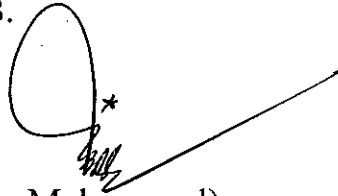


12.01.2023

Mr. Raheed Ullah, Advocate junior of learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Junior of learned counsel for the appellant sought adjournment on the ground that learned counsel for the appellant is indisposed today. Adjourned. To come up for arguments on 20.04.2023 before the D.B.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

20.04.2023

Counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

The Worthy Chairman is on leave today, the bench is, therefore incomplete. To come up for arguments on 22.06.2023 before the D.B. Parcha Peshi given to the parties.



(FAREEHA PAUL)
Member (E)

Fazle Subhan P.S

11.10.2022

Mr. Muhammad Amir, Advocate, junior of learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 18.11.2022 before the D.B.

D



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

18th Nov. 2022

Lawyers are on strike today.

Case is adjourned to 12.01.2023 for arguments before the DB. Office is directed to notify the next date on the notice board as well as website of the Tribunal.



(Fareeha Paul)
Member(E)

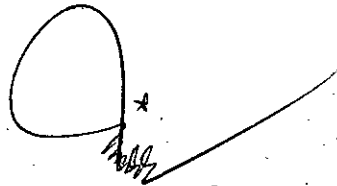


(Rozina Rehman)
Member(J)

21st April, 2022

counsel for the appellant present. Mr. Muhammad Riaz Painsdakhel, Asst. AG for the respondents present.

Learned counsel for the appellant seeks adjournment. Last opportunity is granted for arguments on 04.07.2022, failing which the case will be decided on the basis of available record without the arguments of learned counsel for the appellant. To come up for arguments before D.B on 04.07.2022.



(MIAN MUHAMMAD)
Member (E)

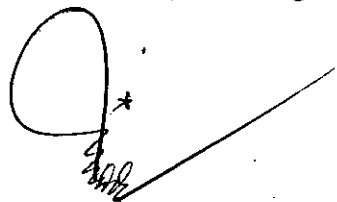


Chairman

04.07.2022

Junior of learned counsel for the appellant present. Mr. Muhammad Irfan, Assistant alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant sought adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 11.10.2022 before the D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

07.10.2021

Clerk of learned counsel for the appellant present. Mr. Javedullah, Assistant Advocate General for respondents present.

Clerk of learned counsel for the appellant requested for adjournment due to non-availability of the learned counsel for the appellant. Granted. To come up for arguments on 06.01.2022 before the D.B.



(Mian Muhammad)
Member(E)




Chairman

06.01.2022

Clerk to counsel for the appellant present. Mr. Asif Masood Ali Shah, DDA for the respondents present.

Clerk to counsel for the appellant requested for adjournment on the ground that his counsel is not available today, due to general strike of the bar. Adjourned. To come up for arguments before the D.B on 21.04.2022.



(Atiq-ur-Rehman Wazir)
Member(E)



Chairman

13.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 06.07.2021 for the same as before.




READER

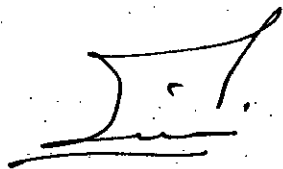
06.07.2021

Clerk of counsel for the appellant present. Mr. Muhammad Irfan, Assistant alongwith Mr. Javed Ullah, Assistant Advocate General for the respondents present.

Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the august Peshawar High Court. Adjourned. To come up for arguments before the D.B on 07.10.2021.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

25.01.2021

Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Rafiullah, XEN and Mr. Irfan, Assistant for the respondents, are also present.

Written reply on behalf of respondents not submitted. Representative of the department is seeking further time for submission of written reply/comments. Time granted, but as a last chance. Adjourned to 24.03.2021 on which date file to come up for written reply/comments before S.B. In the meanwhile, recovery of Rs. 13,22,905/- shall remain suspended till next date of hearing.

(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

24.03.2021

Appellant in person present.

Kabir Jah Khattak learned Additional Advocate General alongwith Hamayoon Superintendent and Attallah S.D.O for respondents present.

Written reply on behalf of respondents was submitted. To come up for rejoinder, if any, and arguments on 13/04/2021 before D.B. In the meanwhile, recovery of Rs. 13,22,905/- shall remain suspended till the next date of hearing.

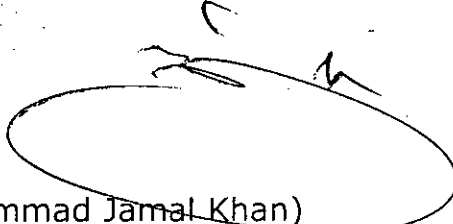
(Rozina Rehman)

Member (J)

20.10.2020

Since the Members of the High Court as well as of the District Bar Association Peshawar are observing strike today, therefore, learned counsel for appellant is not available today. Mr. Kabirullah Khattak, Additional Advocate General is present.

Neither written reply on behalf of respondents submitted nor any representative of the department is present despite issuance of notices vide preceding order sheet dated 02.10.2020. Again notices be issued to the respondents for submission of written reply/comments for 03.12.2020 before S.B. In the meanwhile, recovery of Rs. 13,22,905/- shall remain suspended till the date fixed.


(Muhammad Jamal Khan)
Member (Judicial)

03.12.2020

Counsel for the appellant and Addl. AG alongwith Irfan Anjum, Assistant for the respondents.

Representative of the respondents seeks time to furnish reply/comments. Adjourned to 25.01.2021 on which date the requisite reply/comments shall be submitted without fail. In the meanwhile, recovery of Rs. 13,22,905/- shall remain suspended till next date of hearing.


Chairman

02.10.2020

Counsel for the appellant present.

Learned counsel referred to "willful absence notice" notice issued against the appellant on 16.12.2019. In the notice the appellant was given three days period to explain his position. On the other hand, the impugned order of removal from service against the appellant was also issued on 16.12.2019. The said fact reflected malafide on the part of respondents. Further argued that throughout the departmental proceedings initiated upon charges of absence from duty, no specific period of alleged absence of appellant was provided.

Subject to all just exceptions, instant appeal is admitted to regular hearing, ~~subject to all just exceptions~~. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 20.10.2020 before S.B.

Alongwith the appeal, there is an application for suspension of operation of impugned orders dated 16.12.2019 and 26.12.2019. Notice of the application be also given to the respondents for the date fixed. In the meanwhile, recovery of Rs. 13,22,905/- shall remain suspended.


Chairman

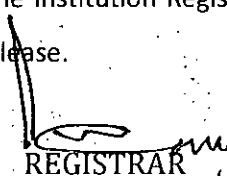

Appellant Deposited
Security & Process Fee
12/10/20

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 9138 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/08/2020	<p>The appeal of Mr. Muhammad Asad Faizan presented today by Mr. Bashir Khan Wazir Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/10/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

SCANNED
KPST
Peshawar

BEFORE THE LEARNED SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 9138 /2020

Muhammad Asad Faizan Appellant

V
ERSUS

Govt of KPK & others Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Memo of Appeal		1-13
2.	Affidavit		14
3.	Application for suspension		15-17
4.	Affidavit		18
5.	Addresses of Parties		19-20
6.	Copy of Appointment Order	A	21
7.	Copy of the Application	B	22-23
8.	Copy of the Application and Report of Standing Medical Board	C	24-25
9.	Copies of the Notices and Reply	D	26-27
10.	Copies of notice dated 16.12.2019, removal order dated 16.12.2019 and the questionnaire of Respondent No 1	E	28-31
11.	Copy of the Letter dated 26.12.2019 sent to the DC Karak	F	32
12.	Copy of Departmental Appeal, Writ Petition and Order	G	33-44
13.	Wakalat Nama		45

M Asad Faizan
Appellant

Through

Bashir Khan Wazir
Bashir Khan Wazir
Advocate, High court
Peshawar

D

BEFORE THE LEARNED SERVICE TRIBUNAL

KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 9138 /2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8394

Dated 10/8/2020

Muhammad Asad Faizan S/o Muhammad Iqbal R/o
Hous No 474, Street No 16, Sector F-6, Phase-6
Hayatabad Peshawar

..... **Appellant**

VERSUS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Public Health Engineering Department, Khyber Pakhtunkhwa Peshawar
3. Executive Engineer, Public Health Engineering Division District Karak.
4. Superintendent Engineer, Public Health Engineering Department Kohat Circle Kohat.

..... **Respondents**

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 16.12.2019, WHEREBY THE APPELLANT HAS BEEN REMOVED FROM SERVICE

led-to-day

10/8/2020

2

AND SUBSEQUENTLY THE ORDER DATED
26.12.2019 HAS BEEN ISSUED IN RESPECT OF
RECOVERY UNDER THE LAND REVENUE ACT

Prayer in Appeal:

On acceptance of the instant Appeal, the Impugned order dated 16.12.2019 whereby the appellant has been removed from service and subsequently the order dated 26.12.2019 has been issued in respect of recovery under the Land Revenue Act may kindly be declared illegal, unlawful, void ab initio and is against the natural justice, moreover the Respondents be directed to act as per the outcome of Standing Medical Board and the pensionary benefits may kindly be granted to the Appellant.

Respectfully Sheweth:

The Appellant humbly submits as under:-

1. That the Appellant is peaceful and law abiding citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973. (Copy of the CNIC is attached as annexure A)

2. That the Tube Well was installed in the Land of the present Petitioner whereby, the Petitioner served on the post of Tube Well Operator in voluntary basis since 2000 till 2007, thereafter the Petitioner was properly appointed as Tube Well Operator vide order dated 20.10.2007 on the basis of fix pay since his appointment, he was performing his duty with zeal and zest. **(Copy of Appointment Order is attached as annexure B)**

3. That after appointment he has served to the Respondents No 2 & 3 department for almost 13 years since his proper appointment and thereafter the Petitioner was having serious illness and pain in his body, he had been applied for Constitution of Medical Board to examine the Appellant and submitted an Application for that very purpose. **(Copy of the Application is attached as annexure C)**

4. That consequent upon the Application of the Petitioner, the Respondent No 3 had duly forwarded the said Application to the Medical Superintendent of District Headquarter Hospital District Karak for proper examination of the Appellant that whether the Appellant is fit for further service or otherwise, the office of the Medical Superintendent District Headquarter Karak has been pleased to forwarded the letter to

D

the Respondent No 2 and constituted a Medical Board, thereafter the Appellant appeared before the Medical Board, whereby the three Medical Member Board included the Chairman of the Board had been examined the Appellant and cited there opinion in the said Medical Report, opinion of Standing Medical Board is that the Appellant is suffering from LBP Radiating Both Lower Lim and severe sciatica and he has been found out unfit for further Government Services. **(Copy of the Application and Report of Standing Medical Board are attached as annexure D)**

5. That as the Medical Board was constituted and examined the Appellant vide date 19.09.2019 and he was found unfit for further Government Services, thereafter the Appellant made requests to the Respondent no 2 & 3 for release of his pension benefits as per the standing Medical Board, the Respondent No 2 & 3 given assurance to the Appellant they will issue the pensionary benefits as per Rules and law, however the Respondent No 3 vide dated 26.09.2019 issued a letter to the Appellant in the subject willful absence notice, similarly vide date 07.10.2019 another notice on the subject willful absence notice to the Appellant, where after the father of the Appellant submitted proper reply of the said

3

notice to the Respondent No 3. **(Copies of the Notices and Reply are attached as annexure E)**

6. That the Respondent No 3 without being considered the reply and the previous history in respect of Standing Medical Board, issued the above mentioned notices and thereafter on 05.12.2019 charge sheet and another notice on dated 16.12.2019 on the same subject of willful absence notice have been issued on malafide manner and the malafide of the Respondent No 3 is very much clear from the above mentioned notices as the last notice was issued on 16.12.2019 and similarly on the same day on 16.12.2019 an office order in respect of removal from service has been issued against the Appellant and a part from that the matter was sent to the Anti-Corruption Establishment Khyber Pakhtunkhwa for open inquiry whereby the Anti-Corruption has been issued against the Appellant. **(Copies of notice dated 16.12.2019, removal order dated 16.12.2019 and the questionnaire of Respondent No 1 are attached as annexure F)**

7. That when the Appellant got the knowledge of the above mentioned illegal and unlawful acts of the Respondent No 3, thereafter he has submitted an Application to the Respondent No 4 for the

6

redressal of the grievances of the Appellant and described the whole story as mentioned above. **(Copy of the Application to Respondent No 4 is attached as annexure G)**

8. That apart from the above mentioned illegal proceedings conducted against the Appellant by the Respondent No 3 on the basis of personal grudges another letter to the Deputy Commissioner District Karak vide dated 26.12.2019 has been sent on the subject that recovery of payment to the tune of Rs. 1322905/- from the Appellant under the Land Revenue Act. **(Copy of the Letter dated 26.12.2019 sent to the DC Karak is attached as annexure H)**

9. That the Appellant had served in the Respondent Department for almost 13 years and thereafter on the above mentioned unavoidable reason he has been declared as unfit by the Standing Medical Board on the recommendation of Respondent No 3, the Standing Medical Board has issued a proper report, after having the knowledge of all the above mentioned story, the Appellant was entitled to get all the pensionary benefits, the Respondent No 3 inspite of the fact that he was having the knowledge of the above mentioned facts and circumstances, he had illegally proceeded the Appellant on the basis of personal grudges and

7

when the Appellant refused to fulfill his illegal and unlawful demands.

10. That the Appellant was aggrieved from the acts and conducts of the Respondents filed a Writ Petition before the August High court as the Departmental Appeal of the Appellant was yet to be decided, therefore in the prevailing circumstances assailed the said order before the Hon'ble Peshawar High Court Peshawar in W.P No. 1428/2020, which was fixed on dated 08.07.2020 and during the course of arguments the Hon'ble Peshawar High Court Peshawar raised objection that this petition comes under the purview of the service Tribunal and advised to withdraw the same, which was accordingly withdrawn and the Appellant was directed to approach the learned Service Tribunal. **(Copy of Departmental Appeal, Writ Petition and Order is attached as annexure I)**

11. That Now the Appellant Approaches this Hon'ble Tribunal for redressal of his grievance, on the following grounds inter alia:

GROUNDS:

A. That the Appellant is peaceful and law abiding citizen of Islamic Republic of Pakistan and is fully

2

entitled to all the basic and fundamental rights as enshrined in the fundamental law of the state, interpreted and guaranteed by the law of the land.

B. That the acts of the Respondents of not following the relevant, rules, regulation and well known the facts of regarding the Appellant being performed his duty with full devotion and is entitled for the pensionary benefits after furnishing the report of Standing Medical Board as provided by law and rules, as guaranteed by the fundamental rights, however the Respondents are having been refused to treat the Appellant as per rules and criteria, is illegal, unlawful, unnatural, void ab initio, null and void in the eyes of law, hence liable to be declared so.

C. That the acts of the Respondents of not following the same criteria which has been safeguarded by the law and rules and guidelines provided by the Apex Courts that every person are equal before law and the constitution of Republic of Pakistan has safeguarded the fundamental rights of the citizens and further it has been provided to treat the incumbents as per law not otherwise if found so the Hon'ble Tribunal has the power to declared null in void the illegal acts of the authority, hence liable to be declared so.

X

②

D. That the Appellant was appointed in the Respondents No 3 department as Tube Well Operator, the Appellant was initially serving on the same post of voluntarily basis and thereafter a proper appointment order was issued by the Respondent No 3 on fix pay basis which was later on converted into permanent employment and after about 13 years he was having serious pain in his body and he was unable to continue his service, thereafter he had been applied for the constitution of Standing Medical Board which was duly allowed by the Respondent No 3 and under the supervision of Respondent No. 3 all the process in respect of standing Medical Board have been completed and he was being declared as unfit to continue his service and when the Respondent No 3 had processed file of the Appellant, the sudden change of mind whereby he had been sent the notices in respect of willful absence and thereafter office order has been issued and the Appellant was removed from service, these acts of the Respondent No 3 are illegal, unlawful, void ab initio.

E. That the Respondent No 3 intentionally and on the basis of personal grudges as the Appellant had straight away refuse to comply the order of the Respondent No 3 of illegal demand in respect of remuneration, thereafter the Respondent No 3 had

(10)

tried his best to deprive the Appellant from his lawful and legal rights of the Pensionary Benefits and to involve him in illegal criminal proceedings, which is clear from the above mentioned record that once the Appellant had been served for almost 13 years and thereafter properly applied for Standing Medical Board which was duly verified by the Respondent No 3 and he was the knowledge that the Appellant has been served on his post and now he is unable to continue his duty, thereafter on the sudden change of the Respondent No 3 is amount to violate the lawful rights of the Appellant and to punish him twice.

F. That once the Appellant has been found unfit for further service, thereafter the subsequent notices as well as the office order in respect of removal from service is amount to sheer violation of the fundamental rights of the Appellant and after imposition of punishment against the Appellant, thereafter the other office order in respect of recovery from the Appellant is illegal, unlawful and amounts to double jeopardy as under Article 13 of the Constitution it is very much clear that the individual could not be punished twice on the same offence, however in the present case all the proceedings which was conducted by the Respondent No 3 after furnishing the report by the Standing Medical Board is illegal, unlawful,

D

violation of the fundamental rights of the Appellant.

G. That as per the efficiency and disciplinary whenever any incumbent is being absent and he has been served through show cause, he will be removed from service after adopting proper procedure in this case, neither the Appellant was absent, nor he was found guilty of willful absence as cleared from the above mentioned record the Respondent No 3 first removed the Appellant from the service without mentioning the whole story of Standing Medical Board, thereafter the other impugned notice in respect of recovery, the Appellant submitted his clarification that the recovery could be made from any Civil Servant who had been illegally received the amounts from the Government but in this case, neither any report in respect of any illegal pay has been mentioned nor any incriminating in this respect has been provided, hence the proceedings after the Standing Medical Board are illegal, unlawful, without lawful authority.

H. That now the present Appellant is quite apprehension from the Respondent No. 1 of initiating criminal proceedings against the Appellant as the above mentioned notice of the Respondent No 1 is clearly indicates the Appellant

112

to involved in the criminal case, moreover the proceedings if any has been initiated by the Respondent No. 1 is also against the norms of natural justice.

- I. That as per the above-mentioned circumstances if this Hon'ble Tribunal perused the entire episode the conducts of the Respondents could easily be seen that on one hand they had refused to issued pensionary benefits in favour of the Appellant as per the result of standing medical board constituted under the Order of Respondents and on the other hand the Appellant has been jeopardize as on the same time he has been removed from service and also issued the recovery notification against the Appellant, furthermore the criminal proceedings has been preferred to be initiated, all these acts of the Respondents are amounts to be put the Appellant under the double punishment which is against the principal of double jeopardy and liable to be set aside.

Prayer in Appeal:

On acceptance of the instant Appeal, the Impugned order dated 16.12.2019 whereby the appellant has been removed from service and subsequently the order dated 26.12.2019 has been

issued in respect of recovery under the Land Revenue Act may kindly be declared illegal, unlawful, void ab initio and is against the natural justice, moreover the Respondents be directed to act as per the outcome of Standing Medical Board and the pensionary benefits may kindly be granted to the Appellant.

M. Asad Fayaz

Appellant

Through

Bashir Khan Wazir

Bashir Khan Wazir
Advocate, High court
Peshawar

(24)

BEFORE THE LEARNED SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. _____/2020

Muhammad Asad Faizan Appellant

VERSUS

Govt of KPK & others Respondents

AFFIDAVIT

I, Muhammad Asad Faizan S/o Muhammad Iqbal R/o Hous No 474, Street No 16, Sector F-6, Phase-6 Hayatabad Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

M. Asad Faizan

DEPONENT

15

BEFORE THE LEARNED SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. _____/2020

Muhammad Asad Faizan Appellant

V
ERSUS

Govt of KPK & others Respondents

ADDRESSES OF PARTIES

APPELLANT

Muhammad Asad Faizan, S/o Muhammad Iqbal
R/o Hous No 474, Street No 16, Sector F-6, Phase-6
Hayatabad, Peshawar

RESPONDENTS

1. Govt of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Public Health Engineering Department, Khyber Pakhtunkhwa Peshawar.
3. Executive Engineer, Public Health Engineering Division District Karak.
4. Superintendent Engineer, Public Health Engineering Department Kohat Circle Kohat.

M. Asad Faizan

Appellant

Through

Bashir Khan Wazir
Advocate, High court
Peshawar

18

BEFORE THE LEARNED SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. _____/2020

Muhammad Asad Faizan Appellant

V
ERSUS

Govt of KPK & others Respondents

APPLICATION FOR SUSPENSION OF
THE OPERATION OF IMPUGNED
ORDER DATED 16.12.2019 WHEREBY
THE APPELLANT HAS BEEN REMOVED
FROM SERVICE AND SUBSEQUENTLY
THE ORDER DATED 26.12.2019 HAS
BEEN ISSUED IN RESPECT OF
RECOVERY UNDER THE LAND
REVENUE ACT, TILL THE FINAL
DECISION OF THE REVISION
PETITION

Respectfully Sheweth:

1. That the above noted Appeal is being filed before this Hon'ble Court, in which no date of hearing has yet been fixed.
2. That the Appellant has got a good prima facie case in their favour, and are sanguine about its success.

- 17
3. That the balance of convenience also lies in favour of the Appellant.
 4. That if the above mentioned impugned Orders are not suspended, the Appellant would suffer irreparable loss.
 5. That the facts and grounds of the revision petition may kindly be read as an integral part of this application.

It is, therefore, respectfully prayed that on acceptance of this application, the above mentioned impugned Orders may kindly be suspended, till the final decision of the case.

M. Saad Farooq

Appellant

Through

Bashir Khan Wazir
Bashir Khan Wazir
Advocate, High court
Peshawar

18

BEFORE THE LEARNED SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. _____/2020

Muhammad Asad Faizan Appellant

V E R S U S

Govt of KPK & others Respondents

AFFIDAVIT

I, Muhammad Asad Faizan S/o Muhammad Iqbal R/o Hous No 474, Street No 16, Sector F-6, Phase-6 Hayatabad Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

M. Asad Faizan

D E P O N E N T

19

Tribunal

BEFORE THE LEARNED SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. _____/2020

Muhammad Asad Faizan Appellant
VERSUS
Govt of KPK & others Respondents

APPLICATION FOR CONDONATION OF
DELAY IN THE INSTANT APPEAL

Respectfully Sheweth:

1. That the above titled Appeal is pending adjudication before this Hon'ble Tribunal in which no date of hearing has yet been fixed.
2. That the main Appeal may please be considered part and parcel of the instant Application.
3. That the instant Appeal is being filed against the impugned order of the Respondents whereby the Appellant was removed from service and thereafter the departmental appeal was filed by the Appellant and during pendency of the said departmental appeal as the mandatory period was yet to be completed, the recovery order has been issued by the Deputy Commissioner karak, the Appellant was having apprehensions, impugned the said order before the Hon'ble Peshawar High Court Peshawar.
4. That as per the time limitation of the Departmental Appeal the mandatory period was not completed and prior to the expiration of the mandatory period of 90 days the Covid-19 pandemic situation and therefore this Hon'ble Tribunal was remained closed and un-functional, therefore the Writ Petition was pending and fixed

20

for hearing the same was withdrawn with the direction to file before this Hon'ble Tribunal as Service Appeal.

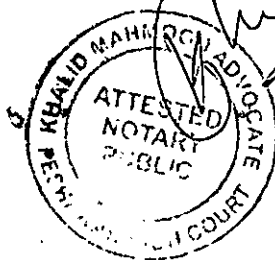
5. That no willful delay on the part of Applicant has taken place except the unavoidable reasons mentioned above, hence the instant application.

It is, therefore, prayed that the delay if any in filling present application may please be condoned.

Through *Applicant*
Bashir Khan Wazir
Bashir Khan Wazir
Advocate, High court
Peshawar

AFFIDAVIT

It is solemnly hereby affirm and declare on oath that the contents of this application are correct and nothing has been concealed or misstated from this august court.



[Signature]
DEPONENT.

OFFICE OF THE EXECUTIVE DISTRICT OFFICER
WORKS & SERVICES DEPARTMENT KARAK

No. E-3/EDDO/26
Dated Karak the 20/10/2007.

Mr. Mohammad Asad Faizan, S/O: Mohammad Iqbal,
Village: Iqbal Abad Gohar Khel P.O. Chowkara
Teh: Takht-e-Nagratti Distt: Karak.

Subject:

APPOINTMENT AGAINST THE VACANT POST OF
OPERATOR CUM VALVE MAN ON FIXED PAY BASIS
@ RS.4000/- PER MONTH AT W.S.S. GOHAR KHEL CHOWKARA.

As recommended by the Deputy District Officer, Water Supply & Sanitation Karak. You are hereby appointed against the vacant post of Operator Cum Valve man on Fixed Pay basis i.e Rs.4000/- Per month at W.S.S. Gohar Khel Chowkara

On the following terms & conditions: -

1. Your Service will be governed under the Government of NWFP Fixed pay policy.
2. Either party can terminate the contract on two (2) months notice.
3. You will not be liable to contribute to G.P. fund and not be entitled for any pension & gratuity benefits.

If the above offer of the appointment of Fixed pay basis is acceptable to you on the above terms & conditions, you are advised to report the Deputy District Officer Water Supply & Sanitation Karak.

EXECUTIVE DISTRICT OFFICER
WORKS & SERVICES DEPTT:
KARAK.

Copy is forwarded for information & necessary action to (i):

1. District Coordination Officer Karak.
2. Deputy District Officer Water Supply & Sanitation (PHS) Karak.
3. District Accounts Officer Karak.

No. 20/E-10 dt 20-10-7.

A Do. Teh. T. Nagratti
for information of the

EXECUTIVE DISTRICT OFFICER
WORKS & SERVICES DEPTT:
KARAK.



**OFFICE OF THE EXECUTIVE ENGINEER PUBLIC HEALTH
ENGINEERING DIVISION KARAK**

No. 58/E-10 Dated PHE Karak the 11/09/2019

The Medical Superintendent (M.S.)
Of District Head Quarter-Hospital
District Karak

Subject :-

APPLICATION APPLY FOR MEDICAL BOARD

It is submitted that Mchammad Asad Faizan S/O Mohammad Iqbal Operator on WSS:Gohar Khel Chowkara have applied submitted application duly recommended by SDO concerned for medical board. Therefore, original application is sent herewith for further necessary action under the medical rules/policy please.

As above

EXECUTIVE ENGINEER

Copy of the above is forwarded for information to:-

1. The Chief Engineer (South) PHED Peshawar please.
2. The Superintending Engineer PHE Circle Kohat please.
3. The SDO PHE Sub Division Takhti Nasrati.
4. Mohammad Asad Faizan S/O Mohammad Iqbal Operator on WSS:Gohar Khel Chowkara Tehsil Takhti Nasrati District Karak with reference to his request.

EXECUTIVE ENGINEER

CEEDING OF STANDING MEDICAL BOARD DHQ HOSPITAL

KARAK

A Standing Medical Board DHQ Hospital examined Mr. Mohammad
Faizain S/O Mohammad Iqbal Operator working under control of the
Executive Engineer public Health Engineering Deptt: Karak, having NIC No 14203-
505616-9.

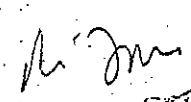
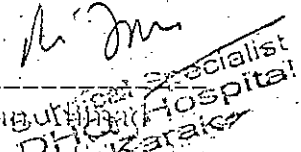
OPINION OF STANDING MEDICAL BOARD:

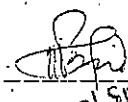
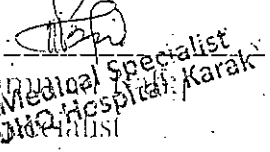
- Suffering from LBP radiating both lower limb.
- Severe sciatica.


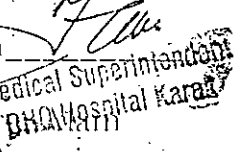
He is (unfit) for further Govt services.

SMB Examination

Date Karak the 19-09-2019

Member 
Dr. Rizwan 
Chief Surgical Specialist
DHQ Hospital Karak

Member 
Dr. Mohamud 
Medical Specialist
DHQ Hospital Karak

Chairman 
Dr. Fakhr 
Medical Superintendent
DHQ Hospital Karak



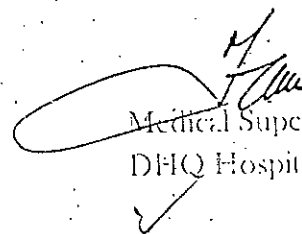
OFFICE OF THE MEDICAL SUPERINTENDENT
DISTRICT HEADQUARTER HOSPITAL KARAK
No. 2045 / Admn / DHQH / KK
Dated. 20 / 09 / 2019

25

The Executive Engineer
Public Health Engineering
Division Karak.

Subject: STANDING MEDICAL BOARD IN RESPECT OF MR MOHAMMAD
Memo: ASAD FAIZAN

With Reference to your office letter No 58/E-10 Dated 12.05.2019 & to enclose
herewith opinion of Standing Medical Board DHQ Hospital Karak in r/o Mr Asad Faizan, WSS:
Golar khel chowkara Operator is working under your control for further necessary action.


Medical Superintendent
DHQ Hospital Karak



**OFFICE OF THE EXECUTIVE ENGINEER PUBLIC HEALTH
ENGINEERING DIVISION KARAK**

No. 01 / E-10 Dated FHE Karak the 7 / 10 / 2019

To

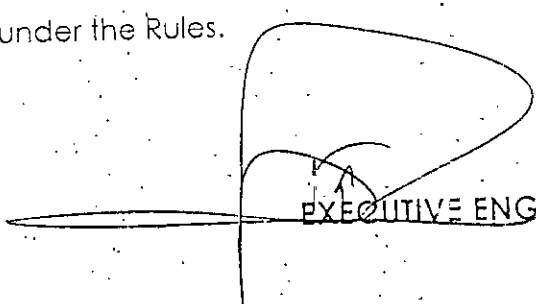
Mr. Muhammad Asad Faizan
Operator/chowkidar

Subject: - **WILFUL ABSENCE NOTICE**

Reference: This office Letter No. 11/E-10 dated September 26, 2019

It has been reported that you are not performing your duties and on wilful absence without any prior approval of the competent authority.

You are therefore directed to attend the office of the undersigned and explain your position in this regard within 3 days otherwise disciplinary action will be initiated against you under the Rules.


EXECUTIVE ENGINEER

Copy forwarded to

- 1) The Superintending Engineer PHE Circle Kchat for information please.
- 2) The sub divisional officer PHE Sub division T/N with the direction to conduct visit to all water supply schemes and check the attendance of the operational staff under intimation to this office.

EXECUTIVE ENGINEER

To
The Xen P.H.E Karak

Subject: Willful Absence Notice

Respected Sir,

Kindly refer to your memo no. 11/E-10 Dated PHE Karak the 26-09-2019 and also No. 01/E Dated PHE Karak the 07-10-2019. It is submitted that you are well aware that my son Muhammad Asad Faizan Tube well operator water supply scheme Gohar Khel Chokara Karak was suffering from serious chronic disease due to his illness he was unable to perform duties efficiently and actively.

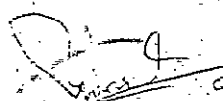
Resultantly submitted by him request to your kind honour that he may kindly be boarded out. Your good office vide no. 53/E-10 dated PHE the 12-09-2019, refer the case to the Medical Superintendent DHQ Hospital Karak for medical opinion and the Standing Medical Board DHQ Hospital Karak examine him on 15-09-2019 and due to his chronic illness he was recommended to be boarded out of service on medical ground.

It is further added that the honourable Supreme Court of Pakistan as well as Government of Pakistan from time to time issue specific direction for early finalization of pension.

A decision of honourable Supreme Court of Pakistan is enclosed for ready reference please. You are therefore requested to kindly sanction the Medical Pension and also pension paper, so my son become able for further his treatment.

It is also brought to your kind notice that my son Muhammad Asad Faizan is laying on bed for Medical treatment and will soon available to your office when he got medical y recovered please.

Best regards,


9/7/19
Muhammad Iqbal
Father of
Muhammad Asad Faizan
T/Operator WSS Gohar-Khe
Chokara Karak



OFFICE OF THE EXECUTIVE ENGINEER PUBLIC HEALTH
ENGINEERING DIVISION KARAK

No. 05/E-10

Dated PHE Karak the 5/12/2019

E

22

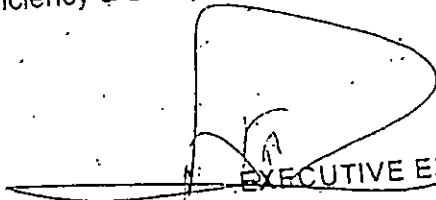
To,

Mr. Asad Faizan (Operator cum valve man)
Water supply scheme Gohar kehl chowkara

Subject: - CHARGE SHEET

I Engineer Rafi Ullah Executive Engineer PHE Division Karak, as a competent authority, here by charge you, Mr. Asad Faizan Operator cum valve man or. water supply scheme Gohar khel Chowkara Takht-e-Nasrati as follows.

- i. That you have been remained absent from Govt. duty without any prior approval of the competent authority.
 - ii. That reportedly you are out of country and hence didn't obtain any ex-Pakistan leave from the competent authority.
 - iii. That you were served with Notice No. 11/E-10 dated 26-09-2019 and Notice No. C1/E-10 dated 07-10-2019 and subsequently a show cause notice was published in the daily mashriq Peshawar dated November 1st -2019, but you failed to comply with the direction of the competent authority
1. By reason of the above, you appear to be guilty of inefficiency, misconduct, corruption and habitual absentee under rules 3 (a), (b), (c) and section -9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011, and rendered yourself liable to all or any of the penalties specified in rule-4 of the rules ibid.
 2. You are therefore required to appear before the undersigned and submit you written reply within 07 days of the receipt of this charge sheet to the undersigned
 3. Your personal appearance and written reply should reach within the specific period, failing which an ex-parte action shall be taken against you including recovery of the remuneration received during the period of absence from duty and removal from service as specified in rule-7 (f) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011.


EXECUTIVE ENGINEER



**OFFICE OF THE EXECUTIVE ENGINEER PUBLIC HEALTH
ENGINEERING DIVISION KARAK**

No. 02 /E-10

Dated PHE Karak the 16 /10 /2019

29

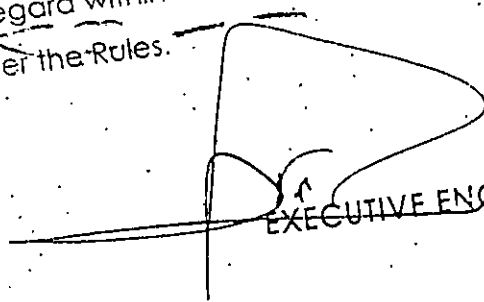
To, Mr. Muhammad Asad Faizan ✓
Operator/chowkidar

Subject: - **WILFUL ABSENCE NOTICE**

Reference: This office Letter No. 11/E-10 dated September 26, 2019

It has been reported that you are not performing your duties and on wilful absence without any prior approval of the competent authority.

You are therefore directed to attend the office of the undersigned and explain your position in this regard within 3 days otherwise disciplinary action will be initiated against you under the Rules.


EXECUTIVE ENGINEER

Copy forwarded to

- 1) The Superintending Engineer PHE Circle Kohat for information please.
- 2) The sub divisional officer PHE Sub division T/N with the direction to conduct visit to all water supply schemes and check the attendance of the operational staff under intimation to this office.

EXECUTIVE ENGINEER

(17)

**OFFICE OF THE EXECUTIVE ENGINEER PUBLIC HEALTH
ENGINEERING DIVISION KARAK**

No. 12 /E-10

Dated PHE Karak the 16 /12/2019

ORDER

30

Whereas Mr. Asad Faizan Operator cum Valve man on Water supply scheme Gohar khel Takht-e-Nasrati was proceeded with against under Khyber Pakhtunkhwa Government Servants (Efficiency & discipline) Rules 2011, for willful absence from Government duty.

And whereas for the said act the official was served with Notices No. 11/E-10 dated 26-09-2019 and No. 01/E-10 dated 07-10-2019 and Subsequently a show cause notice published in daily newspaper on November 1st 2019 to resume duty and explain his position within 15 days of the publication of the notice but the official neither explained his position nor resumed government duty. Thereafter the official was issued with charge sheet vide No. 05 / E-10 Dated the Karak December 05, 2019 containing tentative penalties, but the accused failed to reply in his defense.

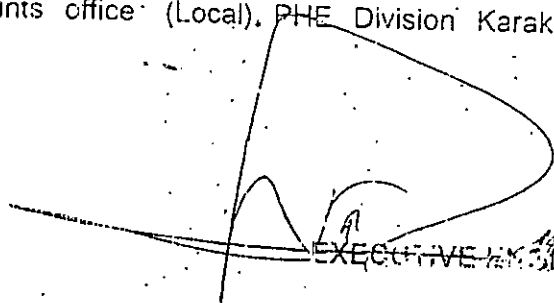
Therefore, after having considered the charges; material on record and in exercising the powers conferred under section 9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011, the major penalty of Removal from service is imposed with immediate effect.

If the accused is aggrieved with this order then he may approach the next appellant authority i.e. Superintending Engineer PHE Circle Kohat for appeal against the said order within 15 days from receipt of this order.

EXECUTIVE ENGINEER

Forwarded to

1. The Chief Engineer (S) PHED Khyber Pakhtunkhwa Peshawar for information please.
2. The Superintending Engineer PHE circle Kohat for information please.
3. The Deputy Commissioner Karak for information please.
4. The District Accounts Officer Karak for information and necessary action please.
5. The sub Divisional officer PHE Sub division Takht-e-Nasrat for information and necessary action
6. The Divisional Accounts office (Local), PHE Division Karak for information and necessary action


EXECUTIVE ENGINEER

No. 796 /ACE/KK
Dt: 18/12/2019

تھانہ ACE

سولہ المناصبہ نظام امتحان و تہہ و تہہ اقسالیہ و الہ صوبہ WSS آباد شہر

چھوٹا کارہ PHE محکمہ

بجوالہ اوپن انکوائری: 50/2019 محکمہ PHE

بکار سرکار

بجوالہ اوپن انکوائری عنوان بالا میں ذیل سوالات کے جوابات اندر سہہ یوم دفتر زبرد ستھلی کو فراہم کرے

ذیل نامہ نظام CO/ACE کرک

18/12/19

- 1- آپ کا پورا نام، زندگی سکونت اور موجودہ تعیناتی، BPS کیا ہے؟
- 2- آپ بحیثیت وال میں محکمہ PHE کرک کب تعینات ہوئے ہے؟
- 3- کیا آپ بیرون ملک گئے ہے؟ اگر گئے ہے تو ویزا پاسپورٹ کا پی لف کرے۔
- 4- اگر سوال نمبر 3 کا جواب اثبات میں ہے تو بیرون ملک کب سے کب تک مقیم رہے اور حال آپ پاکستان میں موجود ہے یا نہیں؟
- 5- اگر سوال نمبر 3,4 کا جواب اثبات میں ہے تو بیرون ملک مقیم ہو کر آپ کیا کام کر رہے ہیں؟
- 6- کیا آپ نے بحیثیت سرکاری ملازم بیرون ملک جانے سے قبل اجازت نامہ Ex Pakitan Leave محکمہ سے لیا ہوا تھا یا نہیں؟
- 7- مطابق قانون آپ سرکاری ملازم ہوتے ہوئے ایسا فعل اگر کر سکتے ہے تو متعلقہ قانون کا حوالہ دیکر جواب دے۔
- 8- آپ کی غیر حاضری میں آپ کی تنخواہ کس اکاؤنٹ میں ٹرانسفر ہوتی رہی۔ اکاؤنٹ نمبر کی تفصیل دے اور کون و سول کرتا رہا۔ نام، پتہ، کوائف دے۔
- 9- برطانیہ آؤٹ رپورٹ سال 2011 سے تاحال آپ اکثر اوقات بیرون ملک مقیم رہے۔ اور آپ نے غیر قانونی طور پر مبلغ 13,22,905 روپے تنخواہ کی مد میں حاصل کر کے حکومت خزانہ کو نقصان پہنچایا ہے۔ کیا آپ حکومتی خزانے کو پہنچائے گئے نقصان حکومت مبلغ 13,22,905 روپے واپس خزانہ میں جمع کرنے کیلئے تیار ہے، یا آپ کے خلاف قانونی کارروائی کی جائے؟

OFFICE OF THE EXECUTIVE ENGINEER PUBLIC HEALTH
ENGINEERING DIVISION KARAK

No. _____ / _____ Dated: PHED: Karak the ___/12/2017

- The Deputy Commissioner
District Karak

Subject: - RECOVERY OF PAYMENT TO THE TUNE OF RS. 1,322,905 FROM ASAD FAIZAN S/O MUHAMMAD IQBAL OF WATER SUPPLY SCHEME IQBAL ABAD CHOKARA UNDER LAND REVENUE ACT.

Please refer to above, it is submitted that Mr. Asad Faizan S/O Muhammad Iqbal Operator cum valve man on water supply scheme Iqbal Abad Chowkara was proceeded with against under E&D Rule 2011, for will full absence from government duty. After having considered the charges, Major penalty of Removal from service was imposed (Copy attached)

Thereafter the case was taken up by Anti corruption establishment and recovery to the tune of Rs. 1,322,905 was established on account of illegal draw of monthly salary in period of absence.

You are therefore very humbly requested to kindly make recovery from the aforesaid Person to the tune of Rs. 1,322,905/- under land revenue act on account of losses made to Government exchequer please.

EXECUTIVE ENGINEER

Copy forwarded to

- 1). The Chief Engineer (South) PHED for information please.
- 2) The Superintending Engineer PHE Circle Konat for information please.
- 3) The Additional Deputy Commissioner (F&P) Karak for information and necessary action please..

EA/DOZA

EXECUTIVE ENGINEER

بخدمت جناب سپرنٹنڈنٹ، انجینئر پبلک ہیلتھ، انجینئرنگ ڈیپارٹمنٹ کوہاٹ سرکل کوہاٹ

درخواست / اپیل - ناراض حکم مرسلہ مصدر نمبر 10-E-12 مورخہ: 16/12/2019

حاری کردہ از ایکسین پبلک ہیلتھ، انجینئرنگ کرک

جناب عالی!

سائل ذیل اپیل کرتا ہے۔

- ۱۔ یہ کہ سائل محکمہ پبلک ہیلتھ، انجینئرنگ کرک کے زیر سایہ واٹر سپلائی اسکیم گوہر خیل چوکاہ میں، بحیثیت آپریٹر تعینات ہو کر خدمات سرانجام دے رہے تھے۔
- ۲۔ یہ کہ سائل کافی عرصہ سے بیمار تھا اور علاج معالجہ کرتا رہا، تاہم مکمل افاقہ نہ ہونے پر سائل علاج کیلئے جانے سے پہلے ایکسین محکمہ پبلک ہیلتھ، انجینئرنگ کرک کو درخواست برائے میڈیکل بورڈ مورخہ 19/08/2019 کو دے دی۔
- ۳۔ یہ کہ جناب ایکسین صاحب حسب دستور درخواست جناب SDO صاحب تحت نصرتی سب ڈویژن کو برائے ضروری کاروائی بھیج دی۔ جو کہ SDO صاحب نے متعلقہ سفارشات دے کر مورخہ 07/09/2019 کو دوبارہ ایکسین صاحب محکمہ پبلک ہیلتھ، انجینئرنگ کرک کو پیش کر دی۔ (نقل کاپی۔ الف۔ لف ہے)
- ۴۔ یہ کہ جناب ایکسین صاحب کرک نے میری درخواست ہمراہ خط مرسلہ نمبر 10-E-58 مورخہ 12/09/2019 کو میڈیکل سپرنٹنڈنٹ ڈسٹرکٹ ہیڈ کوارٹر ہسپتال کرک برائے ضروری کاروائی بھیج دی اور ساتھ ہی آخری سطر کے مطابق مجھے خبردار کیا (کاپی نقل۔ ب۔ لف ہے)۔
- ۵۔ یہ کہ سائل ڈسٹرکٹ ہیڈ کوارٹر ہسپتال کرک کو برائے میڈیکل بورڈ مورخہ 19/09/2019 کو پیش ہوا۔ بعد از ضروری معائنہ میڈیکل بورڈ نے سائل کو مزید سرکاری نوکری کیلئے Unfit کر دیا۔ (کاپی نقل۔ ج۔ لف ہے)۔
- ۶۔ یہ کہ میڈیکل سپرنٹنڈنٹ ڈسٹرکٹ ہیڈ کوارٹر ہسپتال کرک درج بالا کاغذات بمطابق ڈاک بمبئی نمبر 2045 مورخہ 20/09/2019 کو جناب ایکسین پبلک ہیلتھ، انجینئرنگ کرک کے دفتر کو بھیج دیئے۔ (نقل کاپی۔ د۔ لف ہے)

35

۷۔ یہ کہ علاقے کے چند لوگ جن کے ساتھ ہمارے اباواجداد کے وقت سے دشمنی چلی آرہی ہے انہوں نے محکمہ پبلک کرک کو میرے حاضری کے ضمن شکایت کی جس کی بابت ایکسین پبلک ہیلتھ انجنیئرنگ کرک نے من سائل مورخہ 26/09/2019 اور مابعد 07/10/2019 کو غیر حاضر ہونے کے بابت خطوط لکھے۔ جس کے بابت میرے والد کے طرف سے جواب مورخہ 09/10/2019 میں دیا گیا ہے۔ خطوط اور جواب کی کاپیاں نقولات ضمنیہ 1,2,3 لف ہے۔ بعد ازاں ایکسین پبلک ہیلتھ انجنیئرنگ کرک نے مجھے چارج شیٹ بھی کیا جس کے بابت اب من سائل کو معلوم ہوا ہے۔

۸۔ (i) یہ کہ جناب ایکسین پبلک ہیلتھ انجنیئرنگ کرک کی برخاستگی حکم مورخہ 16/12/2019 نہ صرف غیر قانونی خلاف ضابطہ بدینتی پر مبنی ہے بلکہ اس طرح کی کارروائی کا مثال نہیں ملتا۔ جو کہ سراسر ظلم ہے۔
(ii) یہ کہ میڈیکل بورڈ نے جب من سائل کو مزید نوکری کیلئے Unfit کیا تو اسی تاریخ 19/09/2019 کے بعد میری حاضری یا غیر حاضری کا کیا جواز باقی رہتا ہے۔

لہذا جناب والا کی خدمت میں اپیل کی جاتی ہے کہ

من سائل کے خلاف محکمہ پبلک ہیلتھ انجنیئرنگ کرک کا برخاستگی کا حکم نامہ نمبر 10-E-12 مورخہ 16/12/2019 کو کالعدم فرمائی جائے اور ایکسین پبلک ہیلتھ انجنیئرنگ کرک کو ہدایت کی جائے کہ میرے میڈیکل بورڈ کی سفارشات کی روشنی میں ریٹائرمنٹ آرڈر (میڈیکل کی بنیاد پر) جاری کرا کر مشکور فرمائیں۔

سائل تازیت دُعا گور ہے گا۔

عریضے
محمد اسد فیضان

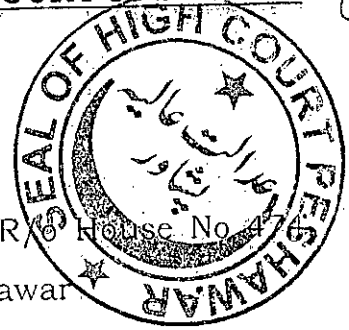
سابقہ ٹیوب ویل آپریٹر منصوبہ آبنوشی، محلہ گوہر خیل چوکا رہ

نقل برائے ضروری اطلاع: ایکسین پبلک ہیلتھ انجنیئرنگ کرک ڈویژن کرک

BEFORE THE HONORABLE PESHAWAR HIGH COURT PESHAWAR

Writ petition No 1428P/2020

Muhammad Asad Faizan S/o Muhammad Iqbal R/o House No 44
Street No 16, Sector F-6, Phase-6 Hayatabad Peshawar



.....Petitioner

VERSUS

1. Director provincial Anti-Corruption Establishment, Khyber Pakhtunkhwa, Peshawar.
2. Secretary Public Health Engineering Department Khyber Pakhtunkhwa Peshawar.
3. Executive Engineer, Public Health Engineering Division District Karak.
4. Superintendent Engineer, Public Health Engineering Department Kohat Circle Kohat.

.....Respondents

**WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973 AS
AMENDED UP-TO DATE**

ATTESTED

**EXAMINER
Peshawar High Court**

Respectfully Sheweth:-

The Petitioner humbly submits as under:-

1. That the Petitioner is peaceful and law abiding Citizen of Pakistan and is entitled for all the rights guaranteed by the Constitution of Islamic Republic of Pakistan, 1973. **(Copy of the CNIC is attached as Annex 'A')**.
2. That the Tube Well was installed in the land of the present Petitioner whereby the Petitioner served on the post of Tube Well Operator in voluntary basis since 2000 till 2007, thereafter the Petitioner was properly appointed as Tube Well Operator vide order dated 20.10.2007 on the basis of fix pay since his appointment, he was performing his duty

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with zeal and zest. (Copy of Appointment Order is attached as annexure B)

3. That after appointment he has served to the Respondents No 2 & 3 department for almost 13 years since his proper appointment and thereafter the Petitioner was having serious illness and pain in his body, he had been applied for Constitution of Medical Board to examine the Petitioner and submitted an Application for that very purpose. (copy of the Application is attached as annexure C)
4. That consequent upon the Application of the Petitioner, the Respondent No 3 had duly forwarded the said Application to the Medical Superintendent of District Headquarter Hospital District Karak for proper examination of the Petitioner that whether the Petitioner is fit for further service or otherwise, the office of the Medical Superintendent District Headquarter Karak has been pleased to forwarded the letter to the Respondent No 3 and constituted a Medical Board, thereafter the Petitioner appeared before the Medical Board, whereby the three Medical Member Board included the Chairman of the Board had been examined the Petitioner and cited there opinion in the said Medical Report, opinion of Standing Medical Board is that the Petitioner is suffering from LBP Radiating Both Lower Lim and Severe sciatica and he has been found out unfit for further Government Services. (Copy of the Application and Report of Standing Medical Board are attached as annexure D)
5. That as the Medical Board was constituted and examined the Petitioner vide dated 19.09.2019 and he was found unfit for further Government Services, thereafter the Petitioner made requests to the Respondents No 2 & 3 for release of his pension benefits as per the standing Medical Board, the Respondent No 2 & 3 given assurance to the Petitioner they will issue the pensionary benefits as per rules and law, however the Respondent No 3 vide dated 26.09.2019 issued a letter to the Petitioner in the subject willful absence notice, similarly vide dated 07.10.2019 another notice on

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ATTESTED
EXAMINER
Peshawar High Court

(3) (8) (3) (38)

the subject willful absence notice to the Petitioner, where after the father of the Petitioner submitted proper reply of the said notice to the Respondent No 3. **(Copies of the Notices and Reply are attached as annexure E)**

6. That the Respondent No 3 without being considered the reply and the previous history in respect of Standing Medical Board, issued the above mentioned notices and thereafter on 05.12.2019 charge sheet and another notice on dated 16.12.2019 on the same subject of willful absence notice have been issued on malafide manner and the malafide of the Respondent No 3 is very much clear from the above mentioned notices as the last notice was issued on 16.12.2019 and similarly on the same day on 16.12.2019 an office order in respect of removal from service has been issued against the Petitioner and a part from that the matter was sent to the Anti-Corruption Establishment Khyber Pakhtunkhwa for open inquiry whereby the Anti-Corruption has been issued against the Petitioner. **(Copies of notice dated 16.12.2019, removal order dated 16.12.2019 and the questionnaire of Respondent No 1 are attached as annexure F)**

7. That when the Petitioner got the knowledge of the above mentioned illegal and unlawful acts of the Respondent No 3, thereafter he has submitted an Application to the Respondent No 4 for the redressal of the grievances of the Petitioner and described the whole story as mentioned above. **(Copy of the Application to Respondent No 4 is attached as annexure G)**

8. That apart from the above mentioned illegal proceedings conducted against the Petitioner by the Respondent No 3 on the basis of personal grudges another letter to the Deputy Commissioner District Karak vide dated 26.12.2019 has been sent on the subject that recovery of payment to the tune of Rs. 1322905/- from the Petitioner under Land Revenue Act. **(Copy of the Letter dated 26.12.2019 sent to the DC Karak is attached as annexure H)**

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EXAMINER
Peshawar High Court

(4) (6) (7) (8)

9. That as the Petitioner had served in the Respondent Department for almost 13 years and thereafter on the above mentioned unavoidable reason he has been declared as unfit by the Standing Medical Board on the recommendation of Respondents No 3, the Standing Medical Board has issued a proper report, after having the knowledge of all the above mentioned story, the Petitioner was entitled to get all the pensionary benefits, the Respondent No 3 inspite of the fact that he was having the knowledge of the above mentioned facts and circumstances, he had illegally been proceeded the Petitioner on the basis of personal grudges and when the Petitioner refused to fulfill his illegal and unlawful demands.
10. That feeling aggrieved from the acts and conducts of Respondents, having no other adequate and efficacious remedy, approaches this Honourable Court on the following grounds inter-alia:-

GROUNDS:-

- A) That the Petitioner is peaceful and law abiding citizen of Islamic Republic of Pakistan and is fully entitled to all the basic and fundamental rights as enshrined in the fundamental law of the state, interpreted and guaranteed by the law of the land.
- B) That the acts of the Respondents of not following the relevant rules, regulations, and well known the facts of regarding the petitioner being performed his duty with full devotion and is entitled for the pensionary benefits after furnishing the report of Standing Medical Board as provided by law and rules, as guaranteed by the fundamental rights, however the respondents are having been refused to treat the petitioner as per rules and criteria, is illegal, unlawful, unnatural, ab-initio, null and void in the eye of law, hence liable to be declared so.
- C) That the acts of the Respondents of not following the same criteria which has been safeguarded by the law and rules.

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ATTESTED

EXAMINER
Peshawar High Court

(5) (7) (8) (9)

and guidelines provided by the apex courts that every person are equal before law and the constitution of Republic of Pakistan has safeguarded the fundamental rights of the citizens and further it has been provided to treat the incumbents as per law not otherwise if found so the Hon,ble court has the power to declared null in void the illegal acts of the authority, the respondents in the present case violated the legal lawful and constitutional right of promotion of the petitioner. which is illegal, unlawful, unnatural, ab-initio, null and void in the eye of law, hence liable to be declared so.

D) That the Petitioner was appointed in the Respondent No 3 department as Tube Well Operator, the Petitioner was initially serving on the same post of voluntarily basis and thereafter a proper appointment order was issued by the Respondent No 3 on fix pay basis which was later on converted into permanent employment and after about 13 years he was having serious pain in his body and he was unable to continue his service, thereafter he had been applied for the constitution of Standing Medical Board which was duly allowed by the Respondent No 3 and under the supervision of Respondent No 3 all the process in respect of Standing Medical Board have been completed and he was being declared as unfit to continue his service and when the Respondent No 3 had processed file of the Petitioner, the sudden change of mind whereby he had been sent the notices in respect of willful absence and thereafter office order has been issued and the Petitioner was removed from service, these acts of the Respondent No 3 are illegal, unlawful, void ab initio.

E) That the Respondent No 3 intentionally and on the basis of personal grudges as the Petitioner had straight away refuse to comply the order of the Respondent No 3 of illegal demand in respect of remuneration, thereafter the Respondent No 3 had tried his best to deprive the Petitioner from his lawful and legal rights of Pensionary Benefits and

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ATTESTED
EXAMINER
Peshawar High Court

(6) (8) (6) (4)

to involve him in illegal criminal proceedings, which is clear from the above mentioned record that once the Petitioner had been served for almost 13 years and thereafter properly applied for Standing Medical Board which was duly verified by the Respondent No 3 and he was the knowledge that the Petitioner has been served on his post and now he is unable to continue his duty, thereafter on the sudden change of the Respondent No 3 is amount to violate the lawful rights of the Petitioner and to punish him twice.

- F) That once the Petitioner has been found unfit for further service, thereafter the subsequent notices as well as the office order in respect of removal from service is amount to sheer violation of the fundamental rights of the Petitioner and after imposition of punishment against the Petitioner, thereafter the other office order in respect of recovery from the Petitioner is illegal, unlawful and amounts to double jeopardy as under Article 13 of the Constitution it is very much clear that the individual could not be punished twice on the same offence, however in the present case all the proceedings which was conducted by the Respondent No 3 after furnishing the report by the Standing Medical Board is illegal, unlawful, violation of the fundamental rights of the Petitioner.
- G) That as per the efficiency and disciplinary whenever any incumbent is being absent and he has been served through show cause, he will be removed from service after adopting proper procedure in this case, neither the Petitioner was absent, nor he was found guilty of willful absence as cleared from the above mentioned record the Respondent No 3 first removed the Petitioner from service without mentioning the whole story of standing medical Board, thereafter the other impugned notice in respect of recovery, the Petitioner submitted his clarification that the recovery could be made from any Civil Servant who had been illegally received the amounts from the Government but in this case, neither any report in respect of any illegal pay has been mentioned nor

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ATTESTED
EXAMINER
Peshawar High Court

(7) (9) (7) 42

any incriminating in this respect has been provided, hence the proceedings after the standing medical board are illegal, unlawful without lawful authority.

- H) That now the present Petitioner is quite apprehension from the Respondent No 1 of initiating criminal proceedings against the Petitioner as the above mentioned notice of the Respondent No 1 is clearly indicates the Petitioner to involved in the criminal case, moreover the proceeding if any has been initiated by the Respondent No 1 is also against the norms of natural justice and may kindly be declared illegal in the eyes of law.
- I) That any other ground not raised here specifically may graciously be allowed to be raised at the time of arguments.

PRAYER:-

It is, therefore, most humbly prayed that, On acceptance of this writ petition an appropriate writ may please be issued

1. To declare that the Petitioner once forwarded under the recommendation of Respondent No 3 to the Standing Medical Board and thereafter he was found unfit to continue further Government services and furnishing proper Standing Medical Board Report, thereafter the notices in respect of willful absence of the Petitioner and removal from service order issued by the Respondent No 3 are illegal, unlawful, without lawful authority, against the rules, void ab-initio in the eyes of law and of no legal effects upon the rights of petitioner, the same is liable to be struck down.

ATTESTE

2. To declare that once the standing Medical Board has issued their report of the Petitioner the Respondent No 3 was under obligation for issuance of Pensionary Benefits in favour of the Petitioner but the Respondent No 3 initiated the efficiency and disciplinary action against the Petitioner and subsequently the impugned order of 26.12.2019 in respect of recovery under the Land Revenue Act has been issued which is illegal, unlawful,

EXAMINER
Peshawar High Co

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(12) (8) (43)

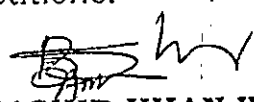
without lawful authority, void ab initio and is liable to be cancelled. The Respondents No 2 & 3 may kindly be directed that as the Petitioner is entitled to get pensionary benefits the same may be issued to the Petitioner.

3. To declare that if the Respondent No 1 on the request of Respondent No 3 initiated any proceedings against the Petitioner or intent to conduct open inquiry may kindly be restrained from do so and to declare the same is illegal, unlawful, without lawful authority, against the fundamental rights and amounts to double jeopardy.

Any other relief, not specifically asked for may also graciously be extended in favour of the petitioner in the circumstances of the case.

INTERIM RELIEF:

By way of Interim relief, the impugned notice dated 26.12.2019 issued by the Respondent No 3 may kindly be suspended and the Respondent No 1 may kindly be restrained not to initiate inquiry against the Petitioner, till the final disposal of the case.

Petitioner
Through: 
(BASHIR KHAN WAZIR)
Advocate,
High Court, Peshawar

Dated:- 31.01.2020

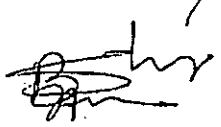
CERTIFICATE:-

No such like petition has earlier been filed by the Petitioner before this Honourable Court on the subject matter.


ADVOCATE

LIST OF BOOKS:-

1. Constitution of Islamic Republic of Pakistan, 1973
2. Any other book as per need



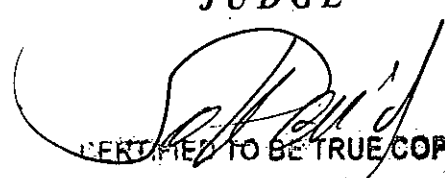

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EXAMINER
Peshawar High Court

PESHAWAR HIGH COURT, PESHAWAR

FORM OF ORDER SHEET

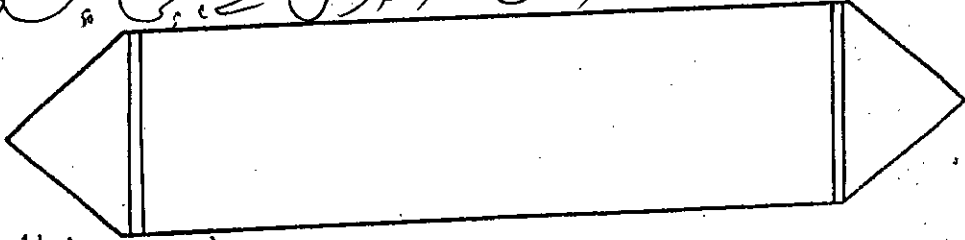


Date of Order or Proceedings	3
1	2
08.07.2020	<p><u>WP No.1428-P/2020.</u></p> <p>Present: <i>Mr. Bashir Khan Wazir, Advocate, for the petitioner.</i></p> <p style="text-align: center;">*****</p> <p><u>IKRAMULLAH KHAN, J.-</u> Learned counsel for the petitioner when confronted that as to whether the matter under dispute does not come within the purview of Service Tribunal, however, he stated that at the time of filing instant petition, the Service Tribunal was not functional. As such, this petition is dismissed with the permission to approach the competent authority under the law.</p> <p><u>Announced:</u> 08.07.2020</p> <div style="text-align: right; margin-top: 20px;">  JUDGE </div> <div style="text-align: right; margin-top: 20px;">  JUDGE </div> <div style="text-align: right; margin-top: 20px;">  EXAMINER Peshawar High Court, Peshawar Authorised Under Article 8.7 of The Qanun-e-Shahadat Order 1984 </div> <div style="text-align: right; margin-top: 10px;"> 13 JUL 2020 </div>
Date of Presentation of Application <u>13/7/2020</u> No of Pages <u>9-7</u> Copying fee <u>36</u> Date of Preparation of Copy <u>13/7/2020</u> Date of Delivery of Copy <u>13/7/2020</u> Received By <u>[Signature]</u>	

Ihsan

(DB) Hon'ble Mr. Justice Ikramullah Khan & Hon'ble Mr. Justice Muhammad Naeem Anwar

بعدالت سروں ٹریبونل کے لیے پیدل



2022ء پنجاب ایبلانٹ

محمد اسد رفیقان بنام حکومت

موضوعہ	سروں ٹریبونل
مقدمہ	
دعویٰ	
جرم	

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ ہر مقام پر مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق و زرائیں 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 اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ مندر ہے۔

الرقوم 24 ماہ جولائی 2022ء

بمقام _____ واہ العبد

کے لئے منظور ہے۔
AAB 107

Handwritten signature

M. Asad Rafiqan

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

Service Appeal No. 9138 of 2020

Muhammad Asad Faizan. **APPELLANT**

VERSUS

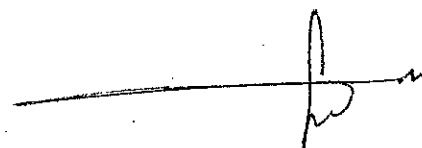
- 1) Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat Peshawar
- 2) Secretary Public Health Engineering Department Khyber Pakhtunkhwa Peshawar.
- 3) Executive Engineer, Public Health Engineering Division District Karak.
- 4) Superintending Engineer Public Health Engineering Kohat Circle Kohat.

. **RESPONDENTS**

INDEX

Sr. No.	Documents	Annexure	Page
1	Comments	--	1- 3
2	Affidavit	--	4
3	Authority Letter	--	5
4	Travel History	A	6
5	Copy of notices dated 26-9-2019 & dated 07-10-2019	B & C	7 - 8
6	Show cause notice published in daily Mashriq	D	9
7	Copy of appellant reply	E	10
8	Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011	F	11 - 22
9	Office Order dated 16-12-2019	G	23

Dated / / 2021



DEPONENT

CNIC No. 17301-3056748-3

Cell # 0315-1906767

BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 9138 of 2020

1) Muhammad Asad Faizan **APPELLANT**

VERSUS

- 1) Government of Khyber Pakhtunkhwa through Chief Secretary.
- 2) Secretary PHED Khyber Pakhtunkhwa Peshawar.
- 3) Executive Engineer Public Health Engineering Division Karak.
- 4) Superintending Engineer PHE Circle Kohat. **RESPONDENTS**

REPLY ON BEHALF OF RESPONDENTS No. 1-4

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

- 1) That the Appellant has got no cause of action of filing this service appeal.
- 2) That the Appellant has not come to the honourable court with clean hands.
- 3) That the appeal has not been based on facts.

FACTS:

- 1) No comments.
- 2) Correct to the extent that the petitioner was appointed as Operator cum valve man at WSS Gohar Khel Chokara on 20-10-2007.
- 3) Incorrect. The appellant didn't serve for 13 years; rather he was on wilful absence and abroad without any Ex-Pakistan leave (**Copy of his travel history is attached as Annexure "A"**). The biometric system was installed for the attendance of operational staff in the divisional office in September 2019 and after installation of the biometric system, the appellant applied for retirement on medical ground.
- 4) Correct to the extent that the application of the appellant for constitution of Medical board was forwarded to the MS of District Headquarter Hospital Karak for further necessary action under the rules. Thereafter Medical board was constituted by MS of District Headquarter Hospital Karak and communicated his opinion on September 20, 2019 which was received on September 24, 2019. Meanwhile it was reported that the appellant neither performed his duty as he was on wilful absence since 2011 nor he was suffering from any chronic disease, rather his application for constitution of SMB for retirement on medical ground was based on malafide intentions (as evident from his travel history). This illegal / unlawful act of Appellant (i.e. wilful absence and impugned application for retirement on medical ground) is illegal, unlawful and should be grappled under the rules ibid. Consequently he was proceeded against under E&D Rules 2011.

- 5) Incorrect. The opinion of MS of District Headquarter Hospital Karak was received on September 24, 2019 vide letter No. 2045/Admn/DHQH/KK dated 20-09-19 whereas the appellant went abroad on the same day i.e. on September 24, 2019 (as evident from his Travel History Record attached Annexure "A"). Therefore, neither retirement orders of the appellant was notified nor he was entitled for any pension/other benefits, rather he rendered himself liable to be proceeded against Efficiency & Discipline Rules 2011 on account of wilful absence, misconduct, inefficiency and illegal drawl of monthly salary. Consequently he was proceeded against under E&D Rules 2011 under Section 3 (a, b, c and d) and was served with Notices No. 11/E-10 dated 26-09-2019 and No. 01/E-10 dated 07-10-2019 and subsequently the appellant was directed to resume duty through show cause notice published in daily Mashriq dated November 1st 2019 and asked to explain his position within 15 days of the publication of the notice. Notwithstanding, the appellant neither explained his position nor resumed duty. Thereafter the appellant was issued with charge sheet vide No. 05 / E-10 Dated the Karak December 05, 2019 containing tentative penalties, but the accused failed to submit reply in his defense. **(Copy of Notices and show cause attached as Annexure B, C and D).**
- 6) Incorrect. The reply to the show cause was submitted by Muhammad Iqbal (father of the appellant) which was not convincing rather it was misleading and misrepresenting. According to his statement, the accused was suffering from chronic disease and was lying on bed and was unable to visit PHE Division Karak but in fact he was abroad, as evident from his travel history report provided by FIA Headquarter Islamabad. **(Copy attached Annexure E).** Therefore, the accused was proceeded against under E&D Rules 2011 and an opportunity was given to the appellant/accused for his defense. Furthermore, the matter wasn't reported to the Anti corruption establishment by the respondent department rather they were investigating the matter on their own.
- 7) Incorrect. The act of the Respondents was neither illegal nor unlawful rather the accused/appellant was on willful absence since years and caused huge financial loss to government exchequer by illegal drawl of monthly salary. This act of appellant rendered him inefficient, guilty of misconduct, corruption and habitually absenting himself from duty without prior approval of the competent authority under Section 3 (a, b, c, and d) of E&D rules 2011 **(copy attached as Annexure F).**
- 8) Incorrect. The act of the respondents is not illegal. The appellant was proceeded against under Government Servants E&D Rules 2011. The accused/appellant willfully remained absent since 2011 and illegally draw salary of Rs. 1,322,905/- on account of salary ~~of~~ the period of absence. This incurred pecuniary loss to the government exchequer which needs to be recovered from him..
- 9) Incorrect. The appellant didn't serve for 13 years rather he willfully remained absent from duty for quit long and was also constantly drawing monthly salary without performing government duty. Furthermore he malafidely applied for retirement on medical grounds.
- 10) No comments.

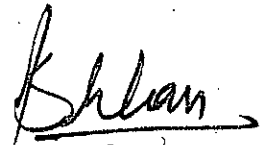
GROUND:

- A. No comments.
- B. Incorrect. As explained in Paras 6, 7 and 8 of the Facts.
- C. Incorrect. As explained in Paras 5, 6 and 7 of the Facts.
- D. Incorrect. As explained in Paras 3, 5, 6 and 7 of the Facts.
- E. Incorrect. As explained in Paras 3, 5, 6 and 7 of the Facts.
- F. Incorrect. The appellant being Government Servant went abroad without the prior approval of the competent authority and thus rendered himself guilty of inefficiency and misconduct and, therefore, liable to be proceeded against under Government Servants Efficiency and Discipline Rules 2011. He was accordingly proceeded under the rules ibid vide office order dated 16-12-2019 (copy attached as Annexure G).
- G. Incorrect. As explained in Paras "F" of the Grounds.
- H. Incorrect. As explained in preceding para 8 of the Facts.
- I. Incorrect. As explained in Para "F" of the Grounds.

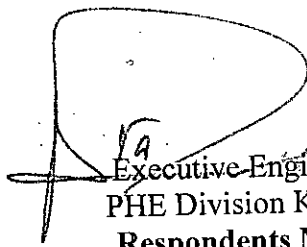
In view of above, it is therefore, most humbly prayed that the comments of the Respondents may please be accepted and the service appeal of the Appellant may very graciously be dismissed with heavy cost.




Chief Secretary
Govt. Of Khyber Pakhtunkhwa
Respondent No.1



Secretary PHE Deptt
Khyber Pakhtunkhwa
Respondents No.2



Executive Engineer
PHE Division Karak
Respondents No.3



Superintending Engineer
PHE Circle Kohat
Respondents No. 4

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

Service Appeal No. 9138 of 2020

1) Muhammad Asad Faizan. **APPELLANT**

VERSUS

2) Secretary Public Health Engineering Department Khyber Pakhtunkhwa Peshawar.

3) Superintending Engineer PHE Circle Kohat.

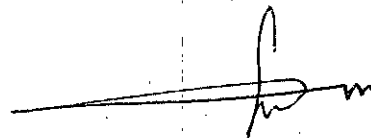
4) Executive Engineer Public Health Engineering Division Karak.

..... **RESPONDENTS**

AFFIDAVIT

I, Hamayun, Superintendent, PHE Department Peshawar do hereby affirm and declare on oath that the contents of the instant Joint Parawise Comments in Service Appeal No. 9138/2020 titled "Muhammad Asad Faizan Versus Government of Khyber Pakhtunkhwa through Chief Secretary & others" are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Court.

Identified by: -
Advocate General
Khyber Pakhtunkhwa



DEPONENT
CNIC No. 17301-3056748-3
Cell # 0315-1906767



FEDERAL INVESTIGATION
 INTEGRATED BORDER MANAGEMENT SYSTEM
 FIAHQ G-9/4 PESHAWAR MOR, ISLAMABAD
 Fax No: 051-9262376, Tel No: 051-9107219
 R-11 (TRAVEL HISTORY)



TRAVEL HISTORY FOUND ON: 1420395056169

Required By: AD COMPLAINTS ANTI CORRUPTION

Department: ANTI CORRUPTION

Diary No: 124 DATED 6-11-19

Letter Number: 20557 /ACE

Request Date: 20-Oct-2019

Query Date: 06-Nov-2019

TRAVELER'S CNIC/NIC

1420395056169

PERSONAL INFORMATION:

NAME MUHAMMAD ASAD FAIZAN BIRTH DATE 18-JUL-1989
 FATHER/HUSBAND NAME MUHAMMAD IQBAL NATIONALITY Pakistan

TRAVEL DETAILS:

S.NO	TRAVEL DATE	FLIGHT NO	TRAVEL STATUS	PASSPORT NO	SITENAME
1	05-Jun-11 14:01:50	EY262	departing	BV8916161	Peshawar International Airport
2	11-Aug-12 1:39:45	EK614	arriving	BV8916161	Benazir Bhutto International Airport Islamabad
3	13-Sep-12 3:00:19	EK615	departing	BV8916161	Benazir Bhutto International Airport Islamabad
4	04-Jul-13 3:05:23	QR346	arriving	BV8916161	Peshawar International Airport
5	28-Aug-13 2:39:11	G9556	departing	BV8916161	Peshawar International Airport
6	16-Jun-17 15:59:50	GF786	arriving	BV8916162	Peshawar International Airport
7	25-Aug-17 13:41:20	G9556	departing	BV8916162	Peshawar International Airport
8	09-Feb-18 8:06:27	EK636	arriving	BV8916162	Peshawar International Airport
9	13-Apr-18 15:03:14	GF787	departing	BV8916162	Peshawar International Airport
10	08-Aug-19 3:59:57	EK2686	arriving	BV8916162	Benazir Bhutto International Airport Islamabad
11	24-Sep-19 9:21:34	GF785	departing	BV8916162	Peshawar International Airport

Time: 2:43:39 pm

Page 1 of 1

Note: Computer Generated Report Based On Given Particulars.

PREPARED BY: _____

(NOT FOR COURT USE)



**OFFICE OF THE EXECUTIVE ENGINEER PUBLIC HEALTH
ENGINEERING DIVISION KARAK**

No. 11 / E-10

Dated P.H.E Karak the 26/09/2019

To

Mr Muhammad Asad Faizan
Operator/chowkidar

Subject: - **WILFUL ABSENCE NOTICE**

Refer to above, you are directed to appear before the undersigned along with original CNIC and passport by tomorrow without fail.

EXECUTIVE ENGINEER

Copy forwarded to

- 1) The sub divisional officer PHE Sub division T/N with the direction to conduct surprise visit to all water supply schemes and check the attendance of the operational staff under intimation to this office.

EXECUTIVE ENGINEER



**OFFICE OF THE EXECUTIVE ENGINEER PUBLIC HEALTH
ENGINEERING DIVISION KARAK**

No. 0/1/E-10 Dated PHE Karak the 7/10/2019

To:

Mr. Muhammad Asad Faizan
Operator/chowkidar

Subject: - **WILFUL ABSENCE NOTICE**

Reference: This office Letter No. 11/E-10 dated September 25, 2019

It has been reported that you are not performing your duties and on wilful absence without any prior approval of the competent authority.

You are therefore directed to attend the office of the undersigned and explain your position in this regard within 3 days otherwise disciplinary action will be initiated against you under the Rules.

EXECUTIVE ENGINEER

Copy forwarded to

- 1) The Superintending Engineer PHE Circle Karak for information please.
- 2) The sub divisional officer PHE Sub division T/N with the direction to conduct visit to all water supply schemes and check the attendance of the operational staff under intimation to this office.

EXECUTIVE ENGINEER

Handwritten signature
07/10/19

To

The Xen P.H.E Karak.

Subject: Willful Absence Notice

Respected Sir,

Kindly refer to your memo no. 11/E-10. Dated PHE Karak the 26-09-2019 and also No. 01/E Dated PHE Karak the 07-10-2019. It is submitted that you are well aware that my son Muhammad Asad Faizan Tube well operator water supply scheme Gohar Khel Chokara Karak was suffering from serious chronic disease, due to his illness he was unable to perform duties efficiently and actively.

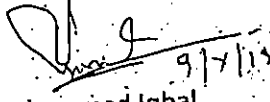
Resultantly submitted by him request to your kind honour that he may kindly be boarded out. Your good office vide no. 58/E-10 dated PHE the 12-09-2019, refer the case to the Medical Superintendent DHQ Hospital Karak for medical opinion and the Standing Medical Board DHQ Hospital Karak examine him on 16-09-2019 and due to his chronic illness he was recommended to be boarded out of service on medical ground.

It is further added that the honourable Supreme Court of Pakistan as well as Government of Pakistan from time to time issue specific direction for early finalization of pension.

A decision of honourable Supreme Court of Pakistan is enclosed for ready reference please. You are therefore requested to kindly sanction the Medical Pension and also pension paper, so my son become able for further his treatment.

It is also brought to your kind notice that my son Muhammad Asad Faizan is laying on bed for Medical treatment and will soon available to your office when he got medically recovered please.

Best regards,


9/11/19
Muhammad Iqbal
Father of
Muhammad Asad Faizan
T/Operator WSS Gohar Khel
Chokara Karak