

30.06.2017

Counsel for the appellant present. Mr. Muhammad Adeel Butt  
Additional AG for the respondents also present. Learned counsel for the  
appellant requested for adjournment. Adjourned. To come up for  
arguments on 22.09.2017 before D.B.

(Gul Zeb Khan)  
Member

(Muhammad Amin Khan Kundi)  
Member

25/09/2017

Since 07.11.09.2017 has been declared as a public holiday on  
account of first Muharram. Therefore cases adjourned to 22.12.2017 for the  
same.

READER

22.12.2017

Appellant present in person and seeks adjournment.  
Mr. Mr. Muhammad Riaz, Asstt. AG for the respondents  
present. To come up for arguments on 08.01.2018 before  
the D.B.

Member

Chairman

18.01.2018

Learned counsel for the appellant present. Mr.  
Zia Ullah, Learned Deputy District Attorney for the respondents  
present. Vide our separate judgment of today of this Tribunal placed on  
file the present service appeal is accepted, the appellant is reinstated in  
service. However the department is at liberty to hold denovo  
proceedings against the appellant, and the issue of back benefits shall  
be subject to the final outcome of the denovo proceedings. In case  
denovo proceedings are not conducted, the absence period and the  
intervening period shall be treated as leave of the kind due. Parties are  
left to bear their own costs. File be consigned to the record room.

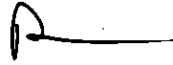
(Gul Zeb Khan)  
Member

(Muhammad Hamid Mughal)  
Member

329/2015

14.10.2016

Counsel for the appellant and Mr. Abdul Majid, Admin Officer alongwith Mr. Ziaullah, GP for respondents present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 3-2-17 before D.B.



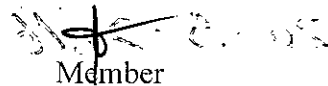
(ABDUL LATIF)  
MEMBER



(PIR BAKHSH SHAH)  
MEMBER

03.02.2017

Counsel for the appellant and Abdul Majid, Admin Officer alongwith Mr. Ziaullah, GP for respondents present. Counsel for the appellant requested for adjournment. To come up for final hearing on 20.03.2017 before D.B.

  
Member  
Chairman

20.03.2017

Counsel for the appellant and Mr. Ziaullah, GP alongwith Mr. Abdul Majid, Admin Officer for respondents present. Arguments could not be heard due to incomplete bench. To come up for arguments on 30.06.2017 before D.B.

  
(AHMAD HASSAN)  
MEMBER

5

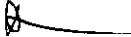
03.09.2015

Counsel for the appellant and Mr. Abdul Majid, A.O alongwith Addl: A.G for respondents present. Para-wise comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 21.12.2015.

  
Chairman

21.12.2015


Counsel for the appellant and Mr. Abdul Majid, Administrative Officer alongwith Mr. Ziaullah GP for respondents present. Counsel for the appellant requested for time to submit rejoinder. To come up for rejoinder on 20.5.2016.

  
Member

  
Member

20.5.2016

Counsel for the appellant and Assistant AG for respondents present. Counsel for the appellant stated he does not want to submit rejoinder and appeal may be fixed for arguments to come up for arguments on 14.10.2016.

  
Member

  
Member

3

29.04.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as Naib Qasid in C&W Department when dismissed from service vide impugned order dated 24.9.2014 communicated on 21.11.2014 on the ground of willful absence from duty. That the appellant preferred departmental representation against the said order on 5.12.2014 which was not responded and hence the instant service appeal on 6.4.2015.

That the absence of the appellant was not willful as he was constrained to apply for leave and abstained himself from duty due to life threat and that the inquiry was not conducted in the prescribed manners.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for 27.7.2015 before S.B.

Appellant Deposited  
Security & Process Fee



  
Chairman

4

27.07.2015



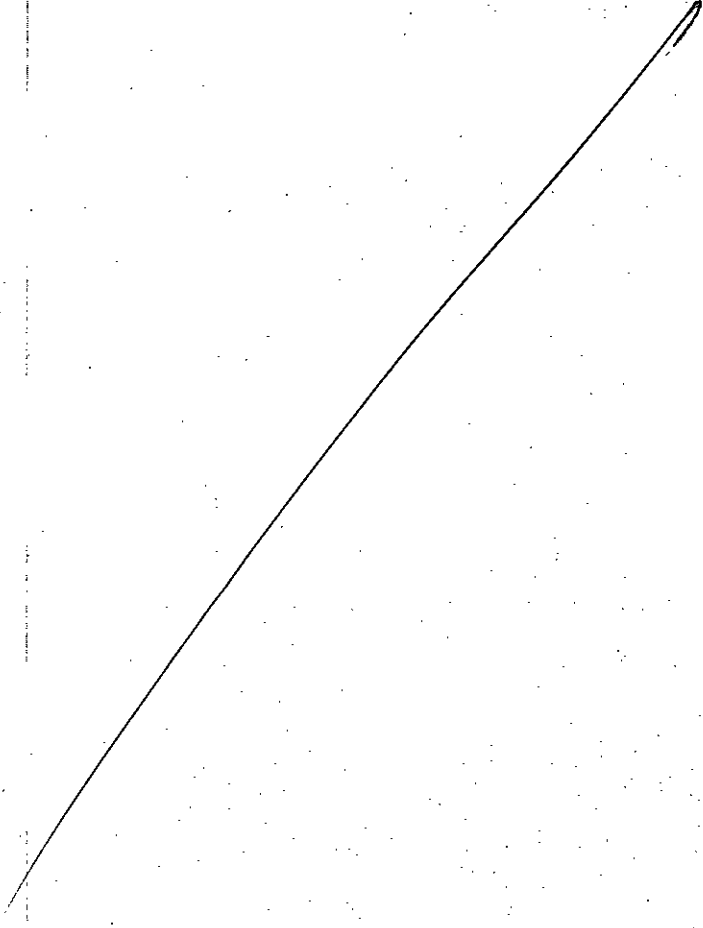
Appellant in person and Mr. Abdul Majid, AO alongwith Addl: A.G for respondents present. Requested for adjournment. To come up for written reply/comments on 3.9.2015 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No. 329/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	16.04.2015	<p>The appeal of Mr. Saif-ur-Rehman resubmitted today by Mr. Muhammad Zafar Tahirkheli 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	22-4-15	<p>This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>29-4-15</u></p> <p style="text-align: right;"> CHAIRMAN</p> 

The appeal of Mr. Saif-ur-Rehman Naib Qasid C&W Department Peshawar received to-day i.e. on 06.04.2015 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days. -

- 1- Annexure-A of the appeal is illegible which may be replaced by legible/better one.
- 2- One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 457/S.T,

Dt. 7/4/2015

*60*  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Muhammad Zafar Tahirkheli Adv. Pesh.

*Duty completed & resubmitted.*

*13-4-15*

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

Service Appeal No. 329/2015

Saif Ur Rehman

**V**ERSUS

Govt of Khyber Pakhtunkhwa etc.


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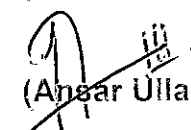
**I N D E X**

=====

S.No	Particulars	Annexure	Dates	Pages
1	Memo of Petition			1-3
2	Impugned Order	"A"	24-09-2014	4
3	Appointment order	"B"	01-11-2010	5
3	Application for leave	"C"	24-07-2014	6
4	Departmental representation	"D"	05-12-2014	7-8
5	Police Inquiry Report	"E"	02-03-2015	9-12
6	Letter	"F"	29-12-2014	13
7	Vakalatnama			14

Date:- 1<sup>st</sup> April 2015

  
(Muhammad Zafar Tahirkheli)  
Advocate;  
High Court Peshawar

  
(Ansar Ullah Khan)  
Advocate

BEFORE THE SERVICE TRIBUNAL, KHYBER PUKHTOONKHWA  
PESHAWAR

Service Appeal No. 329 /2015

Saif Ur Rehman,  
Naib Qasid (BPS-01),  
Communication & Works Department (North),  
Peshawar.

**H.W.F. Previous  
Service Tribunal**

Diary No. 307  
dated 06-4-2015

..... Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa, through  
Secretary Communication & Works Department, Peshawar
2. Chief Engineer (North), Communication & Works Department, Peshawar
3. Administrative Officer (North), Communication & Works Department, Peshawar

..... Respondents

=====

**SERVICE APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT, 1974, AGAINST THE  
APPELLANT'S DISMISSAL FROM HIS SERVICE VIDE ORDER DATED 24-09-2014  
(Annex-A),**

=====

**"Prayer"**

- (a) By accepting this appeal and setting aside the impugned dismissal order dated 24-09-2014, communicated / received on 21-11-2014, and
- (b) directing the respondent department to re-instate the appellant in service with all the benefits of continuous service.

=====  
**Respectfully Sheweth,**

1. The appellant was initially appointed as Naib Qasid (BPS-01) on 01-11-2010 and has been serving the department honestly and diligently to the utmost satisfaction of his superiors. (Copies annexed "B")

That the appellant while serving at the office of Chief Engineer North C&W Peshawar, applied for a leave w.e.f 24-07-2014 to 20-11-2014 vide application dated 23-07-2014, received vide diary No. 19 dated 01-08-2014. (Copies annexed "C")

3. That the appellant was verbally ensured by the respondent department that his leave has been sanctioned and has been duly sanctioned by the Administrative Officer C&W North.

4. That the appellant submitted his arrival at his office on 21-11-2014 i.e on completion of his leave period. He was however shocked to receive impugned order dated 29-11-2014, whereby he was dismissed from service w.e.f 24-07-2014, without any prior notice or initiation of any disciplinary / departmental proceedings against him.

**Registered**

re-submitted to-day  
and filed;

*[Handwritten signature]*  
8/7/15



- 2
5. The appellant preferred a representation dated 05-12-2014, received via diary No. 22592 dated 05-12-2014, before the competent authority, which was however not decided till the lapse of statutory period of limitation. (Copies annexed "D")

Feeling aggrieved and finding no other remedy, the appellant has been constrained to approach the Hon'ble Services Tribunal for the redress of his grievance, inter-alia on the following:

### Grounds

- (a) The respondent department has acted in a most arbitrary manner while dismissing the appellant from service, in spite of his written request and ensuring the sanction of the leave so requested, by the respondent department.
- (b) The appellant was dismissed from service on two counts, i.e. (i) Misconduct & Misappropriation of public money amounting to Rs. 207757/- and (ii) Willful absence from duty w.e.f 24-07-2014.
- (c) That the appellant due to domestic dispute and serious threat to his life and lives of his family members, have to leave the locality in urgency, while duly submitting an application for the grant of leave w.e.f 24-07-2014 to 20-11-2014, before the competent authority.

The appellant left the office premises after being fully ensured about the acceptance of his leave application.

- (d) That the appellant submitted / deposited / handed over the amount of Rs. 207757/- to Mr. Daulat Khan, Cashier at the officer of C&W North.

No financial loss was inflicted or incurred upon the worthy department. The entire amount was duly deposited in a proper and secure manner with the official concern, within the shortest possible period.

- (e) That no proper inquiry proceedings were carried out in accordance with the law against the appellant. The impugned order has been passed in haste, while ignoring the material facts on record. The appellant was condemned unheard, being denied of his legitimate right to be heard in person.
- (f) That on appellant's departmental appeal, proper report from the local police was acquired by the respondent department. The District Police Officer, Laki Marwat vide letter No. 2896 dated 2-03-2015 confirmed that the appellant had domestic dispute with one Sultan Ayaz s/o Sultan Ahmad r/o Chuwar Khel, Laki Marwat. The zimni reports were also annexed thereto. (Copies annexed "E")

The Chief Engineer vide letter No. 209/25-E dated 29-12-2014, addressed to the Secretary C&W Department, recommended the case of the appellant to be accepted favourably. However no action was taken within the statutory period of limitation. (Copies annexed "F")

- (g) The impugned order dated 24-09-2014 has been passed in most arbitrary manner, while ignoring the leave application of the appellant and the fact that the amount in question was duly deposited by the appellant with the Cashier at C&W office North Peshawar.
- (h) That whole proceedings have been carried out against the laid down procedure, whereby the appellant was condemned for no fault or proof of any misconduct, commission of any offence or incurring loss to the department.
- (h) The impugned order is thus arbitrary, discriminatory, against the principles of equity, justice, law and proprietary, subject to cancellation by this Hon'ble Tribunal.

Appellant seeks permission to take several other grounds at the time of arguments.

In view of the above, it is most humbly requested that by accepting this appeal the impugned dismissal order dated 24-09-2014, communicated on 21-11-2014, may kindly be set aside and the respondent department may be directed to re-instate the appellant in service, with all the benefits of continuous service.

Any other relief deemed appropriate may also be granted

سید الرحمن

Appellant,

Through,

Peshawar, dated  
01, April-2015

(Muhammad Zafar Tahirkheli)  
Advocate

(Ansar Ullah Khan)  
Advocate

**Affidavit**

I, the appellant, do hereby stat on Oath that the contents of the above appeal are true and correct and nothing has been concealed or withheld from this Hon'ble Tribunal.



سید الرحمن  
DEPONENT



4  
**CHIEF ENGINEER (NORTH) Annex**  
**COMMUNICATION & WORKS DEPARTMENT**  
**GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR**

No. 290/25-E

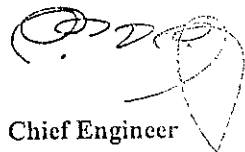
Dated 22/09/2014

1. **WHEREAS, MR. SAIF UR REHMAN** Naib Qaid (BPS <sup>01</sup> ~~02~~) of the O/o the Chief Engineer (North), C&W Department was proceeded against under the Khyber Pakhtunkhwa, Civil Servant (Efficiency & Discipline), Rule 2011, on account of his misconduct & mis appropriation of Public Money amounting to Rs.207757/- And wilful absence from duty w.e.f 24-07-2014 ( the date after encashment of salaries of staff scheduled for payment by 26<sup>th</sup> August 2014 before Eidul Fittar.
2. **AND WHEREAS**, the absentia notices were issued to him on his given home address, asking to resume duty immediately, but he did not turned up.
3. **AND WHEREAS**, a show cause notice of his willful absence was published in the two leading News Papers i.e, Mashriq and Ajj, both dated 11/9/2014, wherein he was asked to resume duty within 15 days of the publication of said notice but he failed to do so.
4. **AND WHEREAS** the undersigned ( competent authority ) after having considered the charge, evidence on record and exercising powers under Section 4(b)(iv) of the Khyber Pakhtunkhwa Civil Servant ( Efficiency & Discipline), Rules,2011 has been pleased, to impose Major penalty of "Dismissal from Service" upon MR, Saif Ur Rehman Naib Qasid (BPS -01) of this office with effected from 24-07-2014 i.e the date of his absence.

(Engr. Muhammad Ijaz Yousaf Zai)  
Chief Engineer

Copy to :-

- 1- The Accountant General Khyber Pakhtunkhwa Peshawar ( attention AAO/ Pay Roll-07.
- 2- The Chief Engineer ( Centre) / Chief Engineer ( C D O) / Chief Engineer EQAA C&W Departments Khyber Pakhtunkhwa.
- 3- The Chief Engineer (FATA) W&S Department Khyber Pakhtunkhwa Peshawar.
- 4- The M D PKHA Khyber Pakhtunkhwa Peshawar.
- 5- The Section Officer ( Estt) C&W Department Khyber Pakhtunkhwa Peshawar.
- 6- The Director Information Department Khyber Pakhtunkhwa Peshawar, for publication in print media.
- 7- Mr, Saif Ur Rehman S/o Mir Abbas Khan R/o Yano Khel Samandar Titar khel Post office Mewa Mansor District Laki Marwat .

  
Chief Engineer

*Attached to  
be done  
clt*



5

'B'

COMMUNICATION & WORKS DEPARTMENT (NORTH WING)  
KHYBER PAKHTUNKHWA PESHAWAR

Block-C 3<sup>rd</sup> Floor, Attached Department Complex Khyber Road Peshawar



091-9210456 FAX 091-9210478

No. 89 / 25-E

Dated 01/11/2010



OFFER OF APPOINTMENT

The Competent Authority is pleased to offer a post of Naib Qasid (BPS-01) to Mr. Saif-ur-Rehman S/O Meer Abas, Resident of Janc Khel, Samandar Titer Khel, PO Masha Mansoor District Lakki Marwat on the following terms and conditions:-

- 1- He will get pay at the minimum of BPS-01 (Rs. 2970-90-5670) including usual allowances as admissible under the rules. He will also be entitled to the annual increments as per existing policy.
- 2- He shall be governed by the Khyber Pakhtunkhwa Civil Servants Act 1973 and all the laws applicable to the Civil Servants and Rules made there under.
- 3- He shall, all intents and purposes, be a "Civil Servant" except for the purpose of pension or gratuity, in lieu of pension and gratuity, he shall be entitled to receive such amount contributed by him towards Contributory Provident Fund (C.P.F) alongwith the contributions made by Govt. to his account in the said fund, in the prescribed manner.
- 4- His employment in the C&W Department is purely temporary and his services are liable to be terminated without assigning any reason at fourteen (14) days notice or on the payment of 14-days salary in lieu of the notice. 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.
- 5- He shall, initially, be on probation for a period of two years extendable upto 3-years.
- 6- He shall produce a Medical Certificate of fitness from Medical Superintendent, DHQ Hospital District Peshawar before reporting himself for duty to the Chief Engineer (North) as required under the Rules.
- 7- He has to join duty at his own expenses. No TA/DA is allowed.
- 8- If he accepts the post on these conditions, he should report for duty to the Chief Engineer (North) within 14-days of the receipt of offer and produce original certificates in connection with his qualification, domicile and age etc.

(Engr. Usman Khan)  
Chief Engineer

Copy forwarded to:

- 1- The Accountant General, Khyber Pakhtunkhwa Peshawar.
- 2- Official concerned.

Chief Engineer

تاریخ خدمات عید (تاریخ) سے 11 دن قبل

~~August~~

معاون = درخواست امراء و افسران رخصت استثنائیہ

از 24/7 تا 20/11 2014

و خانگہ مصروفیات

حسابات

سائل حسب ذیل عمر میں رساں ہے

1 یہ سائل کسٹم ایڈ میں بطور نائب قاعدہ ملازم ہے

2 یہ سائل کو خانگہ تنازعہ و مصروفیات کی وجہ سے

رخصت استثنائیہ 120 دن از 24/7 تا 20/11 2014

کی قدر ضرورت ہے

یہاں استدعا ہے کہ سائل کو رخصت استثنائیہ

از 24/7 تا 20/11 2014 کے اوقات میں درج ذیل عارضین

23/7 2014 المرقوم

العارضین

سید ارمین

سید ارمین ولد سید عباس (نائب قاعدہ)

سید جلال حسین سید نذیر حسین ۴۰۰ ضلع سندھ

C.E. (North) C.S. W. Deptt.
Dairy No. 10
Date: 1/10/2014
Chas.
C.E. (N.)
S.E. (N.)
D.E. (R & B)
D.E. (Tech)
A.O.
B & A.O.
C.D.
Dairy

Stamp

Handwritten mark

To,

The Secretary,  
Communication & Works Department,  
Peshawar.

Diary No: 22592  
Date: 05.12.2014  
Secretary C&W Deptt:  
Khyber Pakhtunkhwa

**REPRESENTATION / DEPARTMENTAL APPEAL AGAINST THE  
ORDER DATED 24-09-2014, COMMUNICATED / RECEIVED ON  
21-11-2014**

Respectfully Sheweth,

Saif Ur Rehman s/o Mir Abbas Khan, Naib Qasid, (BPS-01))  
Communication & Works Department Peshawar, the appellant submits most  
respectfully the following for your kind consideration and favour of acceptance:-

1. The appellant was initially appointed as Naib Qasid on 01-11-2010 and has been serving the department honestly and diligently during the entire period of his service, to the utmost satisfaction of his superiors.
2. That the appellant while serving at office of Chief Engineer North, C & W Peshawar, the appellant applied for a leave w.e.f 24-07-2014 to 20-11-2014, vide his application dated 23-07-2014. The application was duly received by the department vide diary No. 19 dated 01-08-2014.
3. That the appellant was ensured that his leave has been sanctioned and was allowed to leave by the Administrative Officer C&W North.
4. That the appellant submitted his arrival at his office on 21-11-2014. He was shocked to receive order dated 24-09-2014, whereby he was dismissed from service w.e.f 24-07-2104, without any prior notice or initiation of any disciplinary proceedings against him.
5. That the appellant was dismissed from service on two counts i.e. (i) misconduct & misappropriation of public money amounting to Rupees 207757/- and (ii) willful absence from duty w.e.f 24-07-2014.
6. That the appellant due to a domestic dispute and a serious threat to his life and lives of his close family members, have to leave in urgency, while submitting an application before the competent authority. The appellant duly left the office premises after being ensured about the acceptance of his leave application.

TRUE COPY

7. The appellant submitted / deposited / handed over the amount of Rs. 207757/- to Mr. Daulat Khan, Cashier at the office of C&W North.

That, no financial loss was inflicted on the worthy department. The entire amount was duly deposited in a proper and secure manner with the official concerned, in the shortest possible period.

8. That no proper inquiry proceedings were carried out in accordance with the law against the appellant. The impugned order has been passed in haste, while ignoring the material facts on record. The appellant has been condemned unheard. He has also been denied of his legitimate right to be heard in person.

9. The impugned order dated 24-09-2014 has been passed in most arbitrary manner, while ignoring the leave application and the fact that the amount in question was duly deposited by the appellant.

10. The whole proceedings have been carried out against the laid down procedure, whereby the appellant has been condemned for no fault or proof of any commission of offence or loss on his part.

11. The impugned order is thus arbitrary, discriminatory, against the principles of equity, law, justice and propriety, subject to correction by the worthy appellate authority.

In view of the above, it is most humbly requested that by accepting this representation / appeal, the impugned dismissal order dated 24-09-2014 may be set aside and the appellant may be re-instated in service, with all the benefits of service due.

Date: 5<sup>th</sup> December, 2014

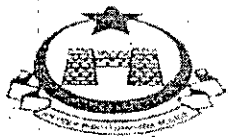
سيف الرحمن  
(Saif Ur Rehman)  
s/o Mir Abbas Khan,  
Naib Qasid (BPS-01)  
C&W North Peshawar.  
Cell No. 0345-9183981

TRUE COPY  
✓

1-16/5 F

S-2-D, AB, HC Misc.-1-2015

E



OFFICE OF THE  
DISTRICT POLICE OFFICER  
LAKKI MARWAT

Phone # 0999-31173 Fax # 0999-5118901 mail: dpol@kpk.gov.pk

No. 2896

Dated Lakki Marwat the 2-03-2015.

To: The Section Officer,  
Communication & Works Department,  
Khyber Pakhtunkhwa, Peshawar.

Subject: REPRESENTATION/DEPARTMENTAL APPEAL AGAINST THE  
ORDER DATED 24.09.2014 RECEIVED ON 21.11.2014.

Memo:

Kindly refer to your letter No. SO/C&WD/17-4/2014 dated 03.02.2015 on the subject case.

The matter was enquired through Superintendent of Police, Investigation, Lakki Marwat. He reported vide his Memo No 935 dated 26.02.2015 that the matter was enquired and the following elders of village Samandar Titter Khel were examined and their statements were recorded:

1. Muhammad Ramazan s/o Muhammad Jan.
2. Qasim Khan s/o Zarif Khan.
3. Saadullah s/o Yar Muhammad
4. Syed Muhammad Mamoor Shah s/o Syed Abdul Majeed Shah.
5. Muhammad Rafiq s/o Wali Muhammad.

They stated that applicant Saif ur Rehman, Naib Qasid, has some domestic dispute with Sultan Ayaz s/o Sultan Ahmad r/o Chuwar Khel. The recorded statements of the some residents of Samandar Titter Khel are enclosed.

No. 2897

District Police Officer,  
Lakki Marwat

Feb 27 2015

Copy of above is forwarded to the Section Officer, Estt. of Govt. of Khyber Pakhtunkhwa, Communication & Works Department, Peshawar for information w/r to his letter No. quoted above.

District Police Officer,  
Lakki Marwat.

9c

TRUE COPY

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Handwritten notes in Urdu at the bottom of the page.



منہج لکھنؤ

فائل لکھنؤ

تاریخ

جولائی 1953ء 13-2-15  
 16-2-15  
 29/1  
 منہج لکھنؤ - ڈیپارٹمنٹ سیکرٹری جنرل  
 سیکرٹری جنرل، منہج لکھنؤ، لاہور  
 بارہویہ سیکرٹری جنرل، منہج لکھنؤ، لاہور

- 1۔ سر رفیقان علی صاحب
- 2۔ قاسم خان صاحب
- 3۔ سعید اللہ صاحب
- 4۔ سردار محمد علی صاحب
- 5۔ سر محمد علی صاحب

کے بیان کے لئے۔ جنہوں نے اپنے بیانات میں منہج لکھنؤ  
 تائید قاعدہ کی شہادتیں دی ہیں۔ اور ان کے بارے میں  
 سیکرٹری جنرل کے بیان کیے۔ اور ان کے بارے میں  
 بارہویہ سیکرٹری جنرل کے بیان کیے۔ بلکہ دیکھ جائیں کہ  
 جنکے بیانات اور جنکے اہل قریب اور اقربوں کے  
 بارے میں شہادتیں دی ہیں۔ اور ان کے بارے میں  
 سیکرٹری جنرل کے بیان کیے۔ اور ان کے بارے میں

TRUE COPY

تاریخ

SI / 1131 / 234

23-2-15

بیان نیت در رمضان و در هر ماه سنه ۱۱۲۰۱ - ۲۰۴۶۷۵۵ - ۹

۶۶

۱۱۲۰۱ - ۲۰۴۶۷۵۵ - ۹

23

15

بر صفت اولین بیان که در صبح سید الرحمن در هر ماه سنه  
سوره شریف که جانتان نام و در این سوره در دست از نوزاد  
و در این روز در هر ماه سنه و در این روز که تا آخر استوار است  
تازه صبر رها - از شاخه حوازه حوازه غیر صبر رها -  
یوم حیرت از شاخه حوازه که -

۱۱  
Si TABI

بیان نیت در هر طرف سنه ۱۱۲۰۱ - ۹۴۶۴۸۶۱ - ۷

۱۱۲۰۱ - ۹۴۶۴۸۶۱ - ۷

-2-

بر صفت اولین بیان که در صبح سید الرحمن در هر ماه سنه  
سوره شریف که جانتان نام و در این سوره در دست از نوزاد  
و در این روز در هر ماه سنه و در این روز که تا آخر استوار است  
تازه صبر رها - از شاخه حوازه حوازه غیر صبر رها -  
یوم حیرت از شاخه حوازه که -

۱۱  
Si TABI

بیان نیت در هر طرف سنه ۱۱۲۰۱ - ۷۴۰۶۷۸۱ - ۵

۱۱۲۰۱ - ۷۴۰۶۷۸۱ - ۵

-3-

بر صفت اولین بیان که در صبح سید الرحمن در هر ماه سنه  
سوره شریف که جانتان نام و در این سوره در دست از نوزاد  
و در این روز در هر ماه سنه و در این روز که تا آخر استوار است  
تازه صبر رها - از شاخه حوازه حوازه غیر صبر رها -  
یوم حیرت از شاخه حوازه که -

THE COPY

غیر قانونی طور پر زمین حاصل کرنے والے زمینداروں کو  
کے 3۔ اگر زمینداروں کو 50۔

96

si/hbi

پانچ سو روپے سے زیادہ زمینداروں کو زمین حاصل کرنے سے روکنا  
اور زمینداروں کو زمین حاصل کرنے سے روکنا

4

11201-2817374-5

31

پانچ سو روپے سے زیادہ زمینداروں کو زمین حاصل کرنے سے روکنا  
اور زمینداروں کو زمین حاصل کرنے سے روکنا

مستحق زمینداروں کو زمین حاصل کرنے سے روکنا  
اور زمینداروں کو زمین حاصل کرنے سے روکنا

si/hbi

پانچ سو روپے سے زیادہ زمینداروں کو زمین حاصل کرنے سے روکنا  
اور زمینداروں کو زمین حاصل کرنے سے روکنا

5

11201-8917061-3

31

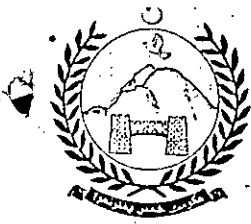
پانچ سو روپے سے زیادہ زمینداروں کو زمین حاصل کرنے سے روکنا  
اور زمینداروں کو زمین حاصل کرنے سے روکنا

مستحق زمینداروں کو زمین حاصل کرنے سے روکنا  
اور زمینداروں کو زمین حاصل کرنے سے روکنا

کے 3۔ اگر زمینداروں کو زمین حاصل کرنے سے روکنا  
اور زمینداروں کو زمین حاصل کرنے سے روکنا

si/hbi

31



15

CHIEF ENGINEER (NORTH)  
COMMUNICATION & WORKS DEPARTMENT  
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR

No. 204/25-EDated: 29/12/2014

To

The Secretary to Govt. of Khyber Pakhtunkhwa,  
Communication & Works Department,  
Peshawar

SUBJECT: REPRESENTATION/DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 24-09-2014 RECEIVED ON 21-11-2014.

Reference:- Your office letter No SOE/C&WD/17-4/2014 dated 10-12-2014.

It is to state that ex-official Mr. Saif-ur-Rahman after encashment of salaries cheque on 24-07-2014 amounting to Rs. 207,757/- vide Accountant General cheque No. No.09988078 dated 23/07/2014 on account of Eid-ul-Fitar, left for Home without delivery of cash in office.

2- He was contacted through different means at home to immediately attend the office and deliver cash to cashier in order to disburse the pay to the concerned officials accordingly. His services were therefore suspended vide office order No.731/25-E, dated 7/8/2014.

3- He remained absent since 24/07/2014 for which he was informed vide this office memo(s) No.770/83-E dated 13/8/2014 and No.871/25-E dated 22/8/2014, (both by registered post) to resume duty and explain the reasons of his willful absence.

4- And as such, Absence notice was also published in Dailies Mashriq, Aaj dated 11/9/2014 as per the requisite rules / regulations. After that his services were dismissed w.c.f. 24/7/2014 vide order No.290/25-E dated 26/9/2014, due to his non-response.

5- On receipt of his presentation vide memo under reference, the undersigned called the applicant and enquired in detail. He stated that due to some enmity at home at Lakki Marwat, he was compelled to go in hiding and to leave the office without information. He showed remorse on his attitude. He has assured that if he is allowed to continue further services, he will not repeat such a practice again in future. The undersigned feels, after hearing him, that a lenient view may be taken against him.

6- It is therefore, recommended that his case may favorably be decided being a poor and low paid ex-official, because it has been found that he was constrained to stay absent due to treat to his life.

DA: As above  
(Engr. Ijaz Yousafzai)

(Engr. Muhammad Ijaz Yousafzai)  
Chief Engineer

# VAKALATNAMA

In the Court of

Service Tribunal, Peshawar

No. \_\_\_\_\_

of 2015

Petitioner  
Plaintiff  
Applicant  
Appellant  
Complainant  
Decree-Holder

Saif vs Rehman

**V**ERSUS

Respondent  
Defendant  
Opponent  
Accused  
Judgment-Debtor

Govt. of KP

I / We

Saif vs Rehman

the above

noted

Appellant

do hereby appointed and constitute,

**Muhammad Zafar Tahirkheli & Ansar Ullah Khan, Advocates High Court**, to appear, plead, act, compromise, withdraw or refer to arbitration for me / us as my / our counsels / advocates in the above noted matter, without any liability for his default and with the authority to engage any other Advocate / Counsel at my / our cost.

The Client / Litigant will ensure his presence before the Court on each and every date of hearing and the counsel would not be responsible if the case is proceeded ex-parte or is dismissed in default of appearance. All cost awarded in favour shall be the right of Counsel-or his nominee, and if awarded against shall be payable by me/us.

I / We authorize the said Advocates to withdraw and receive on my / our behalf all sums and amounts payable or deposited on my / our account in the above noted matter.

سيف الرحمن

Client

Dated

1/5/2014

Attested & Accepted (Advocates)

Office

**ATIQ LAW ASSOCIATES,**  
87, Al-Falah Street, Besides State,Life Building,  
Peshawar Cantt, Phone: 091-5279529  
E-mail : [zafark.advocate@gmail.com](mailto:zafark.advocate@gmail.com)

Ansar Ullah

Muhammad Zafar Tahirkheli

Court  
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 329/2015

Mr. Saifur Rehman  
Ex-Naib Qasid (BPS-01)  
o/o Chief Engineer (North)  
C&W Department Peshawar ..... Appellant.

Versus

1. Govt. of Khyber Pakhtunkhwa through Secretary C&W Department Peshawar.
2. Chief Engineer (North) C&W Department Peshawar.
3. Administrative Officer (North) C&W Department Peshawar ..... Respondents

Parawise comments on behalf of Respondent 1 to 3.

Respectfully Sheweth,

PRELIMINARY OBJECTION.

1. The instant Service Appeal is not maintainable in the present state / circumstances.
2. The appellant is stopped by his own conduct to prefer the Service Appeal.
3. Appellant has not come to the tribunal with clean hands.
4. The appellant has deliberately concealed the important material and rules in this case from this Hon'able Tribunal.
5. The appellant has got no locus standie and cause of action.
6. The present appeal filed before the Tribunal is time barred as his services were terminated on 24-09-2014 w.e.f 24-07-2014, the date of his willful absence after adopting all codal rules and formalities / publication of Notices on the Appellant at his home town, at District Lakki Marwat.

FACTS.

1. Correct to the extent that he was appointed in the O/O Chief Engineer (North) C&W Department in 11/2010 but nothing could be said of his honesty or diligency. He lost the trust put in him by the official respondents.
2. Incorrect. The so fabricated application and its diarizing at No.-19 dated 01-08-2014 itself speak the position and its status. He got it entered in the Register through connivance of some office hands on 21-08-2014 (D/Register Pages Annexed- I&II). The appellant himself collected cheque bearing No. 09988078 of 23-07-2014 for Rs. 2,07,757/- from the Accountant General office and brought to office for further authorizing him to Encash it from the State Bank of Pakistan Peshawar under the signature of DDO (a newly authorized DDO as the former was proceeded on leave for UMRA). The appellant Encashed the cheque amount of Rs. 2,07,757/- from the bank on 24-07-2014, because the Govt. of Khyber Pakhtunkhwa in Finance Department vide circular letter No. SOSR-III/FD/13-32/2012 dated 09-07-2014 (Annex-III) decided to pay salaries to the staff on Eid-ul-Fitre by 24-07-2014, which he encashed and took away the whole salary amount with him.

- 2
3. Incorrect the stance that he was ensured, leave sanctioned is itself false, if he had even applied for leave w.e.f 24-07-2014, why he collected the cheque and encashed during this period. On the other he was yet to wait for its prior sanction and to apply leave on specified Leave Application Form. Simple application giving D/No. 19 in the Register for 120-days leave on 21-08-2014 is made arranged-one to strong his case. So for D/No. 19 dated 01-08-2014 how it was possible that he applied for leave w.e.f 24-07-2014 and get its diary on 21-08-2014 through a connivance of office staff who entered it in so hurray, giving dated 01-08-2014 and not kept in notice / mind that against D/No. 19 dated 21-08-2014 another letter of SO(PAC) C&W was already diarized (already Annexed as I &II).
  4. Incorrect. The appellant was issued Three Notices (By Registered Post) at his home to immediately attend the office and bring the money since encashed on 24-07-2014, taken away with him vide memo(s) dated 06-08-2014, 13-08-2014 & 22-08-2014 (Annexed IV, V & VI) for which the staff complained about the payment of salaries for Eid-ul-Fitre. Even through print media Notices in Daily "Mashriq, Aaj" dated 11-09-2014 (Annex-VII / VIII). He delivered Rs. 1,00,000/- & 1,07,757/- on 08-08-2014 & 11-08-2014 at two different occasions while on the other the staff were not paid their salaries on 24-07-2014 and suffered. Due to his ill attitude, the Drawing / Disbursing Officer was very shocked because the original incumbent was on leave for UMRA and the successor being new person was mentally disturbed by this act of the appellant.
  5. The representation dated 05-12-2014 before (Resdt-1), being time barred was not considered on the one and on the other appellant had lost the trust. Reportedly and un-reportedly appellant was involved in certain irregularities / frauds using his official position e.g. he delivered a cheque of Rs. 5,60,000/- to Al-Rehman Filling Station G.T Road Peshawar for borrowing fuel, which was bounced and on his approach to the office was informed that being their private deal, may knock another door. Un-officially it was brought in notice that he was caught in their private custody. He also gotten a sum between Rs. 1,00,000/- from one Ex-official Mr. Shakeel SDO of PBMC (Retd.) for the withdrawals of G.P Fund from A.G office he when visited the office, enquire about the appellant, he was told the appellant stands, dismissed from service.

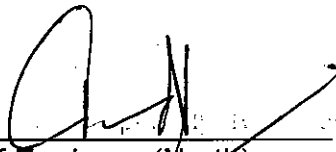
#### GROUND.

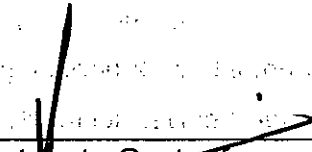
- a) Incorrect. The conduct of the appellant was such that no leniency can be extended having lost the trust as Govt. Servant by his own conduct.
- b) Correct.
- c) Incorrect. The Govt. shall ever look for the performance of an official. Department has no concerning with any enmities at his home, when he was serving at Peshawar how a threat to his life at Peshawar was to be established. Un-officially that was he, who probably taken away a lady at his village and was thus absconded even from his service place, Peshawar. Neither proper leave was applied nor was given any surety of its approval / sanction.
- d) Correct to the extent that he delivered the amount in Two steps i.e. on 08-08-2014 & 11-08-2014 and not in one lot. Though the Govt. has not sustained the loss but the Department was confronted with bad situation due to not timely payment of salaries to staff on 24-07-2014 on Eid-ul-Fitre.

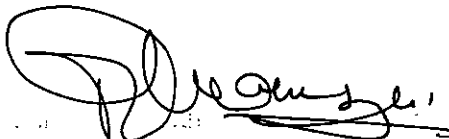
- e) Incorrect. Every effort were made, equal opportunities were given to the appellant but that was he who not responded and in light of Rule-9 of the E&D Rules, 2011, the action was taken keeping in view all the material facts where no enquiry is warranted in such like cases.
- f) Although the Appellate Authority (Respdt-1) extended him a great cooperation, while it was not necessary to call for clarifications from Police or anybody. The Govt. shall follow with the rules / regulations and to watch aptitude of Govt. Servants and their conduct, however it was resting with him to accept or turned it down/un-responded despite of the comments of Respdt-2. However the appellant had since been informed officially, appeal / representation dated 5/12/2014 rejected (Annexure-IX).
- g) Incorrect. The impugned order was passed after adopting/fulfilling all codal formalities. Moreover, the penalty so imposed, commensurate with allegation leveled against the appellant.
- h) Incorrect. As replied in above para.
- h) Incorrect. The impugned order is according to law, rules and principles of equity, justice have been fully observed.

The respondents also seek permission to raise additional grounds at the time of arguments.

It is requested that the instant appeal may be dismissed with cost.


  
 Chief Engineer (North)  
 C&W Department, Peshawar  
 (Respondent-2)

  
 Secretary to Govt. of  
 Khyber Pakhtunkhwa  
 C&W Department  
 (Respondent-1)

  
 Administrative Officer  
 O/O Chief Engineer (North)  
 C&W Department  
 (Respondent-3)

AFFIDAVIT

It is certified that contents of the para-wise comments filed against the instant service appeal are correct and nothing has been concealed are kept secret from this Hon'able Tribunal.

  
 Administrative Officer  
 O/O Chief Engineer (North)  
 C&W Department  
 (Respondent-3)



# REGISTER OF ISSUE Annex-I

Serial No.	Branch	Inward Register Daily or General No.	To whom and number of enclosures	Subject or File No.	Remarks (record reference amount, stamps, etc.)	Stamp Value (Rs.)
1	SO PAC / DAC / 02-214 / Dist. Ancho / 02-214 / dt. 22-8-2014	301 PAC	cdw Deptt	21-8-2014	DAC Meeting wd on 27/8/14	BdR Bank
2	SOA/V-39/WDS/06/vll-II dt. 8-8-2014		Engr. Babar Mujeeb S.O. (Roads)	A.A. P-1	ADP-855/2014-15	CD
3	do	do	do	do	ADP-861	CD
4	do	do	do	do	ADP-854	CD
5	do	do	do	do	ADP-853	CD
6	do	do	do	do	ADP-852	CD
7	do	do	do	do	ADP-852	CD
8	do	do	do	do	ADP-877	CD
9	do	do	do	do	ADP-860	CD
10	do	do	do	do	ADP-882	CD
11	do	do	do	do	ADP-881	CD
12	do	do	do	do	ADP-885	CD
13	do	do	do	do	ADP-858	CD
14	do	do	do	do	ADP-874	CD
15	do	do	do	do	ADP-875	CD
16	do	do	do	do	ADP-868	CD
17	do	do	do	do	ADP-867	CD
18	do	do	do	do	ADP-863	CD
19	Application		Application	Application		

Application  
5-08-2014  
25/7/2014

Application

# REGISTER OF ISSUE

**Annex II**

Serial No.	Branch	Inward Register Daily or General No.	To whom and number of enclosures	Subject or File No.	Remarks (record reference amount or stamps, etc.)	Stamp Value (Rs.)
19	SERV-37/405/26/		Supr. Boring M. S.D. (Roads)	A.A.P-11	ADP-858	CD
20	do		do	do	ADP 857	CD
21	do		do	do	ADP-866	CD
22	do		do	do	ADP 865	CD
23	do		do	do	ADP 864	CD
23-A	do		do	do	ADP 872	CD
24	do		do	do	ADP 877	CD
25	do		do	do	ADP 870	CD
26	do		do	do	ADP-887	CD
27	do		do	do	ADP-888	CD
28	do		do	do	ADP-895	CD
29	do		do	do	ADP-900	CD
30	do		do	do	ADP-894	CD
31	do		do	do	ADP 893	CD
32	do		do	do	ADP 869	CD
33	do		do	do	ADP 896	CD
34	do		do	do	ADP 889	CD
35	do		do	do	ADP-886	CD



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FINANCE DEPARTMENT

Annex-III  
6

No. SOSR-III/FD/13-32/2012  
Dated Peshawar, the 09/07/2014.

Diary No: 12894  
Date: 14-7-14  
Secretary C&W De  
Khyber Pakhtunkhwa

To

1. The Additional Chief Secretary, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. The Additional Chief Secretary (FATA), FATA Secretariat, Peshawar.
3. The Senior Member, Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
4. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa, Peshawar.
5. All Administrative Secretaries to Govt. of Khyber Pakhtunkhwa, Peshawar..
6. The Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
7. The Military Secretary to Governor, Khyber Pakhtunkhwa, Peshawar.
8. All Commissioners/Deputy Commissioners, Political Agents/ District & Session Judges in Khyber Pakhtunkhwa.
9. All Heads of Attached Departments in Khyber Pakhtunkhwa.
10. The Registrar Peshawar High Court, Peshawar.
11. The Chairman Service Tribunal Khyber Pakhtunkhwa, Peshawar.
12. The Chairman Public Service Commission Khyber Pakhtunkhwa, Peshawar.

AS/OSA  
15/7  
14.7.14

Subject: DISBURSEMENT OF PAY AND ALLOWANCES FOR THE MONTH OF JULY, 2014 IN ADVANCE TO ALL MUSLIM GOVERNMENT SERVANTS AND PENSIONERS OF THE KHYBER PAKHTUNKHWA PROVINCE ON THE OCCASION OF EID UL FITRE.

Dear Sir,

I am directed to invite your attention to Note-4 of Rule 217 of the Federal Treasury Rules (Vol. 1), which provide that if Eid-ul-Fitre, Eid-ul-Azha, Diwali and Christmas etc falls within the last ten days of the month, the salary of that month is required to be disbursed in advance to the Government Servants and Pensioners five days before the date of the festival.

As the festival of Eid-ul-Fitre is likely to take place on 29<sup>th</sup> July, 2014, it may therefore, be ensured that arrangements may please be made to disburse the salaries/pensions for the month of July 2014 to all the Muslim Provincial Government Servants/Pensioners disbursed in advance on July 24<sup>th</sup>, 2014.

Yours faithfully,

(Raees Khan Afridi)  
Deputy Secretary (Reg-I)

Endst. Of Even Number & Date.

Copy forwarded for information and similar necessary action to :-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. All Heads of Autonomous/Semi Autonomous Bodies in Khyber Pakhtunkhwa.
3. The Director General PDMA, Khyber Pakhtunkhwa, Peshawar.
4. The Director, Local Fund Audit, Peshawar.
5. The Director Treasuries & Accounts Khyber Pakhtunkhwa, Peshawar.
6. The Chief Manager, State Bank of Pakistan, Peshawar.
7. The Provincial Chief, National Bank of Pakistan, Provincial Office, Peshawar Cantt.
8. The Managing Director, Bank of Khyber, Mall Road, Peshawar Cantt.
9. The General Manager, Habib Bank Ltd, Head Office, Peshawar Cantt.
10. The Director of Information, Khyber Pakhtunkhwa, Peshawar for wide publication.
11. The Station Director, Radio Pakistan, Peshawar.
12. The General Manager, Pakistan Television Corporation, Peshawar.
13. All District/Agency Accounts Officers in Khyber Pakhtunkhwa
14. The Section Officer (Admn), Finance Department, Peshawar.
15. PS to Chief Secretary, Government of Khyber Pakhtunkhwa.

S.O. (C-)

15/7

Cashier

hi

Photocopy given to Cashier

12-124 FD

Humaira Mehmood  
9/7

(Humaira Mehmood)  
Section Officer (SR-III)



COMMUNICATION & WORKS DEPARTMENT (NORTH WING)  
KHYBER PAKHTUNKHWA PESHAWAR

Block-C 3<sup>rd</sup> Floor, Attached Department Complex Near Khyber Road Peshawar

091-9210456 FAX 091-9210478 E-mail: cenorthcnw@yahoo.com

No: 699/25-E

Dated 6/8/2014

To

Mr. Saif ur Rehman,  
Naib Qasid.

Subject:- WILLFUL ABSENCE FROM DUTY.

It has been observed that you remained absent from official duties from 4<sup>th</sup> August 2014 to till date. The official Cheque amounting to Rs. 207757/- in respect of the monthly salaries of the staff of this office for the month of July 2014 duly signed by the DDO is in your custody and the encashment of the same is not known to this office. The disbursement of the salary was to be made before Eid as per Govt. instruction. The low paid employees of this office faced great financial hardship on the eve of Eid and their salaries for the month of July 2014 are still pending due to your willful absence and your this act of lethargy. This office is facing an embarrassing situation.

Moreover the Manager, Al-Rehman Filling station GT Road Peshawar and informed that you had borrowed fuel of some vehicles from his filling station and presented him a cheque amounting to Rs. 5,60,000/- which was bounced by the concerned Bank due to insufficient funds. Being an employee of this office, your just like activities seriously viewed by this office.

You are, therefore, called your explanation as to why disciplinary action is not initiated against you. Yours reply should reach to the undersigned within two days positively.

(Abdul Majid)

Administrative Officer (North)

(Saif ur Rehman)

Annex-V

**CHIEF ENGINEER (NORTH)  
COMMUNICATION & WORKS DEPARTMENT  
GOVT. OF KHYBER PAKHTUNKHWA, PESHAWAR**

No. (770 A) 169-E

Dated: 13/8/2014

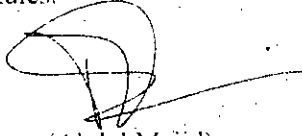
To

Mr. Saifur Rehman (Naib Qasid),  
S/O Meer Abas Khan,  
Yano Khel Sammandar Tilar Khel  
P.O Moolh Mansoor District Lakki Marwat

Subject: WILFUL ABSENCE UNDER SUSPENSION

It has come to my notice that after receiving of suspension order vide letter No. 731/25-E dated 7/8/2014 you have attended the office on 11/8/2014 and since then remained absent from duty till date without any prior permission/leave application.

Therefore, you are hereby directed to explain your position regarding willful absence from duty within three days from the receipt of this letter, failing which you will be considered absent and action will be initiated against you under E&D Rules.

  
(Abdul Majid)  
Administrative Officer

Copy forwarded to the Cashier Local for information and to please stop the pay of the absenty immediately.

Administrative Officer

Annex-VI

Registered A D

**COMMUNICATION & WORKS DEPARTMENT (NORTH WING)**  
**KHYBER PAKHTUNKHWA PESHAWAR**  
Block-C 3<sup>rd</sup> Floor, Attached Department Complex Near Khyber Road Peshawar  
091-9210481 FAX 091-9210478 E-mail: [cenorthcnw@yahoo.com](mailto:cenorthcnw@yahoo.com)



FINAL NOTICE

Dated 22/08/2014

No. 871/25-E  
To.

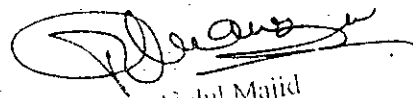
Mr. Saif ur Rehman,  
S/O Meer Abbas Khattak,  
Yano Khel, Sammandar Titar Khel,  
Post Office Machh Mansoor District Lakki Marwat.

SUBJECT:-  
REFERENCE:-

WILFUL ABSENCE  
This office letter No. 731/25-E, dated 7-8-2014 and No. 770 A/83-E,  
dated 13-8-2014.

You were directed to attend the office vide above referred letter, but you failed to attend the office till date, and explain the reasons for your wilful absence from duty.

You are hereby finally warned to attend the office duty and explain the reasons within a week time from the date of issue of this letter failing which you will be considered as absconding and disciplinary proceeding under E&D rules will be initiated which will lead you removal from service

  
Abdul Majid  
Administrative Officer

copy to cashier (local)

Post Office  
the name of  
the office  
the conditions  
of the office  
the office  
the office

MINISTER  
SECRETARY  
GENERAL

اللہ ہی کیلئے ہیں مشرق و مغرب۔ الزماں

DAILY NASHRIQ PESHAWAR

روزنامہ

پشاور

سید تاج میر شاہ

مشرق

سلسلہ اشاعت کے 48 سال

ABC CERTIFIED

چھپاؤ اور اسلام آباد سے بیک وقت شائع ہونے والا کثیر الاشاعت قومی اخبار

جلد 48

جمرات 15، یقینہ 1435، 11 ستمبر 2014، 29، بمباروں، قیمت 12 روپے

شمارہ 26

ارڈنر چیف انجینئر نارنگی اینڈ ڈبلیو ڈبلیو نیارنگی خیبر پختونخوا پشاور

نوٹس فیڈر حاضری

برگاہ تم سکی سیف الرحمان نائب قائد و ایڈیٹر جاس خان ساکن یا ٹوٹیل سنڈر ٹرینل ڈاکٹریٹ سید منصور علی مگر حوت حال ملازم ڈائری چیف انجینئر (نارنگی) سی اینڈ ڈبلیو نیارنگی سوری 24-07-2014 کو شیٹ بیک آف پاکستان پشاور سے دفتر ہذا کے ملازمین کی گواہیوں جو بذریعہ اکاؤنٹ جنرل خیبر پختونخوا ایک نمبر 0998071 بحریہ 23-07-2014 بت سٹا 2077571- (دو لاکھ سات ہزار سات سو ستاون روپے) پیش کرنے کے بعد دفتر ہذا میں ادا نہیں کیے اور اپنے پاس رکے جس کی وجہ سے ملازمین کو فیڈر انٹری کی خواہ بردت حکومتی احکامات کی قوت ادا نہ کی جا سکی۔ جس کیلئے ہم س کڈ کنٹ کے ذمے سے میں قابل مواخذہ نمبر نے ہو۔

لہذا آپ کو تلف ذرائع سے آپ کے مگر کہہ لیا بھیجا کہ یہ تم فوراً دفتر میں حاضر ہو کر جمع کریں۔ مگر تم نے ایک لاکھ روپے سوری 08-08-2014 تک باقی ماندہ تم ایک لاکھ سات ہزار سات سو ستاون سوری 11-08-2014 کو جمع کرائی۔ جو کہ ایک فیڈر قانونی فعل کے ذمے سے میں آتا ہے۔

یہ کہ تم یہ تم پیش کرنے کے بعد تا حال اپنی ڈیوٹی سے فیڈر حاضر ہوئے جس کے نتیجے میں مگر کے ایڈریس پر خطوط نمبر 731-E/25-F سوری 07-08-2014 اور نمبر 770-A/83-E سوری 13-03-2014 اور نمبر 871/25-E سوری 22-08-2014 بذریعہ رجسٹرڈ پوسٹ مطلع کیا گیا اور ڈیوٹی پر حاضر ہونے کے ساتھ ساتھ اپنی طویل فیڈر حاضری کی وجوہات کے بیان کرنے کو بھی کہا گیا۔ مگر تم نے اس کا کوئی جواب نہیں دیا اور نہ ہی ڈیوٹی کیلئے حاضری دی۔

اب تم کو بذریعہ نوٹس اشتہار ہذا ایک بار پھر تاکید کی جاتی ہے کہ اس کی اشاعت کے بعد پندرہ دن کے اندر داخلہ اپنی ڈیوٹی پر حاضر ہوں اور اپنی طویل فیڈر حاضری کی معقول وجوہات بیان کریں۔ بصورت دیگر تمہیں گورنمنٹ کے پیشگی اینڈ ڈبلیو نیارنگی روز نمبر 2011 کی ٹرن نمبر 9 کے تحت ملازمت سے برخواست کر دیا جائیگا۔

انجینئر (نارنگی) سی اینڈ ڈبلیو ڈبلیو نیارنگی خیبر پختونخوا پشاور

Also available at www.hydrobaskhura.gov.pk

پشاور ایبٹ آباد اسلام آباد اور کراچی سے ہر گز وقت شائع ہونے والا کثیر الاشاعت قومی روزنامہ

روزنامہ

پشاور پاکستان

عبدالواحد بیگنی ایڈیٹر

صفحہ 12 جلد 25 جمعرات 11 ستمبر 2014 تاریخ 1435 12 ستمبر 2014 شمارہ 243

★  
★  
★  
★

11

+92 9192 12799 Fax: +92 9192 12799  
\*http.gov.pk, E-mail: info@cbp.gov.pk

از دفتر انجینئر مارچھی اینڈ ویلڈ ڈیپارٹمنٹ خیبر پختونخوا پشاور

نوٹس غیر حاضری

ہر گز تم کسی سیف الرمن نائب ڈائریکٹر برائے سائنس ٹیکنالوجی اور ایئر سروسز ڈیپارٹمنٹ کے سربراہان کے سامنے پیش ہونے سے منع ہے۔

مشورہ مطلع کی صورت حال ملازم دفتر چیف انجینئر (نارتھ) سی این ڈی اینڈ ویلڈ نے مورخہ 24-07-2014 کو نوٹس جیک آف پاکستان پشاور سے دفتر ہڈا کے ملازمین کی درخواستوں پر

ڈیپارٹمنٹ جنرل غیر ہختو نوٹس نمبر 0998078 مورخہ 2014-07-23 بت سٹاٹس 2077571 (دولت کھسار ہزار سات سو ستاون روپے) پیش کرنے کے بعد دفتر میں ادا نہیں کیے اور اپنے پاس رکھے جس کی وجہ سے ملازمین کو عید الفطر کی خواہشات کو سستی اسکات کے تحت ادا نہ کیا جاسکے جس کے لئے تم س کنڈکٹ کے ذریعے میں قابل روزانہ نمبر سے ہو۔

لہذا آپ کو تلف ذرائع سے آپ کے گھر پر کھلا بیجا کہ یہ رقم فوراً دفتر میں حاضر ہو کر جمع کریں۔ مگر تم نے ایک لاکھ روپے مورخہ 08/08/2014 جیک ہائی مائڈ رقم آیا۔ لہذا سات ہزار سات سو ستاون روپے رقم پیش کرنے کے بعد حال اپنی ذمہ داری سے غیر حاضر ہونے سے تم نے تمہیں گھر کے ایڈریس پر خطوط نمبر 731-E/25-E مورخہ 11/08/2014، نمبر 770-A/83-E مورخہ 13/08/2014 اور نمبر 871/25-E مورخہ 22-08-2014 ڈیپارٹمنٹ کے سامنے پیش کیا گیا اور ذمہ داری پر حاضر ہونے کے ساتھ ساتھ اپنی طویل غیر حاضری کی وجوہات کے بیان کرنے کو بھی کہا گیا مگر تم نے اس کا کوئی جواب نہیں دیا۔ اور نہ ہی اپنی کیلئے حاضری دی۔

اب تم کو ڈیپارٹمنٹس اشتہار ہڈا ایک بار پھر تاکید کی جاتی ہے کہ اس کی رعایت کے حدود ان کے اندر اندر اپنی ذمہ داری پر حاضر میں اور اپنی طویل غیر حاضری کی مقبول وجوہ بیان کریں۔ بصورت دیگر جسیں گرفت کے عائلی اینڈ ڈیپارٹمنٹ مورخہ 2011 کی شیٹ مورخہ کے تحت ملازمت سے برخاست کروا جائیگا۔

المنشیہ منور حجت انجینئر مارچھی

www.khyberpakhtunkhwa.gov.pk INF(P)3461

تاریخ 2 11 ستمبر 2014 ع پشاور



Through Regd.

Annex-IX

12



GOVERNMENT OF KHYBER PAKHTUNKHWA  
COMMUNICATION & WORKS DEPARTMENT

No. SOE/C&WD/17-4/2014  
Dated Peshawar, the April 23, 2015

TO

Mr. Saif-ur-Rehman  
S/O Mir Abbas Khan  
Resident of Jano Khel, Samandar Titer Khel  
P.O. Masha Mansoor District Lakki Marwat

Subject: Representation/Departmental Appeal against the Order dated 24.09.2014,  
Communicated/Received on 21.11.2014

I am directed to refer your appeal/representation dated 05.12.2014, which was examined and submitted to the Competent Authority (Secretary C&WD). The Competent Authority has rejected your appeal/representation.

2. You are hereby informed accordingly.

*Uman*  
(USMAN JAM)  
SECTION OFFICER (Estb)

Endst even No. & date

Copy forwarded to PS to Secretary C&W Department, Peshawar

*Uman*  
SECTION OFFICER (Estb)

*29/04/15*

No. 1421

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Name and address of sender: \_\_\_\_\_

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No 264/ST

Dated 06 /02/2018


To

The Chief Engineer (North), Communication & Works Department,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: **JUDGEMENT/ORDER IN APPEAL NO. 329/2015 MR. SAIF UR  
REHMAN.**

I am directed to forward herewith a certified copy of Judgment/Order  
dated 18/01/2018 passed by this Tribunal on the above subject for strict compliance.

**Encl: As above**

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.



Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	18.01.2018	<p style="text-align: center;">3</p> <p style="text-align: center;"><b><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></b> Appeal No. 329/2015</p> <p style="text-align: center;">Date of Institution ... 06.04.2015 Date of Decision ... 18.01.2018</p> <p style="text-align: center;">Saif Ur Rehman, Naib Qasid (BPS-1) Communication &amp; Works Department (North) Peshawar.</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> <li>1. Government of Khyber Pakhtunkhwa, through Secretary Communication &amp; Works Department, Peshawar.</li> <li>2. Chief Engineer (North), Communication &amp; Works Department, Peshawar</li> <li>3. Administrative Officer (North) Communication &amp; Works Department, Peshawar</li> </ol> <p><b><u>JUDGMENT</u></b> <b><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u></b> - Learned counsel for the appellant and Mr. Zia Ullah, Learned Deputy District Attorney or behalf of the respondents present.</p> <ol style="list-style-type: none"> <li>2. The appellant (Ex-Naib Qasid) has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the respondents and made impugned the order dated 29.04.2014 whereby he was dismissed from service from back date i.e w.e.f 24.07.2014.</li> <li>3. Learned counsel for the appellant argued that the impugned order has been given retrospective effect, which is a void order.</li> <li>4. On the other hand learned DDA while opposing the</li> </ol>

18.01.2018

present appeal termed the impugned order a valid order.

5. Argument heard. File perused.

6. The impugned order of dismissal from service has been given retrospective effect and in view of so many judgments delivered by this Tribunal on the strength of judgment reported in 1985 SCMR 1178 such type of order is a void order hence not tenable in the eyes of law.

7. As sequel to above the present service appeal is accepted, the appellant is reinstated in service. However the department is at liberty to hold denovo proceedings against the appellant, and the issue of back benefits shall be subject to the final outcome of the denovo proceedings. In case denovo proceedings are not conducted, the absence period and the intervening period shall be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

18.01.2018