaza, Gulshone Chowk,

Mingora Swat, Cell 0333 929 7746

Email: imdadswati@gmail.com

①

BEFORE THE KHYBER PAKHTUNKHWA

SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 594 of 2023

Ikram Ud Din Junior Clerk at AAC (R) Dir Lower.

...Appellant

VERSUS

1. *The Senior Member Board of Revenue Government of Khyber Pakhtunkhwa, Peshawar.*
2. *The Commissioner Malakand at Saidu Sharif Swat.*
3. *The Deputy Commissioner Dir Lower.*

...Respondents

PARTIAL SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER NO. 21373/ESTT: DATED TIMERGARA THE 28-12-2022, WHEREBY THE MAJOR PENALTY OF DISMISSAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT AGAINST THE LAW, RULES AND FACTS, FEELING AGGRIEVED FROM THE SAME THE APPELLANT PREFERRED A DEPARTMENTAL APPEAL ON 02-01-2023, WHICH WAS PARTIALLY ACCEPTED BY REINSTATING THE APPELLANT WHILE THE SAME TIME PENALTY OF WITHHOLDING OF THREE INCREMENTS WAS IMPOSED WITH FURTHER DIRECTIONS TO

2

**TRANSFER THE APPELLANT AS WELL,
WHICH IS ALSO AGAINST THE LAW,
RULES AND FACTS AND IS LIABLE TO
BE SET ASIDE.**

PRAYER:

That on acceptance of this service appeal order impugned may very kindly be modified to the extent of withholding of increment for three years and treating the period the Appellant remained out of service as leave without pay, the Appellant be reinstated into service with all back / consequential benefits.

Respectfully Sheweth:

Facts:

- i. *That the Appellant was appointed as Naib Qasid vide order No. 348/Estab: dated Timergara the 04-03-2006. Copy of the order dated 04-03-2006 is enclosed as Annexure "A".*
- ii. *That the Appellant performed his duties to the best of his abilities and without any complaints, whatsoever, and as a commendation of the same the Appellant got promoted as Junior Clerk vide order No. 14008/Estt: dated the Timergara the 29-10-2019. Copy of the order dated 29-10-2019 is enclosed as Annexure "B".*
- iii. *That the Appellant was efficiently performing his duties as Junior Clerk at the office of the Additional Assistant Commissioner (R) that to*

the utmost astonishment of the Appellant an order No. 19482/Estt: dated Timergara the 01-12-2022 was received by the Appellant, whereby the Appellant was suspended with alleged allegations of involvement in malpractice / demanding money from drivers involved in illegal mining.. Copy of the order dated 01-12-2022 is enclosed as Annexure "C".

- iv. That a farce enquiry was conducted against the Appellant with a pre-decided conclusion to the utter detriment of the Appellant. Copy of the enquiry along with the statements are enclosed as Annexure "D".*
- v. That the Appellant was never given the chance to defend himself as neither any charge sheet coupled with statement of allegation was issued to the Appellant nor any show cause notice was issued.*
- vi. That as a result of the so called enquiry the Appellant was issued order No. 21373/Estt: dated the Timergara the 28-12-2022 whereby major penalty of dismissal from service was imposed upon the Appellant against the law and rules on the subject and thus is liable to be set aside. Copy of the order dated 28-12-2022 is enclosed as Annexure "E".*
- vii. That feeling aggrieved the Appellant preferred a departmental appeal to the Respondent No. 2 for the redressal of the grievances. Copy of the*

4

departmental appeal is enclosed as Annexure "F".

- viii. That the departmental appeal of the Appellant was partially accepted vide order dated 23-02-2023 by reinstated the Appellant back into service, but the same time minor penalty of withholding of increments for three years was imposed coupled with the directions that the Appellant be posted at section where there is less public interaction, strangely while the period the Appellant remained out of service was treated as leave without pay. Copy of the order 23-02-2023 is enclosed as Annexure "G".
- ix. That still feeling aggrieved having no other option for the redressal of the grievance this Honourable Tribunal is approached for the redressal of the same on the following grounds.

Grounds:

- a. That treatment in accordance with law is the fundamental right of the Appellant, but in the instant case every law and rule, mandatory for imposition of major penalty, has been bulldozed blatantly to the utter detriment of the Appellant.
- b. That no proper enquiry has ever been conducted and all the process was conducted at the back of the Appellant without observing any codal formality or adopting the due course of law, which makes the whole process nullity in the eyes of law.

- c. *That the Appellant has been condemned as unheard as neither the Appellant was issued any charge sheet and statement of allegations nor any show cause notice. Moreover the Appellant was not afforded any opportunity to defend himself nor was he given any chance to cross examine the witnesses who deposed against the Appellant.*

- d. *That this is a classic case of misuse and abuse of authority, exercising of authority not vested with, and that too in a very colorful and arbitrary manner to the utter detriment of the Appellant, which is never approved of by the laws emanating from the commands of the constitution and the Apex Court as well.*

- e. *That the Appellant has not committed any act of commission or omission which may constitute any offence under any law.*

- f. *That the Appellant has remained unemployed anywhere else during the whole period of dismissal till his reinstatement.*

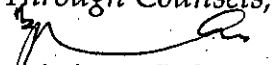
It is, therefore, very respectfully prayed that the order impugned may very kindly be modified and the Appellant be reinstated back into service with all back / consequential benefits.

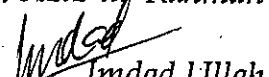
6

*Any other relief deemed appropriate in the
circumstances and not specifically prayed for may
also very kindly be granted.*


Appellant

*Ikram Ud Din
Through Counsels,*


Aziz-ur-Rahman


*Imdad Ullah
Advocates Swat*

7

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2023

Ikram Ud Din Junior Clerk at AAC (R) Dir Lower.

...Appellant

VERSUS

*The Senior Member Board of Revenue Government of
Khyber Pakhtunkhwa, Peshawar and Others.*

...Respondents

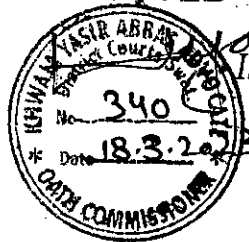
AFFIDAVIT

*It is solemnly stated on Oath that all the contents of
this service appeal are true and correct to the best of my
knowledge and belief and nothing has either been
misstated or kept concealed before this Honourable
Tribunal.*

ATTESTED

[Signature]
Deponent

Ikram Ud Din



8

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____ of 2023

Ikram Ud Din Junior Clerk at AAC (R) Dir Lower.

...Appellant

VERSUS

*The Senior Member Board of Revenue Government of
Khyber Pakhtunkhwa, Peshawar and Others.*

...Respondents

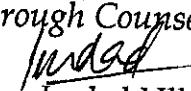
ADDRESSES OF THE PARTIES

Appellant:

Ikram Ud Din Junior Clerk at AAC (R) Dir Lower.

Respondents:

- 1. The Senior Member Board of Revenue Government
of Khyber Pakhtunkhwa, Peshawar.*
- 2. The Commissioner Malakand at Saidu Sharif Swat.*
- 3. The Deputy Commissioner Dir Lower.*

*Appellant
Through Counsel,

Imdad Ullah
Advocate Swat*

OFFICE OF THE
EXECUTIVE DISTRICT OFFICER,
FINANCE & PLANNING, DIR LOWER

No. 348 /Estab:
Dated Timergara the 4/3/2006.

9

To

Mr. Ikramuddin,
S/O late Sarfaraz Khan,
Mohalla Shaw, Dir Khas,
District Dir Upper

Subject: APPOINTMENT AS NAIB QASID

Memo:

Reference your application for appointment against the post of Naib Qasid. Your case has been considered at appropriate level and the competent forum has, therefore, decided to appoint you against the post of Naib Qasid BPS-I on the following terms and conditions:

- i. Your appointment will be purely on temporary basis.
- ii. Your appointment will be on probation for a period of 12 months during which your conduct will be observed and performance watched. In case your performance and conduct are not found satisfactory, you will be removed from service.
- iii. In case of removal from service or resignation on your part a notice of one month will be served or basic pay equal to one month in lieu thereof shall be paid/deposited as the case may be.
- iv. Your appointment will be on regular basis but you will not be entitled to beneficiary benefits as per Government Policy on the subject.
- v. Deduction toward GP Fund would be made at the prescribed rate.
- vi. Your appointment will be subject to police enticement clearance.
- vii. You will abide by all rules and regulations applicable to a civil servant as amended from time to time.

In case the above offer is accepted to you, you should report for duty within 15 days of the issue of this offer and thereafter this offer shall be deemed to have not been accepted by you.

In case you report for duty within 15 days, this offer shall be considered as appointment order and you will have to undergo medical examination in the District Head Quarter Hospital, Timergara.

Executive District Officer,
Finance & Planning, Dir Lower.

Copy forwarded to:-

1. The District Coordination Officer, Dir Lower.
2. The District Accounts Officer, Dir Lower.
3. Personal File.

Attested
C/O
[Signature]
[Signature]

Executive District Officer,
Finance & Planning, Dir Lower.



B-10

**OFFICE OF THE
DEPUTY COMMISSIONER
DIR LOWER**

No. 14208 / Estt:
Dated Timergara the 21/10/2019.

dcdirlower@gmail.com Deputy Commissioner Dir Lower @dcdirlower 0945-9250001

OFFICE ORDER:

On the recommendation of Departmental/Selection Promotion Committee, Mr. Ikram Uddin, Naib Qasid (BPS-04) of this office is hereby promoted to the post of Junior Clerk (BPS-11) with immediate effect on the following terms and conditions:-

- ii. He will be on probation for a period of one year in terms of Section 6(2) of the Khyber Pakhtunkhwa, Civil Servants Act 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules, 1989.
- iii. He is directed to take charge as Junior Clerk in the office of the undersigned.

Hassan
**Deputy Commissioner,
Dir Lower**

No. 14208-11 / Estt:

Copy forwarded to:-

4. The District Accounts Officer, Dir Lower.
 5. The Accountant, Local office.
 6. Official concerned.
- For information.

TC
Sawab
**Deputy Commissioner,
Dir Lower**

11

dcdirlower@gmail.com Deputy Commissioner Lower Dir @dcdirlower 0945-9250001

OFFICE ORDER:

Whereas, it has come to know through reliable sources that Mr. Ikramud Din, Junior Clerk is involved in malpractices/demanding money from the drivers involved in illegal mining.

Whereas, being a Government servant in the capacity of Junior Clerk, has no jurisdiction to conduct price checking and raids on illegal mining etc.

Whereas, such like activities of the said official are illegal without authority/jurisdiction and attracts for disciplinary action under E&D Rules 2011.

Therefore, Mr. Ikramud Din, Junior Clerk of this office is hereby suspended from service with immediate effect.

The Additional Deputy Commissioner (General), is hereby appointed as Enquiry Officer to conduct a discreet inquiry entailing all aspects of the matter including authorization of the said official for conducting such like inspections and submit inquiry report/findings with recommendations/fixing of responsibility on the defaulting official to the undersigned within a week time.

[Signature]
Deputy Commissioner,
Dir Lower.

No. 19483-85 Estt:

Copy forwarded to:-

1. The Additional Deputy Commissioner (G), for information and to conduct inquiry and submit report/recommendations to this office.
2. The Additional Assistant Commissioner (Revenue), Timergara.
3. Mr. Ikramud Din, Junior Clerk with the directions to appear before the inquiry officer on any working day as fixed by the inquiry officer.

[Signature]
Attested
SUPERINTENDENT
DC OFFICE
DIR LOWER

[Signature]
Deputy Commissioner,
Dir Lower.

Attested
[Signature]
Advocate

INQUIRY REPORT:

Annexure "D"

SUPERINTENDENT

12

➤ **INTRODUCTION:**

Vide office order bearing No. 19482/Estt., dated 01/12/2022, the undersigned has been appointed as inquiry officer to conduct a discreet inquiry for allegedly involving of Mr. Ikram Uddin, Junior Clerk in mal practices, un authorized activities in the capacity of a junior clerk posted in the office of AAC (R) Timergara Dir Lower.

➤ **PROCEEDING:**

On receipt of the inquiry letter under reference, the undersigned summoned the Additional Assistant Commissioner (Rev) Timergara, the accused Mr. Ikram Uddin Junior Clerk, Circle Subedar Levies Timergara, Levies Personnel involved in the matter and the Complainants Barber Association Timergara/Balambat and their statements got recorded. Detail descriptions of the recorded statements are as under:

• **Statement of Mr. Farooq Ahmad L/ Naik Dir Levies Belt No. 1646 and Statement of Mr. Bakht Saleem Sepoy Dir Levies Belt No. 1754.**

Stated vide at annexure-"A" that on dated 27/11/2022 at 07:43 PM, the Circle Subedar Timergara Mr. Said Hassan directed us to accompany with Mr. Ikram Uddin Junior Clerk for bazaar inspection. Later-on, at around 08:00 PM the Circle Subedar called back and asked us to return to our previous places of duties. Mr. Bakht Saleem Sepoy vide annexure "B" also endorsed the said statement of Mr. Farooq Ahmad L/ Naik.

• **Statement of Mr. Said Hassan Circle Subedar Timergara Dir Levies Belt No. 1429.**

Stated vide at annexure-"C" that on dated 27/11/2022 at 07:43 PM the Additional Assistant Commissioner (Rev) Timergara telephonically directed him to provide two levies personnel to his reader Mr. Ikram Uddin Junior Clerk for bazaar inspection. In compliance with the directions of the AAC(R) I directed to Mr. Farooq Ahmad L/ Naik and Mr. Bakht Saleem Sepoy to be accompanied with the reader concerned for bazaar inspection. After elapsed of about 17 minutes the AAC (R) again directed him telephonically to direct the levies personnel to return their previous places of duties. On contact with the concerned levies personnel, they replied that they have already carried out bazaar inspection and now are coming back.

• **Statement of the complainant Mr. Sardar Alam Insaaf Hair Dresser Balambat.**

Stated vide at annexure-"D" that he is working as Barber in Balambat Bazar from the last 14/15 years. On 27/11/2022 at 03:00 PM the AAC R) Timergara inspected his shop and taken his License Card for further course of action. Later-on, on that very day at about 08:00 PM Mr. Ikram Ud Din Junior Clerk alongwith two levy personnel came to his shop for inspection and asked for my card. In response i replied that my card has already been taken by the AAC (R),Timergara for further action. During the course of inspection Mr. Ikram Ud Din Junior Clerk insulted me without any reason as evident from the viral video.

• **Joint Statement of Barber Association**

The office bearers of Barber Association jointly stated vide at annexure "E" that Mr. Ikram Uddin Junior Clerk of AAC (R), Office Timergara has actually conducted the inspection of Insaaf Hair Dresser at Balambat and insulted Mr. Sardar Alam (Barber) as evident from the viral video on social media. Further stated that under which rules a Junior Clerk is carrying out inspections and insulting people. They further requested the District Administration for taking legal action against the said Junior Clerk in order to avoid such like incidents in future.

Attested
Indrad
Advocate

13

Statement of the Accused Mr. Ikram Uddin Junior Clerk AAC (R), Office Timergara.

In order to inquire in depth a questionnaire was served upon him for reply of the questions pertaining to the issue at annexure "F", vide which he denied that he has not conducted any inspection despite the clear proof of vial video.

Statement of Mr. Tariq Khan Additional Assistant Commissioner (Rev), Timergara.

Stated vide at annexure "G" that he is performing his duties as AAC (R), Timergara for the last 06 months and he had no contact No. of the Circle Subedar as the Subedar was recently transferred. For routine bazaar checking he generally directs his reader to ask Subedar concerned to depute levies personnel for inspections. In the instant case, he had called the Circle Subedar and directed him not to provide levies personnel to his reader for inspection. Further explained that he had already carried out inspection on 27/11/2022 at 03:00 PM of the said Barber shop i.e Insaaf Hair Dresser situated at Balambat and has taken in possession his license owing the poor position of cleanliness for further course of action.

➤ **Findings**

After keeping pros and cons of the statements of the relevant persons and brief description explained above, it transpires that the defaulting official has though denied the allegations regarding conduct of bazaar inspections but from the statements of levies personnel, complainants/ reps of Barber Association coupled with Social Media clip (pictorial evidence attached at annexure "H" it is crystal clear that actually the said employee has conducted inspection of the hair dresser shop. Additionally, statement of the AAC (R) also expressed that the defaulting official has not been deputed / authorized by him for conducting inspection in the bazaar. From the video clip on social media, it also reflects that the defaulting official has been found involved in the moral degradation which is very much deplorable having zero level tolerance.

Meaning thereby that the defaulting official has been found involved in activities beyond his jurisdictions / scope of work, misuse of powers and moral degradation, for being holding a responsible government post. The situation like this also dispels the impression that the defaulting official used to conduct the inspections on his own capacity for personal aggrandizements which attracts for punitive action against the defaulting official under the E&D rules 2011.

➤ **RECOMMENDATIONS:**

In view of the circumstantial evidence on social media coupled with the statements of levies personnel, complainants, social media clip as well as AAC (R) Timergara, the defaulting official seems to be guilty of un-authorized/ beyond jurisdiction acts and moral degradation attitude, equivalent to misuse of powers, dishonesty liable himself to be awarded one of the following penalties:

1. Forfeiture of annual increments.
2. Removal from service.
3. In case of lenient action immediate transfer from the existing post to a far-flung area in the territorial jurisdiction of Dir Lower.
4. The AAC (R) Timergara may also be warned to rationalize his capability in order to control his subordinate staff.
5. From the statements of the levy personnels, it shows that the levy personnels have got no overt and covert role in this footing. Being so, they may be exonerated from the charges levelled against them.

Attested
SUPERINTENDENT
DC OFFICE
DIR LOWER

Additional Deputy Commissioner (G),
Dir Lower.

Attested
Advocate

بیان فاروق احمد ولد گلین خان لائسنس ٹائیک ڈیر لیویرز بیلڈ نمبر 1646

14

نوفمبر 22 06

صفا - اعلیٰ

میں تین بجے فاروق احمد لائسنس ٹائیک ڈیر لیویرز بیلڈ نمبر 1646

یہ بیان کرنا ہوں کہ مجھے مورخہ 27th 2022 بوقت رات 07:43 PM

سرکل 40 ہیدار سٹیٹن نے کال کر کے کہ AAU روڈ پر پتھر گرنے کا حکم ہے

کہ آڈیو ریکارڈ انکرام الدین کنسیٹڈ بازار کے چیلنگ درج ہے اس کے

بعد تقریباً 08:00 بجے 40 ہیدار سرکل نے وائس کال کر کے اپنی جگہ وائس

جانے کا حکم صادر فرمایا۔ جس کے بعد ہم وائس ہوئے۔ بس یہی ہمارا بیان ہے

جو حقیقت پر مبنی ہے۔

الف فاروق احمد

فاروق احمد لائسنس ٹائیک ڈیر لیویرز

بیلڈ نمبر 1646

Attested.

Additional
Deputy Commissioner
Dir Lower

Attested
SUPERINTENDENT
DC OFFICE
DIR LOWER

Attested

Advocate

بیان قیمت سلیم ولد رحمت یونس سیاہی دیر لیونز بیلڈنگ نمبر 1754

15

تورم $\frac{06}{22}$

جا - اعلیٰ!

میں مہنگی قیمت سلیم سیاہی دیر لیونز بیلڈنگ نمبر 1754 ہے بیان کرتا ہوں
کہ میں مورخ $27 \frac{11}{22}$ بوقت رات 07:43 سرکل ہو بیدار سید سن نے
کال کر کے کہا کہ AAC لیونز بیئر گزہ کا حکم ہے آڈیٹر ایڈوکیٹ ایف ایف ایف
کیسٹ بازار کے ہیڈنگ درج ہے۔ اس کے بعد تقریباً 8 بجے ہو بیدار سرکل
نے کال کر کے والدین انہی جگہ جا کا حکم دیا۔ جس کے بعد ہم والدین نے
بس یہی بیان ہے۔ ڈیڑھ گھنٹہ تک سلیم ولد رحمت کرتا ہوں۔

اللہ

قیمت سلیم سیاہی دیر لیونز
بیلڈنگ نمبر 1754

Attested:

Additional
Deputy Commissioner
Dir Lower

Attested
SUPERINTENDENT
DC OFFICE
DIR LOWER

Attested
Advocate

بیان سید حسن سرکل ہویدار پتھر گڑھ دیر لوئر بیلڈ نمبر 1429

16

مورم 06/12/22

میں نے سید حسن سرکل ہویدار پتھر گڑھ دیر لوئر
بیلڈ نمبر 1429 کے بیان کے تاریخوں کے مورم 27/11 کو ٹریسٹاریٹ 07:43
کو AAC ریونیو نے مجھے کال کر کے بازار چیکنگ کے لئے ریڈر اکرام الدین
کو لغوی دیکھنے کا حکم دیا۔ حکم کے تفصیل کوٹے میں نائیک فاروق احمد
بیلڈ نمبر 1646 اور سیاہی جت سے بیلڈ نمبر 1754 کو حکم دیکر بھیجا۔ ایسے میں
قریباً 17 منٹ سے پہلے تھے کہ AAC ریونیو نے والین کال کی کہ لغوی والین کو
جہ میں مذکورہ ایڈکاران کیا تھا والین نے کہا کہ والا کیا تو مذکورہ ایڈکاران
نے جواب دیا کہ میں تو ریڈر اکرام الدین کیا تھا بلاشبہ بازار کے چیکنگ کے
والین آ رہے ہیں۔ ایسے میں پتھر گڑھ دیر لوئر کے حکم والین کو دیا گیا۔

الو سید حسن
سید حسن سرکل ہویدار
بیلڈ نمبر 1429


Attested
Additional
Deputy Commissioner
Dir Lower

Attested
SUPERINTENDENT
DC OFFICE
DIR LOWER

Attested
Advocate

حلفاً بیان کرتا ہوں کہ میں عرصہ 14، 15 سال سے بلاسٹ بازار میں محام کی حیثیت سے کام کر رہا ہوں۔ مورخ 11/27 کو تقریباً 3 بجے AACR ہنگرہ نے میرے دوکان کی انسپکشن کرتے ہوئے مجھ سے میرا انٹنس جاڈلے لیا تھا۔ اُس کے بعد اسی ہی دن تقریباً رات کے 8 بجے اکرام الدین جوئیئر کلر AACR آفس ہنگرہ، ہمراہ دو لیویز ایبل کاران انسپکشن کی غرض سے میرے دوکان میں آکر مجھ سے کارڈ دکھانے کا کہا۔ میں جواباً عرض کیا کہ کارڈ تو پہلے ہی سے AAC صاحب اپنے ساتھ لے گئے ہیں۔ میں ان کیساتھ فون اخلاقی سے ملیں آیا تھا۔ لیکن بغیر کسی وجہ کے انہوں نے مجھ بالوں سے گھسیٹا جو کہ سوشل میڈیا پر دائرل ویڈیو سے بھی عیاں ہے جو کہ میرے یہی دوکان سے دائرل ہوئی ہے۔ بس یہی میرا بیان ہے، پھر اس کے درست تھوڑی کرتا ہوں۔

Attested:

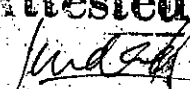

8/12/2022
Additional
Deputy Commissioner
Dir Lower

سردار عالم انصاف
میسر ڈسٹرکٹ بلاسٹ

15302-5874841-3
0342-9512101

Attested

SUPERINTENDENT
DC OFFICE
DIR LOWER

Attested

Advocate

بیانِ جملہ صدر باربر ایسوسی ایشن بلائیٹ / بیمرگہ بازار۔

18

مستند بیان کرتے ہیں کہ مورخہ 27¹¹/₂₂ کو اکرام الدین ج/ج
(AACOR) آفس بیمرگہ ہمراہ دو لیونز ایپل کلان الفات بیئر ڈریسر بلائیٹ بازار کا
غیر قانونی طور پر انسپکشن کرتے ہوئے ہمارے بھائی سردار عالم کی بے عزتی کی ہے۔
اور اُسے بالوں سے گھسیٹا ہے جو کہ وائرل مردہ ویڈیو میں واضح دکھائی دیتا ہے۔
حالانکہ جو بیئر کلر کے پاس کونسا اختیار ہوتا ہے کہ وہ بازار و بیئر کی انسپکشن
کرائے اور کسی کی کسب و غیرہ کی بے حرمتی کرائے۔ ہمارا انتظامیہ سے
درخواست ہے کہ مذکورہ بالا جو بیئر کلر کے خلاف قانونی کارروائی کی جائے
تاکہ آئندہ کیلئے ایسی حرکات سے بازو منع ہو سکے۔ بس یہی ملرا بیان ہے۔
سن کر درست تسلیم کیا۔

نصر اللہ

نصر اللہ ولد معتبر خان
صدر بیمرگہ سٹی۔
15304-2506325-7
0302-2275544

ریاض خان

ریاض خان ولد خالتمہ خیر
صدر بلائیٹ بازار
15306-4254890-3
0346-8982854

Attested

6/12/2022
Additional
Deputy Commissioner
Dir Lower

Attested
SUPERINTENDENT
DC OFFICE
DIR LOWER

Attested
Advocate

1- نام، ولدیت، سکونت وغیرہ اکرام الدین ولد سرفراز خان ساکن دیر فاس حال تیرگرہ بلائٹ کالونی

2- آپ کی پہلی تقرری کب اور کس آسامی پر ہوئی ہے؟
دہری، ایس ای ٹی، مورخ 04/03/2006 کو، حیثیت نائب قاضی ہے۔ اس کے بعد سال نومبر 2018 میں جوئیئر کلرک کو ترقی ہوئی ہے۔

3- آپ موجودہ کس آسامی پر تعینات ہیں؟
جوئیئر کلرک / ریڈر دفتر AAC رولنو تیرگرہ۔

4- آپ کے موجودہ پوسٹ کے جاب ڈسکرپشن کیا ہیں؟
جوئیئر کلرک کے ذمہ داری کسٹاؤ ساٹھ آفسیئر جس کے حکم پر ریڈر کے خزانے میں سہرا انجام دینا ہوں۔

5- کس کے حکم پر رات کے وقت بازار اور حجام کے دوکانوں کے چیکنگ کرتے ہیں؟
یہ الزام ہے بندیا ہے۔ میں نے کبھی بھی رات کے وقت بازاروں اور حجام کے دوکانوں کی چیکنگ نہیں کی ہے۔

6- کس حیثیت سے اور کس کے حکم پر آپ سرکاری لیویز اہلکاران کو اپنے ساتھ لیکر بازار کی انسپشن کرتے ہیں؟
میں نے کبھی بھی اس قسم کی حرکت یعنی لیویز اہلکاران کے ہمراہ بازار کی انسپشن نہیں کی ہے۔

7- آپ کس قانون کے تحت لوگوں پر جرمانہ عائد کرتے ہیں؟
میں نے کبھی بھی کسی جرمانہ عائد نہیں کیا ہے۔ جرمانہ رسید آفسر جس کے حکم پر AAC رولنو تیرگرہ دستخط کرتا ہے اور جرمانہ عائد کرتا ہے۔ جرمانہ عائد کرنا میرا اختیار ہے باہر سے۔

8- آپ کی بازار کی چیکنگ کی جوئیڈیوشل میڈیا پراڈازل ہوئی ہے۔ اس کے بارے میں آپ کی کیا رائے ہیں؟
سوشل میڈیا پر جوئیڈیوشل میڈیا پراڈازل ہوئی ہے۔ اس کے بارے میں عرض ہے کہ کسی بد نشینی کے بنیاد پر یہ کام کیا ہے۔ حالانکہ حجام کو فریڈم ہے اور اس کے بلائے پر انڈر داخا ہو گیا ہوں۔ نہ وہاں دہری میں کسی سے تلخ کلامی ہے اور نہ جھگڑا فساد کیا ہے۔ اور نہ کسی سے جرمانہ لے ہوا ہے۔
9- کیا آپ کو معلوم ہے کہ آپ کے اس فعل کی وجہ سے اپ کو سرکاری نوکری سے برطرفی، برخاستگی ہو سکتی ہے۔ اس کے بارے میں آپ کی کیا رائے ہیں؟

جس کے دفعہ 8 میں ذمہ داری ہے۔ میں نے ایسی کوئی حرکت نہیں کی ہے جو میرے سرکاری نوکری سے برخاستگی کا موجب بن سکے۔

10- مزید کیا بیان ہے؟
نہایت اہم کسٹاؤ عرض کر سکتوں کہ میرے خلاف بد نشینی کے بنیاد پر یہ سارا ڈرامہ چلا رہا ہے جس کا حقیقت ہے دور کا واسطہ نہیں ہے۔ میں تو ایک عورت گوانے سے تعلق رکھتا ہوں اور عزیز بلقے سے منسلک ہوں۔ اس لئے کسی کو میرا عزت برداشت نہیں ہوتی۔ اس لئے میرے خلاف اس قسم کے جوش بر مبنی ڈرامہ چلا گیا ہے۔

Attested Deputy Commissioner Dir Lower

Attested Advocate

SUPRINTENDENT U.C. OFFICE DIR LOWER

بیان طارق خان ایڈیشنل اسٹینڈنگ کمشنر (ریونیو) میٹرگرہ

20

تاریخ 07/12/22

بیان کرتا ہوں کہ میں کمیٹی ایڈیشنل اسٹینڈنگ کمشنر (ریونیو) میٹرگرہ عرصہ 6 ماہ سے خائفم انجام دے رہا ہوں۔ چونکہ سہکل صوبیدار کا نیا نیا تبادلہ ہوا ہے۔ ان کا ممبر سیرس پاس نہیں تھا۔ عوام موشن ہے کہ جب ہم بازار چیکنگ وغیرہ کیلئے نکلتے ہیں تو میں اپنے ریڈر سے کہتا ہوں کہ صوبیدار مہب سے کہہ دو کہ موقع پر جاؤ نیا ادھر سکواڈ کو لیکر آفس آ جاؤ۔ خط و کتابت ریڈر کے ذریعے کروانا ہوں۔ اس رات میں نے ایک دفعہ صوبیدار مہب کو کال کی ہے جس کا ممبر میں نے عزیز الدین سیباھی سے لیا تھا۔ اور صوبیدار مہب کو منع کیا تھا کہ آدے بھی نہیں جانا ہے اور ریڈر کو بھی لیونز ایڈیکارن نہیں دینے ہیں۔ یہاں تک انسپکشن کا تعلق ہے تو میں نے حجام کی دوکان کی انسپکشن 27/12/22 کو دن کے تقریباً 3 بجے کی تھی اور اس کا لائسنس اپنے ساتھ لیا تھا۔ صفائی ناقص تھی۔ جس کا تصوری ثبوت میرے پاس ہے۔ میں نے دوبارہ اکرام الدین ریڈر کو انسپکشن کیلئے نہیں بھیجا ہے اور نہ دوبارہ انسپکشن کی ضرورت تھی۔ کیونکہ میں پہلے ہی انسپکشن کر چکا تھا۔ بس یہی میرا بیان ہے۔ لکھ کر دست لکھ کر دیتا ہوں۔

Attested

Additional
Deputy Commissioner
Dir Lower

طارق خان ANUR میٹرگرہ

Attested
Advocate



Annexure *re*

OFFICE OF THE
DEPUTY COMMISSIONER
DIR LOWER

No. 21373 /Estt:

Dated Timergara the 28 /12/2022

(21)

Explanation Folder

dcdirlower@gmail.com Deputy Commissioner Dir Lower @dcdirlower 0945-9250001

OFFICE ORDER:

Whereas, an objectionable video clip was uploaded on social media followed by a protest demonstration by the office bearers of Hair Dresser Association Dir Lower complained that Mr. Ikramud Din, Junior Clerk has been found involved immoral behaviour with one of their colleague of the association.

Whereas, it was also complained that the above named is involved in Bazar checking on his own capacity as Junior Clerk without jurisdiction.

Whereas, viewing the allegations levelled against the said employee and circumstantial evidence on social media, the undersigned suspended him from service and nominated the Additional Deputy Commissioner (General), Dir Lower for conducting discreet enquiry under the E&D Rules 2011 and submission of report with recommendations.

Whereas, in compliance the Additional Deputy Commissioner (General), Dir Lower conducted enquiry in the matter which speak itself with recommendations for removal from service of the official.

Whereas, the opportunity of personal hearing was given to the official and during personal hearing he could not prove his innocence.

Therefore, the above named official is hereby dismissed from service with immediate effect.

[Signature]
Deputy Commissioner,
Dir Lower

No. 21374-77 /Estt:

Copy forwarded to:-

1. The Additional Deputy Commissioner (General), Dir Lower.
2. The District Accounts Officer, Dir Lower.
3. The Accountant (local office).
- ④ Official concerned.

Attested
[Signature]
SUPERINTENDENT
DC OFFICE
DIR LOWER

[Signature]
Deputy Commissioner,
Dir Lower

Attested
[Signature]
Advocate

Annexure F

22

BEFORE THE COMMISSIONER MALAKAND AT SAIDU SHARIF,
SWAT

Ikram ud Din Ex-Junior Clerk at AAC (R) Dir Lower.Appellant

VERSUS

The Deputy Commissioner Dir Lower.Respondent

Subject: Departmental appeal against the order No. 21373/Estt: dated Timergara the 28-12-2022, whereby the major penalty of dismissal from service is imposed upon the appellant.

Respected Sir,

The Appellant submits as under;

That the Appellant joined the office by being appointed as naib Qasid on 04-03-2006.

That as a commendation of the efficient and hard work the Appellant got promoted to the post of Junior Clerk in the year 2019. Further that no complaint has ever been received against the Appellant by the authorities which fact is supported by the promotion granted.

That a so called inquiry was conducted against the Appellant with a pre decided conclusion.

That the Appellant was not given any chance to defend himself and also no Show Cause Notice was ever issued to the Appellant.

That the Appellant has been condemned as unheard.

That the Appellant has not committed any act of commission or omission which may constitute any offence under any law.

That the Appellant wants to be heard in person as well.

Attested
[Signature]
Advocate

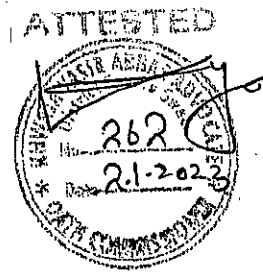
23

It is, thus very humbly requested that on acceptance of this departmental appeal the impugned order may very kindly be set aside and the Appellant reinstated back into service with all back benefits.

Appellant
[Signature]
Ikram ud Din

Affidavit:

It is solemnly stated on Oath that all the contents of this departmental appeal are true and correct to the best of my knowledge and belief.



Deponent
[Signature]
Ikram ud Din

Attested
[Signature]
Advocate

15
24

BEFORE THE COMMISSIONER, MALAKAND DIVISION
AT SAIDU SHARIF SWAT.

Case No.186/CMD

Date of Institution: 02/01/2023

Ikram Uddin Ex-Junior Clerk of AAC(R) office, District Dir Lower
..... Appellant

VERSUS

The Deputy Commissioner, Dir Lower Respondent

DEPARTMENT APPEAL AGAINST THE ORDER NO. 21373/ESTT: DATED
TIMERGARA THE 28.12.2022, WHEREBY THE MAJOR PENALTY OF
DISMISSAL FROM SERVICE IS IMPOSED UPON THE APPELLANT.

ORDER
23.02.2023

Appellant Ikram Uddin Ex-Junior Clerk of AAC(R) office, District Dir Lower present in person and heard. The contents of the impugned order, parawise reply to the appeal received from the respondent i.e Deputy Commissioner Dir Lower and record of the case was examined minutely.

Gist of the case is that an objectionable vedio clip was uploaded on social media followed by a protest demonstration by the office bearers of Hair Dresser Association Dir Lower complained that Mr. Ikram uddin, Junior Clerk has been found involved in immoral behavior with one of their colleague of the association. It was also complained that the above named is involved in Bazar checking in his own capacity. Allegations levelled against the said employee and circumstantial evidence on social media, the Deputy Commissioner Dir Lower suspended the appellant and nominated the Additonal Deputy Commissioner, (General) Dir Lower as enquiry Officer under Rules E&D 2011. The enquiry officer after conduction of inquiry submitted his report/recommendations. Consequently, the competent authority i.e Deputy Commissioner, Dir Lower by exercising his power under Khyber Pakhtunkhwa, Government Servants (Efficiency & Discipline) rules, 2011, imposed major penalty of removal from services upon Ikram Uddin (Ex) Junior Clerk the appellant.

Aggrieved from the order of Deputy Commissioner Dir Lower, the appellant filing the instant appeal in this court, praying for dismissal of the impugned order.

In light of the opportunity of personal hearing given to the appellant, perusal of the comments received from the respondent i.e Deputy Commissioner, Dir Lower and record of the case transpired that the appellant

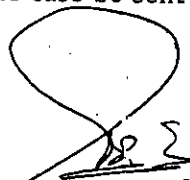
Attested to be true Copy
Shahid Khan
Reader to Commissioner,
Malakand Division,
Saidu Sharif Swat.

Attested
Shahid Khan
Reader to Commissioner,
Malakand Division,
Saidu Sharif Swat.

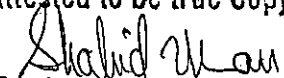
is involved in mal practices and activities beyond his jurisdiction/scope of work, has misused of power and moral degradation for being held a responsible government post in the District administration. The lower court during its proceedings fulfilled all the legal formalities but being a low paid employee, the appeal is therefore accepted on humanitarian grounds and the impugned order of the Deputy Commissioner, Dir Lower, dated 28.12.2023 is modified to the extent that instead of major penalty of "Removal from service" minor penalties of withholding of "increment for three years" in light of Rules-4 sub Rule as(ii) of the Khyber Pakhtunkhwa Government Servant (Efficiency and Disciplinary), Rules, 2011 and "transfer from the same office and may be posted in a section having less public interaction" is imposed upon the appellant. The appellant is strongly warned to be careful in future during the disposal of his official duties. Furthermore absence period of the appellant may be considered as leave without pay.

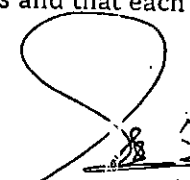
A copy of this order alongwith record of the case be sent to the Deputy Commissioner, Dir Lower for compliance.


Announced
23.02.2023


Commissioner Malakand Division
Commissioner, Malakand Division.

Certified that this order consists of 02 pages and that each page is signed by the undersigned.

Attested to be true Copy

Reader to Commissioner,
Malakand Division,
Saidu Sharif Swat.

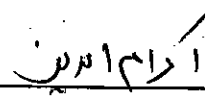
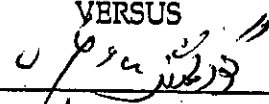

Commissioner Malakand Division
Commissioner, Malakand Division.

ETC


26

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In the matter of:-


 _____ **Appellant**
 VERSUS

 _____ **Respondent**

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

AZIZ-UR-RAHMAN and IMDAD ULLAH
Advocates High Court

To be the advocate for the Appellant in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 31 day of 12 2022

(Signature or thumb impression)

(Signature or thumb impression)

(Signature or thumb impression)

Accepted subject to terms regarding fees


(AZIZ-UR-RAHMAN)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk

G.T. Road Mingora, District Swat.

Cell No. 0300 907 0671


(IMDAD ULLAH)

Advocate High Court

Office: Khan Plaza, Gulshone Ch

G.T. Road, Mingora, District Sw

Cell No. 0333 929 7746