

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 676/2015

Date of Institution ... 16.06.2015

Date of Decision ... 12.01.2018

Fahad Ali Shah, Ex-Driver (BPS-4), Inter Provincial Coordination Department,  
Peshawar. ... (Appellant)

VERSUS

1. The Govt: of Khyber Pakhtunkhwa through Chief Secretary, Khyber  
Pakhtunkhwa, Peshawar and 2 other  
... (Respondents)

-----  
MR. YASIR SALEEM,  
Advocate.

--- For appellant.

MR. MUHAMAMD RIAZ PAINDAKHEL,  
Assistant Advocate General

--- For respondents.

MR. AHMAD HASSAN,  
MR. MUHAMMAD HAMID MUGHAL

--- MEMBER(Executive)  
--- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER.- Arguments of the learned counsel for the  
parties heard and record perused.

FACTS

2. The brief facts are that the appellant was serving as Driver in IPC  
Department. On the allegations of incompetency/professional misconduct and  
habitual absence major penalty of removal from service was imposed on him vide  
impugned order dated 23.10.2014. That the appellant preferred departmental appeal  
against the said order which was rejected on 16.04.2015 and communicated to the  
appellant on 03.06.2015, hence, the instant service appeal on 16.06.2015.

### ARGUMENTS

3. Learned counsel for the appellant argued that on account of incompetence and absence from duty disciplinary proceedings were initiated and upon conclusion major penalty of removal from service was imposed on him vide impugned order dated 27.10.2014. Proper inquiry as required under the rules was not conducted. Proper opportunity of defense was not afforded to him. Findings of inquiry are based on surmises, conjectures, and suppositions. The inquiry officer is also complainant in this case. The inquiry officer being a complainant shall not have conducted the inquiry. Penalty is very harsh.

4. On the other hand learned Assistant Advocate General in rebuttal informed that proper inquiry under Khyber Pakhtunkhwa Civil Servants (Efficiency and Discipline) Rules 2011 was conducted against the appellant and full opportunity of defense was provided to him. He was treated according to law and rules.


### CONCLUSION

5. Careful perusal of record would reveal that charges leveled against the appellant are vague, evasive and ambiguous. Learned Assistant Advocate General when confronted on this point was unable to give any convincing reply. Period of absence does not commensurate with the quantum of punishment awarded to the appellant and is very harsh. The inquiry officer failed to establish charges of incompetence and punctuality in attending the office against the appellant through solid documentary evidence. Neither statements of witnesses were recorded nor opportunity of cross examination was provided to him. As the inquiry officer is also complainant in this case, so in order to ensure equity, justice, fair play and transparency, he should not have conducted the inquiry. While submitting reply to the show cause notice, he went on to say that inquiry officer had personal grudge

against him. It also goes against the well established principle "*that a man cannot be a judge in his own cause*" It leads us to conclude that opportunity of defense was denied to him and was condemned unheard.

6. As a sequel to above, the appeal is accepted and the impugned order is set aside. The penalty of removal from service is modified into "Stoppage of two annual increments for three years". The intervening period may be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

*Hamid*



(AHMAD HASSAN)  
MEMBER

(MUHAMMAD HAMID MUGHAL)  
MEMBER

ANNOUNCED  
12.01.2018

Order

12.01.2018

Counsel for the appellant and Asst: AG for respondents present.  
Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file, the appeal is accepted and the impugned order is set aside. The penalty of removal from service is modified into "Stoppage of two annual increments for three years". The intervening period may be treated as leave of the kind due. Parties are left to bear their own cost. File be consigned to the record room.

Announced:  
12.01.2018



(MUHAMMAD HAMID MUGHAL)  
Member



(AHMAD HASSAN)  
Member

17.11.2017

Counsel for the appellant and Mr. Ziaullah, DDA for respondents present. Counsel for the appellant seeks adjournment. Respondents are directed to submit complete record. Adjourned. To come up for record and arguments on 12.01.2018 before D.B.



(Muhammad Hamid Mughal)  
Member



(Ahmad Hassan)  
Member

Order

12.01.2018

Counsel for the appellant and Asst: AG for respondents present. Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file, the appeal is accepted and the impugned order is set aside. The penalty of removal from service is modified into "Stoppage of two annual increments for three years". Parties are left to bear their own costs. File be consigned to the record room.

Announced:  
12.01.2018

(AHMAD HASSAN)  
Member

(MUHAMMAD HAMID MUGHAL)  
Member

02.12.2016

Counsel for the appellant and Additional AG for respondents present. Learned counsel for the appellant submitted rejoinder and requested for adjournment. Adjournment granted. To come up for arguments on 20.03.2017 before D.B.

(MUHAMMAD AAMIR NAZIR)  
MEMBER

(MUHAMMAD AZIM KHAN AFRIDI)  
CHAIRMAN

21.03.2017

Counsel for the appellant and Mr. Muhammad Jan, GP alongwith Mr. Sultan Shah, Supdt for respondents present. Due to non-availability of D.B arguments could not be heard. Adjourned. To come up for arguments on 13.07.2017 before D.B.

Chairman

13.07.2017

Mr. Yasar Saleem, Advocate for appellant present and Wakalatnama submitted. Asstt. AG alongwith Sultan Shah, Supdt. for the respondents present. The newly engaged counsel requested for adjournment. Adjourned. To come up for arguments on 17.11.2017 before the D.B.

Member

Chairman

24.11.2015

Agent of counsel for the appellant, M/S Muhammad Anwar Khan, SO and Sultan Shah, Assistant alongwith Addl: A.G for respondents present. Para-wise comments and reply to application submitted. The appeal is assigned to D.B for rejoinder and final hearing for 11.4.2016.

  
Chairman

11.04.2016

Mr. Sajid Amin, Advocate on behalf of counsel for the appellant and Addl: AG for respondents present. Mr. Sajid Amin, Advocate submitted that he does not want to file rejoinder and case may be fixed for arguments. To come up for arguments on

~~4-8-16~~

  
Member

  
Member

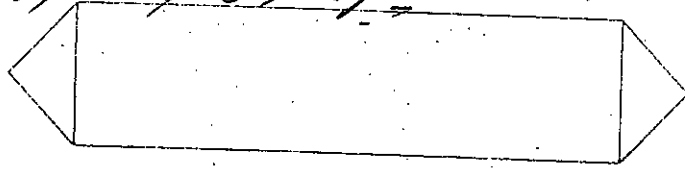
04.08.2016

Mr. Saleem Abdullah, Junior to counsel for the appellant and Mr. Sultan Shah, Assistant alongwith Mr. Ziaullah, GP for respondents present. Junior to counsel for the appellant requested for adjournment as senior counsel is busy before the Hon'ble Peshawar High Court. Request accepted. To come up for arguments on ~~2-12-16~~ before D.B.

  
Member

  
Member

بعد الت ختم ختمون فورا سرورس لکھنؤ



20/7 پنجاب  
محمد علی شاہ بنام خدیجہ

موردہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ  
آن مقام کے لئے ماسٹر سلیم الرحمن کیلئے  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا۔ نیز  
ڈاکٹر صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
ذرائع 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 مختار 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 باختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
سبب سے ہوگا۔ کوئی تاریخ پیش مقام دورہ پر ہو یا حدت۔ باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھد یا کہ سندر ہے۔

20 13/7/2012

الرقوم

کے لئے منظور ہے۔

مقام



3

24.06.2015

Appellant Deposited  
Security & Process Fee



Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Driver in the Establishment of respondent No. 3 when removed from service vide impugned order dated 23.10.2014 on the allegations of incompetency/ professional misconduct and habitual absence. That the appellant preferred departmental appeal against the said order which was rejected on 16.4.2015 and communicated to the appellant on 3.6.2015 where-after the instant service appeal was preferred on 16.6.2015.

That the proceedings were not adopted in accordance with law as the complainant was appointed as inquiry officer and, moreover, no evidence was recorded.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply for 3.9.2015.

  
Chairman

03.09.2015




Counsel for the appellant, M/S Sultan Shah, Assistant and Muhammad Irshad, Supdt. alongwith Addl. A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 24.11.2015 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 676/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16.06.2015	<p>The appeal of Mr. Fahad Ali Shah presented today by Mr. Ijaz Anwar Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2	22-6-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>24-6-15</u></p> <p style="text-align: right;"> CHAIRMAN</p> 

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 676 /2015

**Fahad Ali Shah**, Ex-Driver (BPS 4), Inter Provincial  
Coordination Department, Peshawar.

(Appellant)

VERSUS

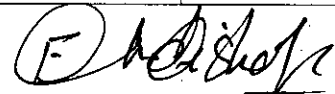
Government of Khyber Pakhtunkhwa, through Chief  
Secretary, Khyber Pakhtunkhwa Peshawar and others.

(Respondents)


**INDEX**

S. No	Description of documents	Annexure	Page No
1	Memo of appeal and Affidavit		1 - 4
2	Application for condonation of delay and Affidavit		5 - 6
3	Copy of the appointment order dated 13.05.2009		7
3	Charge Sheet and statement of allegations.	B	8-11
4	Reply to the Charge Sheet	C	12
5	Inquiry Report	D	13
6	Show Cause Notice and reply to the Show Cause Notice	E & F	14-15
7	Impugned order dated 27.10.2014	G	16
8	Departmental appeal, application, rejection order dated 16.04.2015 & letter dated 07.06.2015	H, I J & K	17-21
9	Vakalatnama		22

Through

  
Appellant

**IJAZ ANWAR**  
Advocate Peshawar.

&  
  
**SAJID AMIN**  
Advocate Peshawar.

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

A.W.F. Province  
Service Tribunal  
Diary No. 722  
Dated 16-6-2015

Appeal No. 676 /2015

**Fahad Ali Shah**, Ex-Driver (BPS 4), Inter Provincial  
Coordination Department, Peshawar.

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through Chief Secretary, Khyber Pakhtunkhwa Peshawar.
2. Secretary to the Government, Administration Department, Khyber Pakhtunkhwa Peshawar.
3. Secretary to the Govt. of Khyber Pakhtunkhwa, Inter Provincial Coordination Department, Peshawar.

(Respondents)

**Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 27.10.2014, whereby the appellant has been awarded the major Punishment of Removal from Service, against which his departmental appeal has also been regretted vide order dated 16.04.2015, communicated to the appellant vide letter dated 09.06.2015.**

Prayer in Appeal: -

On acceptance of this appeal the impugned orders dated 27.10.2014 and 16.04.2015, may kindly be set aside and the appellant may be re-instated into service with all back benefits and wages of service.

Filed to-day  
16/6/15

Respectfully Submitted:

1. That the appellant was initially appointed as a Driver in the respondents' department vide order dated 13.05.2011. The appellant after having being found medically fit, duly took over charge of his post and started performing his duties. *(Copy of the appointment order dated 13.05.2011, is attached as Annexure A)*

2. That ever since his appointment the appellant has performed his duties as assigned with zeal and devotion and there was no complaint what so ever regarding his performance.
3. That while serving in the said capacity, the appellant was served with a charge sheet and statement of allegations dated 30.04.2014 (communicated to the appellant vide letter dated 13.05.2014) containing certain false and baseless allegations. The allegations so leveled are reproduced below :
  - a. *You are non punctual in observance of duty timings.*
  - b. *You are incompetent in performance of duties assigned; and*
  - c. *You are habitual to remain absent from duty.*

*(Copies of the charge sheet and statement of allegations are attached as Annexure B)*

4. That the appellant duly replied the charge sheet and denied the allegations leveled against him as false and baseless. *(Copy of the Reply to the charge sheet is attached as Annexure C)*
5. That without properly associating the appellant with the inquiry proceedings, a partial inquiry was conducted and the inquiry officer while submitting his report dated 17.07.2014, wrongly held the appellant guilty of the charges leveled. *(Copy of the inquiry report is attached as annexure D)*
6. That thereafter a show cause notice dated 28.08.2014, was issued containing which was also replied by the appellant. *(Copies of the show cause notice and reply to show cause are attached as annexure E & F)*
7. That the competent authority without applying his prudent mind, quiet illegally awarded the appellant the major punishment of Removal From Service vide the impugned order dated 27.10.2014. *(Copy of the Order dated 27.10.2014, is attached as Annexure G)*
8. That aggrieved from the order of his removal from service, the appellant also submitted his departmental appeal, however the departmental appeal of the appellant has also been rejected vide order 16.04.2015. The copy of the rejection order was however not communicated to the appellant. It was only on the request/application of the appellant when the rejection order was communicated to the appellant vide letter dated 09.06.2015. *(Copies of the departmental appeal, Application dated 14.05.2015, rejection order dated 16.04.2015 and letter dated 09.06.2015, are attached as Annexure H, I, J & K)*

9. That the impugned order is illegal, unlawful against law and fact hence liable to be set aside inter alia on the following grounds:

**GROUND OF DEPARTMENTAL APPEAL .**

- A. That the appellant have not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before the removal of service leveled of the appellant. The appellant has not been provided fair opportunity to defend himself against the charges leveled, nor he has been properly associated with the inquiry proceedings, the charges leveled against the appellant were never proved during the inquiry the inquiry officer gave its findings on surmises and conjunctures. Thus the whole proceedings are defective in the eye of law and an order based on such defective proceedings is liable to be set aside.
- C. That the appellant has not been provided opportunity of personal hearing before the awarding him the penalty of removal from service, hence the appellant has been condemned unheard.
- D. That during proceedings the appellant has not been properly associated with the inquiry, statements of witnesses if any were never recorded in his presence nor the appellant has been allowed opportunity to cross examine those witnesses who may have deposed against him.
- E. That the charges leveled against the appellant were never proved during the inquiry proceedings, the inquiry officer gave its findings on surmises and conjunctures.
- F. That the charges leveled against the appellant are false baseless and unfounded, the appellant always remained punctual during performance of his duties and has never remained absent without prior permission, moreover the charges of incompetency in performance of duties is also false and baseless.

- G. That the impugned orders are not speaking orders and are thus violative of the section 24-A of the General Clauses Act.
- H. That the appellant has never committed any act or omission which could be termed as misconduct albeit he has been removed from service.
- I. That the appellant has an unblemished and spotless service career at his credit, the penalty imposed upon him is harsh and liable to be set aside.
- J. That the appellant is jobless since his illegal removal from service
- K. That the appellant seeks the permission of this Honorable Tribunal to rely on additional ground at the hearing of this appeal.

*It is, therefore, humbly prayed that on acceptance of this appeal the impugned orders dated 27.10.2014 and 16.04.2015, may kindly be set aside and the appellant may be re-instated into service with all back benefits and wages of service.*



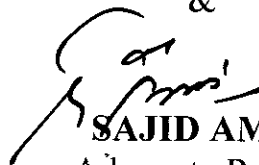
Appellant

Through



**IJAZ ANWAR**  
Advocate Peshawar

&



**SAJID AMIN**  
Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. \_\_\_\_\_/2015

**Fahad Ali Shah**, Ex-Driver (BPS 4), Inter Provincial  
Coordination Department, Peshawar.

**(Appellant)**

VERSUS

Government of Khyber Pakhtunkhwa, through Chief  
Secretary, Khyber Pakhtunkhwa Peshawar and others.

**(Respondents)**

***APPLICATION FOR CONDONATION OF DELAY,  
IF ANY IN FILING THE TITLED APPEAL***

*Respectfully submitted:*

1. That the appellant has today filed the accompanied appeal before this honorable tribunal in which no date of hearing is fixed so far.
2. That the applicant prays for condonation of delay if any in filing the instant appeal inter alia on the following grounds:-


**GROUND OF APPLICATION**

- A. That the appellant throughout agitated the matter before the departmental authority and never remained negligent in perusing his remedy, the appellant submitted his departmental appeal in time, which remained under consideration, however it was lastly rejected vide order dated 16.04.2015, the rejection order was however not communicated to the appellant in time, the appellant submitted different applications for the provision of the copy of the rejection order dated 16.04.2015, lastly the order was conveyed to the appellant vide letter 09.06.2015. Thereafter the instant appeal filed well in time.
- B. That the delay if any in filing the instant appeal was not willful nor can the same be attributed to the appellant as it was due to the late communication of the appellate order to the appellant by the respondents, therefore the appellant cannot be made suffered for the faults of others, hence delay if any deserves to be condoned.
- C. That it has been consistently held by the superior courts that appeal filed within 30 days from the date of communication of the order on departmental representation / appeal would be in time. Reliance is placed on 2013 SCMR 1053 & 1997 SCMR 287 (b)




- D. That no proper procedure has been followed before the imposition of penalty upon the appellant. Thus the whole proceedings as well as the order of penalty is illegal and void ibinatio and no limitation run against such an illegal and void order.
- E. That valuable rights of the appellant are involved in the instant case in the instant case, hence the delay if any in filing the instant case deserves to be condoned.
- F. That it has been the consistent view of the Superior Courts that causes should be decided on merit rather than technicalities including limitation. The same is reported in 2014 PLC (CS) 1014 & 2003 PLC (CS) 769.

*It is therefore humbly prayed that on acceptance of this application the delay if any in filing the instant appeal may please be condoned.*

  
Applicant

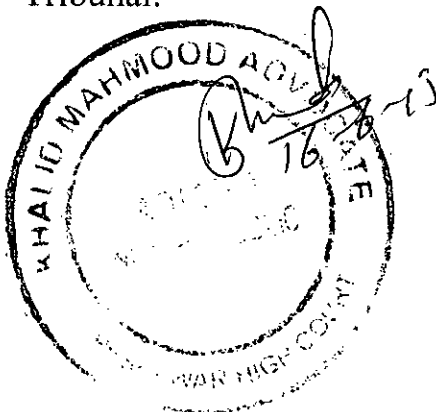
Through

  
IJAZ ANWAR  
Advocate Peshawar

&  
  
SAJID AMIN  
Advocate, Peshawar

**AFFIDAVIT**

I, **Fahad Ali Shah, Ex-Driver (BPS 4), Inter Provincial Coordination Department, Peshawar**, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal as well as accompanied application for condonation of delay are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.



  
Deponent

Approved A  
7

**GOVERNMENT OF NWFP  
ADMINISTRATION DEPARTMENT**

Dated Peshawar the 13.05.2009

**ORDER**

NO. E&A(A.D)4(2)/2007. Under rule 10 sub rule-2 of the N-WFP Civil Servants (Appointment, Promotion and Transfer) Rules, 1989 read with amendment made vide notification No. SOR-VI(E&AD)1-13/2005 dated 10.08.2005, Mr. Fahad Ali Shah S/O Afsar Ali Shah, resident of Dagai, PO Tehsil & District Mardan is hereby appointed as Driver (BS-04) (3240-140-7440) in the Administration Department (Transport Section Pool) NWFP with immediate effect on the following terms and conditions: -

- i. He will get pay at the minimum of BS-04 including usual allowances as admissible under the rules. He will be entitled to annual increment as per existing policy.
- ii. He shall be governed by the N-WFP Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rule mad there-under.
- iii. He shall, for all intents and purposes, be Civil Servant except for purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to receive such amount as would be contributed by him towards Contributory Provident Fund (C.P.F) alongwith the contributions made by Government to his account in the said fund, in the prescribed manner.
- iv. In case, he wishes to resign at any time, 14 days notice will be necessary or in lieu thereof 14 days pay will be forfeited.
- v. He shall produce a Medical Certificate of fitness from Medical Superintendent, Services Hospital, Peshawar, before joining duties in the Civil Secretariat, as required under the rules.
- vi. He has to join duties at his own expenses.

2. If he accepts the post on these conditions, he should report for duties to the undersigned within 14 days of the receipt of this order.

SECRETARY TO GOVT. OF NWFP  
ADMINISTRATION DEPARTMENT

**ENDST: NO. & DATE EVEN.**

Copy forwarded to: -

1. Accountant General, NWFP, Peshawar.
2. P.S to Secretary, Administration Department.
3. P.A to Deputy Secretary (Admn), Administration Department.
4. Section Officer (Admn), Administration Department.
5. Mr. Fahad Ali Shah S/O Afsar Ali Shah, R/O of Dagai, PO Tehsil & District Mardan.
6. P/File.

  
DEPUTY SECRETARY (ADMN)  
ADMINISTRATION DEPARTMENT





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

No. E&A(AD) 2012  
Dated Peshawar the 30-04-2014

To,

Mr. Arshad Khan,  
Deputy Secretary,  
Inter-Provincial Coordination Department.

Subject:

**DISCIPLINARY PROCEEDINGS AGAINST MR. FAHAD  
ALI SHAH, DRIVER**

Dear Sir,

I am directed to forward 'charge-sheet' and 'statement of allegations' duly signed and to communicate that the Competent Authority has nominated you as Inquiry Officer to conduct inquiry into the case of Mr. Fahad Ali Shah, Driver, IPC Department and to submit report to this Department within 25-days positively please.

Yours faithfully

(MAQBOOL HUSSAIN)  
SECTION OFFICER (ADMN)

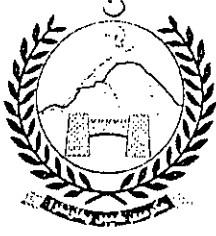
Encls : As above

Endst of even No & date

Copy forwarded for information to:-

- (1) Section Officer (G) Inter Provincial Cord Department w/r to hi letter NO. SO(G)/IPCD/1-160/2010 dated 11-04-2014.
- (2) Mr. Fahad Ali Shah, Driver, IPC Department. He is directed to appear before the inquiry officer as and when required.

SECTION OFFICER (ADMN)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
INTER PROVINCIAL COORDINATION  
DEPARTMENT

Mian Rashid Hussain  
Shaheed Memorial Block,  
Civil Secretariat, Peshawar  
Phone No. 091-9212733  
Fax No. 091-9212733

NO. SO(G)/IPCD/1-160/2013/  
Dated Peshawar tho. 13.05.2014

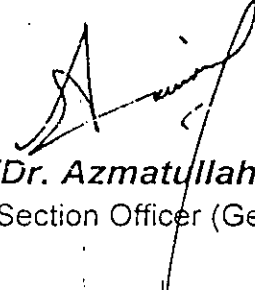
2508

To

Mr. Fahad Ali Shah,  
Driver, IPC Department.

Subject: CHARGE SHEET/ STATEMENT OF ALLEGATIONS.

I am directed to refer to the subject noted above and to enclose herewith a copy of Charge Sheet alongwith statement of allegations and to ask you to appear before the Inquiry committee in the office of Deputy Secretary (Admn), Inter Provincial Coordination Department on 14.05.2014 at 3.00 pm.

  
(Dr. Azmatullah Wazir)  
Section Officer (General)

Copy to PS to Secretary IPC Department

Section Officer (General)

*Appear before the  
Inquiry officer dated  
15/5/14 at 3 pm -  
B. D. D.*

*Present  
Dr*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

CHARGE SHEET

I, Syed Zafar Ali Shah, Secretary to Govt; of Khyber Pakhtunkhwa, Administration Department, as competent authority, hereby charge you, Mr. Fahad Ali Shah, Driver (BPS-04), as follow:

That you, while posted as Driver in the Inter-Provincial Coordination Department committed the following irregularities:

- (a). You are non-punctual in observance of duty-timings.
- (b). You are incompetent in performance of duties assigned; and
- (c). You are habitual to remain absent from duty.

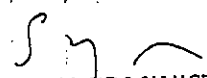
2. By reason of the above, you appear to be guilty of inefficiency under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules *ibid*.

3. You are, therefore, required to submit your written defence within seven days of the receipt of his Charge Sheet to the inquiry officer/inquiry committee, as the case may be.

4. Your written defence, if any, should reach the inquiry officer/inquiry committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case *ex-parte* action shall be taken against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

  
SECRETARY ADMINISTRATION

Mr. Fahad Ali Shah, Driver,  
Inter-Provincial Coordination Department

UN NO: E&A(AD)PF/2(382) 2012

DATED: 30-04-2014



19



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

DISCIPLINARY ACTION

I, Syed Zafar Ali Shah, Secretary to Govt; of Khyber Pakhtunkhwa, Administration Department, as competent authority, am of the opinion that Mr. Fahad Ali Shah, Driver (BPS-04), has rendered himself liable to be proceeded against, as he committed the following acts / omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 :

STATEMENT OF ALLEGATIONS:


- i. He is non-punctual in observance of duty-timings.
- ii. He is incompetent in performance of duties assigned; and
- iii. He is habitual to remain absent from duty.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/inquiry committee, consisting of the following, is constituted under rule 10(1)(a) of the ibid rules:

- i. Arshad Khan DS GPC
- ii. \_\_\_\_\_

3. The inquiry officer/ inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, record its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the official.

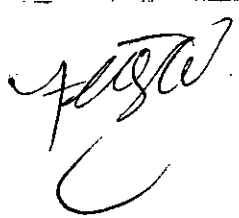
4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer /inquiry committee.

  
SECRETARY ADMINISTRATION

Mr. Fahad Ali Shah, Driver,  
Inter-Provincial Coordination Department

UN NO: E&A(AD)PF/ 2 (382) 2012

DATED: 30-04-2014



To

The Deputy Secretary (Admn)  
Inter Provincial coordination Department.

Subject:- CHARGE SHEET / STATEMENT OF ALLEGATIONS.

Dear Sir,

Kindly refer to inter Provincial Coordination Department letter No. SO(G)/IPCD/1-160/2013/2906-WE dated 13.05.2014 through I was served with Charge Sheet vide letter No. E&A(AD)2(382) dated 30.4.2014.

2. Para-wise reply of the Charge Sheet is as under:-

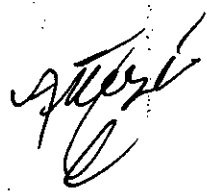
- I. Sir I belonged to Mardan and daily I have to travel to Mardan. However, I have tried to reach my office by 8:30 daily. Hence the charge does not carry weight.
- II. Sir, I have been performing my duties with the Additional Secretary, (Mussa Wazir) and now Deputy Secretary (CCI). My performance of duty as driver can be verified by both the officers and if need a certificate to this effect can be obtained from both the above mentioned officers.
- III. Sir, sometimes due to unavoidable circumstance I have availed leave. However I will be careful in future while availing any sort of leave.

3. In the end I pray that may kindly be condoned off the charges. Yet I assure that I will take great care in future.

4. It is requested that the charge sheet may very kindly be withdrawn to save me from mental agony.

Your obediently,

(Fahad Aii Shah)  
Driver, IPC Deptt:



(13)

APR 15 2012 D  
25

Subject:- ENQUIRY REPORT.

As per direction, enquiry was conducted into the allegations leveled against Mr. Fahad Ali Shah Driver IPCD. Both the accused and the departmental representative were asked to attend the office of the undersigned in connection with the enquiry. The allegations were explained to the accused.

The departmental representative produced all the documentary evidence. As per record, the accused remained absent from duties on 17.09.2012 without any approval of Competent Authority. He was served with explanation vide F/A.

Again on 19.11.2012 he was absent. He was served explanation vide F/B. He did not even bother to respond to explain his position. On 15 January to 17 January 2013 he again remained absent. He was served with explanation but to no avail. F/C

On 20.01.2014 he was served with explanation to explain his position for remaining absent for a week F/D but he failed to reply. On 28.01.2014 he again remained absent F/E

On 04.02.2014 he was served with advice to reform himself and focus on his duties, but the same also fell on deaf ears.

On 12 Feb to 14 Feb, 2014 he was absent F/F and explanation was served upon him. On the face of explanation he committed that afterwards he will be punctual in his duties and would not repeat the mistakes. On 26.02.2014 as usual he was absent from his duties. He was issued warning which also fell on deaf ears.

The accused was given ample opportunity to defend himself. He could not present his written defence within the stipulated period. Anyhow, he was given ample opportunity to defend himself through personal hearing but he failed to defend himself against the allegations. His written statement is available vide F/G

From the perusal of the record produced by the departmental representative it has been proved that the allegations leveled against the accused are true.

Report is submitted for further necessary action please.

*ARSHAD ALI*  
(ARSHAD ALI)

Deputy Secretary (Admn)/ Enquiry Officer  
IFC Department.

*Arshad Ali*





14

GRAVED: E

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

SHOW CAUSE NOTICE

I, Ahmad Hanif Orakzai, Secretary to Govt. of Khyber Pakhtunkhwa, Administration Department, as competent authority, under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Fahad Ali Shah, Driver, as follows:

- 1 (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer /inquiry committee for which you were given full opportunity of hearing; and
- (ii) on going through the findings and recommendations of the inquiry officer/inquiry committee, the material on record and other connected papers including your defence before the inquiry officer/ inquiry committee,

I am satisfied that you have committed acts/omissions specified in rule 3 of the said rules.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from service under rule 4 of the said rules.

3. You are, thereof, 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 fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5. A copy of the findings of the inquiry officer /inquiry committee is enclosed.

SECRETARY ADMINISTRATION  
28.8.14

Mr. Fahad Ali Shah, Driver  
Inter-Provincial Cord Department.

UN NO:E&A(AD)02(382)2012

DATED: 08-2014

Received  
28/08/14

Attest  
[Signature]

To

The Secretary to Government of Khyber Pakhtunkhwa,  
Administration Department.

Subject: Show Cause Notice

Respected Sir,

With great regard it is stated that refer to your Show Cause Notice vide No. E&A(AD)02(382)2012 dated 28-8-2014, I hereby submit the following points in my defense:-

1. That I did my duties always according to the rules/regulations.
2. That I had given reply to my Inquiry Officer that I performed duty with Mr. Musa Wazir, Additional Secretary IPC, and now Mr. Muallim Jan, Deputy Secretary (CCI) whom could be asked about my performance.
3. That If required, I can bring their opinions about my duty in written.
4. That Mr. Arshid Ali, Deputy Secretary (Admn), Inquiry Officer, has personal grudges with me without any reason.
5. That Mr. Arshid Ali, Deputy Secretary (Admn) the Inquiry Officer was also complainant against me which is against the norms or natural justice.
6. That all the explanations called were dramatized against me to make the case strong.
7. That I am the only one driver in the department who are performing official duty everywhere in the country in all circumstances.
8. That I sometime sideline my personal affairs to perform my duty according to the order of my officers.

Keeping in view the explained facts, your good self is requested that justice should be done in the matter for the sake of Almighty Allah.

Yours Obediently

Fahad Ali Shah,  
Driver, IPC Department.

*Fahad Ali Shah*

(16)

MAQBOOL HUSSAIN

GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

Dated: 27-10-2014

ORDER.

No.E&A(AD)01(847)2004. WHEREAS, Mr. Fahad Ali Shah, Driver (BPS-04), Inter-Provincial Coordination Department was proceeded against under the under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for the charges mentioned in his Charge Sheet and Statement Allegations dated 30-08-2014.

AND WHEREAS, Mr. Arshad Ali, Deputy Secretary, Inter-Provincial Coordination Department was appointed as Inquiry Officer by the Competent Authority to conduct enquiry against the accused Official.

AND WHEREAS, the Inquiry Officer after having examined the charges, evidence on record and explanation of the accused officer, submitted report.

AND WHEREAS, a Show-cause notice was served on the accused official and he was personally heard.

NOW THEREFORE, I, the Competent Authority, after having considered the charges, evidence on record and exercising the powers under the rules ibid, have decided to impose on Mr. Fahad Ali Shah, Driver, the proposed penalty of 'removal from service' with immediate effect.

SECRETARY ADMINISTRATION

List of even No & date.

Copy forwarded to the

- Accountant General, Khyber Pakhtunkhwa
- Section Officer (Admn./ General), Inter-Provincial Coordination Department
- Official concerned
- Personal File

(MAQBOOL HUSSAIN)  
SECTION OFFICER (ADMN)

Accepted  
D

(17)

ATTACHED 2 H

To

The Secretary to Govt: of Khyber Pakhtunkhwa,  
Administration Department.

Subject:- APPEAL

Dear Sir,

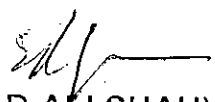
Respectfully it is stated that I was removed from service vide order, bearing No. E&A(AD)01(847)/2004, dated 27.10.2014, I have the following few points to submit:-

- I. Sir throughout my service I have been performing my duties according to entire satisfaction of my superior officer.
- II. That in the period I was shown absent, my mother was seriously ill and I was looking after her because there was no one to look after her. After her treatment in hospital where in she was cured I join my duties again in IPC Deptt: and performed my duties efficiently. I performed duties with Secretary, Additional Secretary and Deputy Secretary (CCI) and they are satisfied from my duties. But it was my fault that I could not perform my duties during the period in which my mother was ill and her treatment was continued in the hospital and did not get prior approval from the competent authority.

I assure your kind office that in future I will be much careful in discharging my duties with zeal and commitment.

In the end, I pray that the penalty of removal from service may be set aside and be reinstated in service with all my back benefits.

Yours faithfully,



(FAHAD ALI SHAH)

Ex-Driver,  
Inter Provincial Coordination  
Department.

Dated \_\_\_\_\_/11/2014.



(18)

Approved:- I

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Establishment Department.

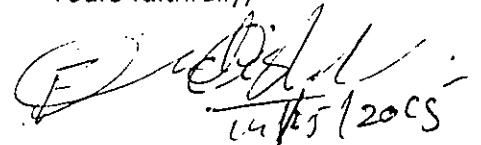
Subject: **APPLICATION FOR PROVISION OF REJECTION LETTER.**

Dear Sir,

Respectfully it is submitted that my services has been terminated by the E&A Department and an appeal was submitted for restoration of my services but instead the Department hesitate to provide a copy of rejection letter against my appeal despite lapse of more than 3-months.

It is therefore requested that a photo copy of rejection letter or what ever may be, must be provided to proceed further into the matter please.

Yours faithfully,



( Fahad Ali Shah )  
Ex-Driver, IPCD.

*Fahad*  
*be*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

No. E&A(AD)02(382)2012  
Dated Peshawar the 16-04-2015


To,

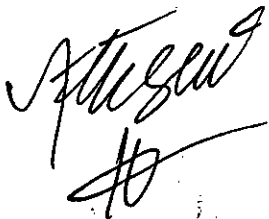
Mr. Fahad Ali Shah (ex-Driver)  
S/O Afsar Ali Shah  
R/O Mohallah Miangan Dagai, PO Tehsil & District Mardan

Subject:

**APPEAL.**

I am directed to refer to your departmental-appeal for re-instatement in service dated 06-11-2014 on the subject noted above and to inform that after perusal of your case the Appellate Authority has regretted your appeal.

  
(YASIR HASSAN)  
SECTION OFFICER (ADMN)





GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(HRD WING)

APPROVED: 12  
20

No. SO (HRD-II)/ED/1-10/2014 (RTI)/Fahad Ali Shah  
Dated Peshawar the 9<sup>th</sup> June, 2015

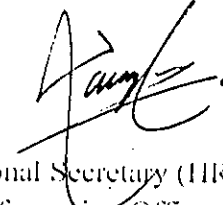
To,

Mr. Fahad Ali Shah (Ex-Driver),  
S/o Afsar Ali Shah, R/o Moh: Miangan Dagai,  
P/o & Tehsil & District Mardan.

Subject: - APPLICATION FOR REJECTION AGAINST MY APPEAL UNDER RTI  
ACT, 2013.

Kindly refer to your application dated 27<sup>th</sup> May, 2015 on the subject cited above  
and to enclose herewith the requisite information as requested under **Right to Information Act  
2013.**

Encls: As above.

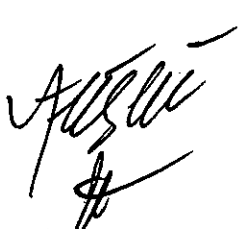
  
Additional Secretary (HRD) /  
Public Information Officer (P.I.O.)

Endst: No & date even.

Copy forwarded to:-

1. The Chief Information Commissioner, Government of Khyber Pakhtunkhwa, Right to Information Commission, 7<sup>th</sup> Floor, Tasneem Plaza, Near Benevolent Fund Building, 6<sup>th</sup> Saddar Road, Peshawar w/r to his letter No. RTIC/AR/R-28/15 dated 11<sup>th</sup> May, 2015 for information.
2. PA to Additional Secretary (HRD) / Public Information Officer (P.I.O), Establishment & Administration Department.

(MUHAMMAD ALI KHAN)  
SECTION OFFICER (HRD-II)





GOVERNMENT OF KHYBER PAKHTUNKHWA  
ADMINISTRATION DEPARTMENT

21

No. E&A (AD)02(382)2012  
Dated Peshawar the 03-06-2015

To,

The Section Officer (HRD-II),  
Establishment Department.

Subject:

APPLICATION FOR REJECTION AGAINST MY APPEAL UNDER RTI  
ACT, 2013.

I am directed to refer to your letter No SO(HRD-II)/ED/1-10/2014(RTI)  
Fahad Ali Shah dated 29-05-2015 on the subject noted above and to enclose herewith the  
requisite document / information as desired please.

Encls; Letter No.02(382)2012 dated  
16-04-2015 (Page. 79/C)

*(Signature)*  
(YASIR HASSAN)  
SECTION OFFICER (ADMN)

*Page 16*

*RASH:*

*(Signature)*



POWER OF ATTORNEY

In the Court of KPK Service Tribunal Peshawar.  
Fahad Ali Shah.

} For  
} Plaintiff  
} Appellant  
} Petitioner  
} Complainant

VERSUS

Court of Wazir Sultan Khan  
Peshawar, and others

} Defendant  
} Respondent  
} Accused

Appeal/Revision/Suit/Application/Petition/Case No. \_\_\_\_\_ of \_\_\_\_\_  
Fixed for \_\_\_\_\_

I/We, the undersigned, do hereby nominate and appoint

**IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN**

and Sajid Amir Advocate my true and lawful attorney, for me in my same and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs proceeded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at \_\_\_\_\_  
the \_\_\_\_\_ day to \_\_\_\_\_ the year \_\_\_\_\_

Executant/Executants \_\_\_\_\_  
Accepted subject to the terms regarding fee \_\_\_\_\_

*Accepted*

*Sajid Amir  
Advocate, Peshawar*

**Ijaz Anwar**

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT  
FR-3 & 4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt  
Ph.091-5272154 Mobile-0332-010722

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

SERVICE APPEAL NO; 676/2015

Mr. Fahad Ali Shah..... (Appellant)

**Versus**

1. Government of Khyber Pakhtunkhwa through Chief Secretary Secretariat, Peshawar
2. Secretary to Government of Khyber Pakhtunkhwa, Administration Department, Peshawar
3. Secretary to Government of Khyber Pakhtunkhwa, Inter Provincial Coordination Department, Peshawar

..... (Respondents)

JOINT PARAWISE COMMENTS  
FOR / ON BEHALF OF THE RESPONDENTS

Respectfully Sheweth,

PRELIMINARY OBJECTIONS.

- 1) The appellant has got no cause of action and locus staudi.
- 2) The appeal is not maintainable in the present form. As such this Honorable Tribunal has no jurisdiction to entertain the instant appeal.
- 3) The appeal is not based on facts.
- 4) The appellant has not come to the Tribunal with clean hands.
- 5) The appeal is bad for non-joinder of necessary parties.
- 6) The appellant has concealed material facts from this Honorable Tribunal
- 7) The instant appeal is time barred.
- 8) That the appellant is estopped by his own conduct.

**RESPECTFULLY SUBMITTED:**

1. Pertains to record, needs no comments.
2. **Incorrect as laid.** There were available abundant complaints regarding his duty and performance (**Annex-I**)
3. **Incorrect as laid.** The allegations against the appellant communicated vide charge-sheet & statement-of-allegations dated 30-04-2015 were not baseless. The same were framed against the appellant after perusal of his whole record.
4. Correct.
5. **Incorrect as laid.** A proper and full fledged inquiry was conducted against the appellant in line with Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The appellant was afforded full opportunity to defend himself.
6. **Correct.** It was required under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.
7. **Incorrect as laid.** After having considered the charges, evidence on record, the explanation of the accused official and exercising powers under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority found it fit to confirm the major penalty of "Removal-from-service" upon the appellant.
8. **Incorrect as laid.** The departmental-appeal of the appellant was duly processed. The appellate authority rejected his appeal on 22-03-2015. The appellant was accordingly informed on 16-04-2015.
9. **Incorrect as laid.** The impugned order is legal & lawful in all respects.

**GROUNDS OF DEPARTMENTAL APPEAL:**

- A:- **Incorrect as laid.** The appellant was duly treated in accordance with law. None of his rights under the law were violated.
- B-C:- **Incorrect as laid.** A proper and full-fledged inquiry was conducted against the appellant in line with Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. The appellant was afforded full opportunity to defend himself. He could not defend himself.

E:- Incorrect as laid. The charges leveled against the appellant were proved by the inquiry officer as sufficient material was available to him.

F:- Incorrect as laid. The charges framed against the appellant were based on materials available in his file which sufficiently prove that he was incompetent and unpunctual in performance of his duties. Therefore, the charges were founded.

It is humbly prayed that appeal being devoid of merit may kindly be dismissed with cost.

*Asmat*

RESPONDENT NO 3

*[Signature]*  
RESPONDENT NO 1 & 2

**BEFORE THE KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL PESHAWAR**

In the matter of  
Appeal No. 676/2015

Fahad Ali Shah, Ex-Driver (BPS-4), inter Provincial Co-ordination Department, Peshawar

*(Appellant)*

**VERSUS**

Government of Khyber Pakhtukhwa through Chief Secretary  
Khyber Pakhtukhwa Peshawar & others.

*(Respondents)*

**REJOINDER TO THE PARA WISE REPLY ON**  
**BEHALF OF THE APPELLANT**

Respectfully submitted:

The appellant submits his rejoinder as under:

**ON PRELIMINARY OBJECTIONS:**

1. Contents incorrect and misleading, the appellant has illegally been awarded the penalty of removal from service, hence he has got the necessary cause of action and locus standi to file the instant appeal.
2. Contents incorrect and misleading, the appeal being filed well in accordance with the prescribed rule and procedure hence maintainable in its present form and also in the present circumstances of the case. Moreover this Honorable Tribunal has the jurisdiction to entertain the appeal.
3. Contents incorrect and misleading, the instant appeal is based fully on facts.
4. Contents incorrect and misleading, the appellant has come to the tribunal with clean hands.
5. Incorrect and misleading, all necessary parties are arrayed in the appeal.

6. Contents incorrect and misleading, all facts necessary for the disposal of appeal are brought before this honorable court and nothing has been concealed.
7. Contents incorrect and misleading, the instant appeal is filed well within the prescribed period of limitation.
8. Contents incorrect and misleading, no rule of estoppel is applicable in the instant case.

### ON FACTS

1. Contents need no reply, however contents of Para-1 of the appeal are true and correct.
2. Contents of Para 2 of the appeal are correct, the reply submitted to the Para No. 2 is totally incorrect and misleading hence denied.
3. Contents of Para-4 of the appeal are correct, the reply submitted to the Para is incorrect, misleading hence denied.
4. Needs no reply.
5. Contents of Para-5 of the appeal are correct, the reply submitted to the Para is incorrect, misleading and without any proof.
6. Needs no reply being admitted.
7. Contents of Para-7 of the appeal are correct, the reply submitted to the Para is incorrect and misleading, hence denied.
8. Contents of Para-8 of the appeal are correct, the reply submitted to the Para is incorrect and misleading, hence denied.
9. Contents of Para-9 of the appeal are correct, the reply submitted to the Para is incorrect and misleading, hence denied.

### GROUNDS

The Grounds (A to F) taken in the memo of appeal are legal and will be substantiated at the time of arguments.

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

*Fahad Ali Shah*  
Appellant

Through

*Ijaz Anwar*  
**IJAZ ANWAR**  
Advocate, Peshawar.

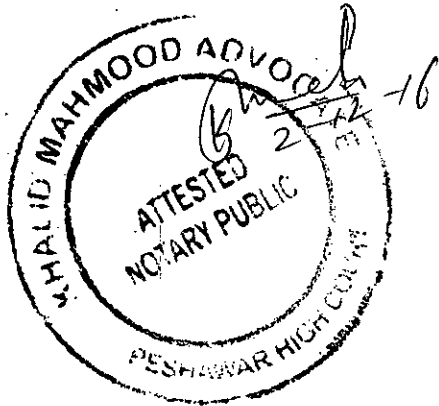
&

*Yasir Saleem*  
**YASIR SALEEM**  
Advocate, Peshawar.

**AFFIDAVIT**

I, **Fahad Ali Shah, Ex-Driver (BPS-4), inter Provincial Co-ordination Department, Peshawar**, do hereby solemnly affirm and declare on oath that the contents of the above rejoinder as well as titled appeal are true and correct and nothing has been kept back or concealed from this Honourable Tribunal.

*Fahad Ali Shah*  
Deponent



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No 262/ST

Dated 06 /02/2018


To

The Secretary, Administration Department,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: **JUDGEMENT/ORDER IN APPEAL NO. 676/2015 MR. FAHAD ALI  
SHAH.**

I am directed to forward herewith a certified copy of Judgment/Order dated 12/01/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.