

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

SERVICE APPEAL NO. 780 /2022 **SCANNED**  
**KPST**  
**Peshawar**

**MR. ASAD IQBAL**

**V/S**

**GOVT: OF K.P DEPTT: 4**

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Dated: \_\_\_\_/.05./2022

**APPELLANT**

Through:

**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

**0345-9383141**

①

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

**SERVICE APPEAL NO. 780 /2022**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 762

Dated 11/5/2022

Mr. Asad Iqbal, Ex-Junior Clerk (BPS-11),  
Ex-FATA Tribunal, Home & Tribal Affairs Department, Peshawar.

.....**APPELLANT**

**VERSUS**

- 1- The Chief Secretary, Government of Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.
- 2- The Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Secretary Establishment Department, Khyber Pakhtunkhwa, Peshawar.

.....**RESPONDENTS**

**APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDERS DATED 17-01-2022 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANT AND AGAINST THE IMPUGNED INACTION OF THE RESPONDENTS BY NOT DECIDING THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUARY PERIOD OF NINETY DAYS.**

**PRAYER:**

That on acceptance of this service appeal the impugned order dated 17-01-2022 may very kindly be set aside and the appellant may be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be granted in favor of the appellant.

**R/SHEWETH:**

**ON FACTTS:**

- 1- That appellant is the law abiding citizen and is a highly qualified person. That the before the promulgation of the 25<sup>th</sup> constitutional amendment Act the Registrar Ex-FATA tribunal advertised certain posts in the daily news papers. That the appellant being eligible and qualified applied to the post of Key Punch Operator. Copies of the advertisement and educational testimonials are attached as annexure

.....**A&B.**

- 2- That after appearing in the selection process the appellant was selected for the subject post and was appointed in the Ex-FATA

Filed to Registrar  
11/5/22

tribunal as Junior Clerk (BPS-07) vide order dated 08-03-2019, where after the appellant was medically examined by the competent medical officer and in response to the appointment order the appellant submitted his arrival report on 13-03-2019. Copies of the appointment order, medical certificate and arrival report are attached as annexure .....**C, D & E.**

3- That it is pertinent to mention here that after the promulgation of the 25<sup>th</sup> Constitutional Amendment Act, the Ex-FATA tribunal was abolished as the then FATA was merged to the province of Khyber Pakhtunkhwa and the status of FATA was changed to settled area therefore the function and status of FATA tribunal comes to an end. That the employees of the Ex-FATA tribunal was transferred/ posted in the Home and Tribal Affairs Department i.e. respondent No. 2 and vide notification dated 17-06-2021 the appellant was transferred and posted in Security-1 Section. Copy of the notification dated 17-06-2021 is attached as annexure .....**F.**

4- That it is pertinent to mentioned here that the appellant has regularly received his monthly salary from the respondent department till November, 2021. Copy of the salary slip is attached as annexure .....**G.**

5- That while performing his duties with zeal and zest and up to the entire satisfaction astonishingly vide letter dated 25-10-2021 a show cause notice was issued to the appellant leveling an allegation that recruitment process so conducted by the Ex-FATA tribunal for the selection of the appellant along with others was unlawful and the appointment so made were without lawful authority and liable to be set aside in that eventuality you are liable to be proceeded under the Khyber Pakhtunkhwa (E&D) Rules, 2011. Copy of the letter dated 25-10-2021 along with show cause notice is attached as annexure.....**H.**

6- That in response to the show cause supra the appellant submitted his detail reply wherein he explains each and every aspect of the case. Copy of reply to show cause is attached as annexure .....**I.**

7- That respondent without conducting the regular inquiry in to the matter straight away issued the impugned order dated 17-01-2022 whereby major penalty of removal from service has been imposed upon the appellant with retrospective effect. Copy of the impugned order dated 17-01-2022 is attached as annexure .....**J.**

8- That appellant feeling aggrieved from the impugned order dated 17-01-2022 preferred departmental appeal before the appellate authority but no response have been given within the stipulated period of ninety days. Copy of the departmental appeal is attached as annexure .....**K.**

9- That by not deciding the departmental appeal of the appellant within the statutory period of ninety days, the appellant feeling aggrieved from the inaction of the respondents and having no other remedy but to file the instant service appeal on the following grounds amongst the others.

**GROUND:**

- A- That the impugned order dated 17-01-2022 and the inaction of the respondents by not deciding the departmental appeal are against the law, facts, norms of natural justice and materials on the record, hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subjected noted above and as such respondents violated the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.
- C- That the appellant has not committed any misconduct but despite of that the respondents issued the impugned order dated 17.1.2022 whereby major penalty of removal from service has been imposed on the appellant.
- D- That no regular inquiry has been conducted before the issuance of the impugned order dated 17-01-2022 which is the violation of the plethora of judgments of the apex courts of Pakistan as well as the law on the subject.
- E- That the impugned order dated 22-12-2017 contain a retrospective punishment, therefore, the same is void ab initio and in nullity in the eye of law, hence liable to be set aside.
- F- That the appellant was appointed by the then competent authority after fulfilling the codal formalities and thereafter the appellant had served for more than 3 long years, so how could the respondent proceed against the appellant for no fault of him, the action of the respondents are in violation of the doctrine of locus Poenitentiae.
- G- That it is the principle of natural justice as well as consistent view of the higher courts and apex court of Pakistan that no one should be punished for the fault of others, so even if the irregularities so happened in the recruitment process the appellant is not responsible at this belated stage as he has performed for about 3 years in the department.
- H- That no regular inquiry has been conducted and neither a chance of personal hearing and personal defense has been provided to the appellant before imposing the impugned penalties which is violation

of Article 10-A of the constitution of the Islamic republic of Pakistan, 1973.

- I- That apex court of Pakistan has held in a number of judgments that harsh punishment/ major penalty should not be imposed before conducting a full flag and regular inquiry.
- J- That the appellant seeks permission to advance any other ground and proofs at the time of hearing.

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

APPELLANT

  
ASAD IQBAL

THROUGH:

  
NOOR MUHAMMAD KHATTAK

&

  
KAMRAN KHAN

  
UMAR FAROOQ  
ADVOCATES

5

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

**SERVICE APPEAL NO. \_\_\_\_\_/2022**

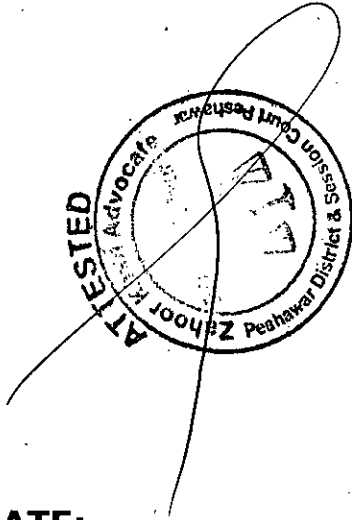
**ASAD IQBAL**

**V/S**

**GOVT: OF K.P DEPTT:**

**AFFIDAVIT**

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



*Asad*  
**DEPONENT**

**CERTIFICATE:**

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

*Asad*  
**CERTIFICATION**

9/10/2020

IMG-20200909-WA0030.jpg

Logo of the Government of Punjab, Pakistan. The logo features a stylized 'P' and 'J' intertwined, with the text 'GOVERNMENT OF PUNJAB' and 'پنجاب حکومت'.

Logo of the Punjab Public Service Commission (PPSC). The logo features a stylized 'PPSC' and 'پنجاب پبلک سروس کمیشن'.

**JOB OPPORTUNITIES**

Applications are invited from highly motivated candidates having domicile of Khyber Pakhtunkhwa and newly merged areas against the following vacant posts on regular basis.

| Sl. No. | Name of Post       | HTS | No. of Post | Age   | Qualification   |
|---------|--------------------|-----|-------------|-------|---|
| 1       | Assistant Motorist | 14  | 04          | 18-32 | B.A/B.Sc. II Class I Equivalent with 6 years experience |
| 2       | Key Punch Operator | 12  | 03          | 18-32 | B.A/B.Sc. II Class I Equivalent                         |
| 3       | Stenographer       | 12  | 01          | 14-32 | B.A/B.Sc. II Class I Equivalent Speed up to 40 WPM      |
| 4       | Junior Clerk       | 07  | 04          | 18-32 | B.A/B.Sc. II Class I Equivalent Speed up to 40 WPM      |
| 5       | Driver             | 01  | 01          | 18-30 | M.O.S. pass having 'DIP' Driving License                |
| 6       | Sub-Quail          | 01  | 01          | 18-30 | M.A. or M.Sc. Pass                                      |
| 7       | Class Clerk        | 01  | 01          | 18-30 | M.A. or M.Sc. Pass                                      |

Terms of conditions:  
 1. Age limit for candidates will be calculated for the purpose of the exam. The age limit will be applicable for all candidates.  
 2. Candidates must be citizens of Pakistan.  
 3. Candidates must have domicile of Khyber Pakhtunkhwa and newly merged areas.  
 4. Candidates must have the required educational qualifications.  
 5. Candidates must have the required experience.  
 6. Candidates must have the required physical fitness.  
 7. Candidates must have the required character and conduct.  
 8. Candidates must have the required language skills.  
 9. Candidates must have the required computer skills.  
 10. Candidates must have the required communication skills.

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Applications are invited from highly motivated candidates having domicile of Khyber Pakhtunkhwa and newly merged areas against the following vacant posts on regular basis.

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|---------|--------------------|-----|-------------|-------|---|
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| 2       | Key Punch Operator | 12  | 03          | 18-32 | B.A/B.Sc. II Class I Equivalent                         |
| 3       | Stenographer       | 12  | 01          | 14-32 | B.A/B.Sc. II Class I Equivalent Speed up to 40 WPM      |
| 4       | Junior Clerk       | 07  | 04          | 18-32 | B.A/B.Sc. II Class I Equivalent Speed up to 40 WPM      |
| 5       | Driver             | 01  | 01          | 18-30 | M.O.S. pass having 'DIP' Driving License                |
| 6       | Sub-Quail          | 01  | 01          | 18-30 | M.A. or M.Sc. Pass                                      |
| 7       | Class Clerk        | 01  | 01          | 18-30 | M.A. or M.Sc. Pass                                      |

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 8. Candidates must have the required language skills.  
 9. Candidates must have the required computer skills.  
 10. Candidates must have the required communication skills.

**ATTENTION**

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

S. No 071588

Roll No 132052

Board of Intermediate and Secondary Education  
Peshawar  
P. W. F. P Pakistan



Secondary School Certificate Examination

SESSION 2009- ANNUAL  
(Science Group)

This is to Certify that Asad Iqbal Son of Riaz Iqbal  
and a student of Govt. Higher Secondary School No. 3 Peshawar City has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Peshawar held in March/April, 2009 as a Regular candidate. He obtained 615 Marks out of 1050 and has been placed in Grade C Representing Good

The Candidate passed in the following subjects:

- |            |            |                     |                     |
|------------|------------|---------------------|---------------------|
| 1. English | 2. Urdu    | 3. Islamiyat (Comp) | 4. Pakistan Studies |
| 5. Maths   | 6. Physics | 7. Chemistry        | 8. Biology          |

Date of birth according to the admission form is 07 August, 1994

Asstt Secretary

Medical Officer  
Medical Officer  
MTI / LRH Peshawar

Secretary

This certificate is issued without alteration or erasure.

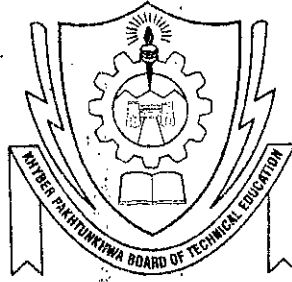


Serial No. 14139

8

Roll No 706731

**Khyber Pakhtunkhwa Board of Technical Education**



**PESHAWAR (PAKISTAN)**

**DIPLOMA OF ASSOCIATE ENGINEER**

**Mechanical Technology**

Session Annual 2012

Certified that Mr./Miss ASAD IQBAL

Son/Daughter of RIAZ IQBAL

Registration No. GCT/P/M/09-5972

of GOVERNMENT COLLEGE OF TECHNOLOGY PESHAWAR

has passed the Diploma of Associate Engineer MECHANICAL TECHNOLOGY

Examination held by the Khyber Pakhtunkhwa Board of Technical Education, Peshawar in the month

of May 2012


He/She secured 2340 Marks out of 3350 and has been placed in

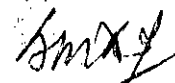
Grade B

*In recognition thereof, this  
Diploma of Associate Engineer*

is awarded to him/her at Peshawar on the 29th day of March 2013

  
**ASSISTANT SECRETARY**

  
Medical Officer  
Medical OPD  
MTI / LIA Peshawar

  
**SECRETARY**

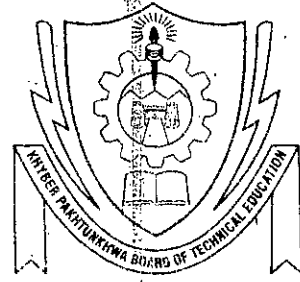
*This Diploma is issued without any alteration or eraser*

Serial No. 02668

9

Roll No 63583

**Khyber Pakhtunkhwa Board of Technical Education**



**PESHAWAR (PAKISTAN)**

**DIPLOMA IN INFORMATION TECHNOLOGY**

Session 1st Term 2014

*This is to certify that*

Mr./Miss. ASAD IQBAL  
Son/Daughter of RIAZ IQBAL  
Registration No. GCT/P/DITR/2ND-13/10267  
of GOVERNMENT COLLEGE OF TECHNOLOGY PESHAWAR

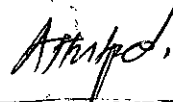
has satisfactorily completed the one year duration Information Technology course titled "Diploma in Information Technology" and passed the Examination held by the Khyber Pakhtunkhwa Board of Technical Education, Peshawar, in the month of February 2014

He/She secured 931 Marks out of 1400 and has been placed in Grade B

In recognition thereof, this Diploma In Information Technology is awarded to him/her at Peshawar,

on the 7th day of July 2014

  
**ASSISTANT SECRETARY**

  
**Medical Officer**  
**Medical OPD**  
**MTI / LHM Peshawar**

  
**SECRETARY**

*This Diploma is issued without any alteration or eraser*

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

# University of Peshawar Pakistan

This certifies that

**Asad Iqbal** son of **Riaz Iqbal**

having fulfilled all the requirements is hereby admitted to the degree of

**Bachelor of Arts**

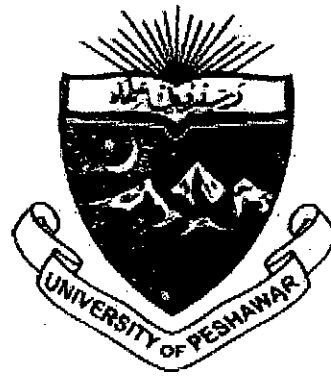
and is entitled to all the rights, honours and privileges thereunto appertaining.

Given this 27<sup>th</sup> day of September, 2018.

Roll No: 53077

Session: Annual 2018

Reg. No: 2017-PC-7420



157336

*A. Iqbal*  
Medical Officer  
Medical OPD  
MTI / LFC / Peshawar

*Y. A. J.*

Registrar

*S. H. J.*

Vice Chancellor

11



# Frontier Foundation

## WELFARE HOSPITAL AND BLOOD TRANSFUSION SERVICES

### CERTIFICATE OF SERVICE

This is certify that Mr. Asad Iqbal S/o Riaz Iqbal  
 his worked as a Computer Operator in our Frontier  
 Founation Welfare Hospital Blood Transfussion centre.  
 From 25th March 2013 to 1st March 2015.

He is hard worker, responsible person and expert his work.  
 We wish his career shine in future bright.

FINANCE MANAGER

FINANCE MANAGER  
 Frontier Foundation Welfare  
 Hospital & Blood Transfusion  
 Services Peshawar

*Atiqul H. Q.*  
 Medical Officer  
 Medical OPD  
 MTH / LSH Peshawar



Web: [www.frontier-foundation.org](http://www.frontier-foundation.org)

E-mail: [frontier.foundation@yahoo.com](mailto:frontier.foundation@yahoo.com)

Member Of Thalassemia Federation Of Pakistan (TFP)

Affiliated With Thalassemia International Federation (TIF)

**HEAD OFFICE**

Khyber Colony No.2, Tehkal Payan  
Main University Road,  
KPK Peshawar (Pakistan)

**Kohat Branch**

Liaqat Memorial Hospital, Kohat  
Campus Ph: 0922-320669

**Swat Branch**

Opposite Police Station,  
Saidu Sharif



ANNEX "C"

12

**ORDER**

No. R/11/2018-19/1127 dated 08.03.2019 on Recommendation of the Departmental Selection Committee, the competent authority is pleased to appoint Mr. Asad Iqbal S/o Riaz Iqbal against the vacant post of Junior Clerk BPS-07 ( 10990-610-29290 ) in FATA Tribunal Peshawar under rule 10 sub rule 2 of Civil Servant (Appointment, promotion and transfer) Rules 1989 on the following terms and conditions:

**Terms & conditions;**

1. He will get pay at the minimum of BPS-07 including usual allowances as admissible under the rules. He will be entitled to annual increment as per existing policy.
2. He shall be governed by Civil servant Act 1973 for purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to received such amount as would be contributed by him towards general gratuity, he shall be entitled to receive such amount as would be contributed by him towards General provident Fund (GPF) along with the contributions made by GOVT. to his account in the said fund, in prescribed manner.
3. In case, he wishes to resign at any time, 14 days notice will be necessary and he had thereof, 14 days' pay will be forfeited.
4. He shall produce medical fitness certificate from Medical superintendent/ Civil Surgeon before joining duties as required under the rule.
5. He has to join duties at his own expenses.

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

Registrar  
FATA Tribunal

**Copy to;**

1. The Accountant General Pakistan Revenues sub Office, Peshawar
2. Ps to ACS FATA, Peshawar.
3. PS to Secretary Law & Order FATA, Peshawar
4. PS to Secretary Finance FATA, Peshawar
5. Personal File
6. Official concerned

Registrar  
FATA Tribunal

RECEIVED

MEDICAL CERTIFICATE

ANNEX D

13

Name of official ASAD JOBAL  
 Caste or race Yousafzai  
 Father's name Riaz Jibal  
 Residence New National Tania, Abad No. 2, House No. 230, Peshawar city.  
 Date of birth 7/8/1994  
 Exact height by measurement 5'-9"  
 Personal mark of identification black mole on face  
 Signature of the official [Signature]  
 Signature of head of office \_\_\_\_\_

Seal of office \_\_\_\_\_

I do hereby certify that I have examined Mr. ASAD JOBAL a candidate for employment in the Office of the Registrar Fata Tribunal Peshawar and cannot discover that he had any disease communicable or other constitutional affection or bodily infirmity except NIL

I do not consider this as disqualification for employment in the office of the AS above  
 His age according to his own statement 25 year and by appearance about year 25

[Signature]  
 MEDICAL SUPERINTENDENT,  
 CIVIL HOSPITAL - Peshawar  
 Peshawar 13/03/1994

LEFT HAND THUMB AND FINGER IMPRESSIONS



ATTEST

ANNEX E

14

To

The Registrar  
FATA Tribunal  
Peshawar.

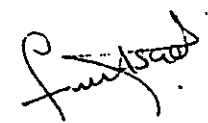
Subject:

ARRIVAL REPORT

R/Sir,

In pursuance of FATA Tribunal Peshawar order No. R/11/2018-19/1127 dated 08.03.2019, I submit my arrival report as Junior Clerk today i.e. 13.03.2019.

You're obediently,



Asad Iqbal J/Clerk

~~ATTACHED~~



ANNEX "F"  
GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar the 17/6/2021

**NOTIFICATION**

**No. E & A (HD) 2 - 5 / 2021.** The following posting/transfer of staff of Ex-Fata Tribunal is hereby ordered with immediate effect till further order:

| S/No | Name & Designation           | Posted in                  |
|------|------------------------------|----------------------------|
| 1    | Muhammad Adnan Assistant     | Court Section              |
| 2    | Tahir Khan Assistant         | L&K Section NMAs           |
| 3    | Kafil Ahmad Assistant        | SO(L&O)NMAs                |
| 4    | Muhsin Nawaz Stenographer    | Litigation Section NMAs    |
| 5    | Sami Ullah KPO               | Security-I Section         |
| 6    | Adnan Khan KPO               | SO (Defence Planning Cell) |
| 7    | Muhammad Shoaib KPO          | SO L&O NMAs                |
| 8    | Asad Iqbal Junior Clerk      | Litigation Section NMAs    |
| 9    | Ikram Junior Clerk           | O/O DS (Admn)              |
| 10   | Khair Ul Bashir Junior Clerk | Security-II Section        |
| 11   | Sadiq Ullah Driver           | O/O DS (Dev)               |
| 12   | Ziafat Ullah Driver          | General Branch             |
| 13   | Yaseen Driver                | O/O DS (Judicial)          |
| 14   | Owais Driver                 | General Branch             |
| 15   | Amjid Driver                 | O/O DS(L&O) NMAs           |
| 16   | Farman Driver                | Pool Duty (PCMC)           |
| 17   | Aleem Shah Driver            | O/O DS Security            |
| 18   | Farman Afridi Driver         | O/O AS (L&O)NMAs           |
| 19   | Gohar Ali Naib Qasid         | O/O Planning Officer       |
| 20   | Sher Khan Naib Qasid         | O/O DS L&O NMAs            |
| 21   | Farooq Azam Naib Qasid       | SO L&O NMAs                |
| 22   | Ishafaq Naib Qasid           | SO litigation NMAs         |
| 23   | Muhammad Shoaib Naib Qasid   | Distribution of Mail NMAs  |
| 24   | Fahim Shehzad Naib Qasid     | O/O DS Dev Home            |
| 25   | Nasir Gul Naib Qasid         | IT Cell                    |
| 26   | Ikramullah Naib Qasid        | O/O DS Admn                |
| 27   | Naveed Ahmad Naib Qasid      | O/O DS Judicial            |
| 28   | Asif Khan Naib Qasid         | Budget section             |
| 29   | Falak Niaz Naib Qasid        | Police-II                  |
| 30   | Habib Ali Chowkidar          | General Branch             |
| 31   | Sadam Hussain Chowkidar      | O/O Special Secretary-II   |
| 32   | Hassan Ali Chowkidar         | General Branch             |
| 33   | Ishafaq Chowkidar            | General Branch             |
| 34   | Ziaur Rehman Chowkidar       | Judicial Section           |
| 35   | Bahar Ali Chowkidar          | General Branch             |
| 36   | Reedad Khan Chowkidar        | General Branch             |

Copy is forwarded to:

1. Section Officer(Courts) Home Department
2. Section Officer Security-I&II Home Department
3. Section Officer Budget Home Department
4. Section Officer Judicial Home Department
5. Section Officer L&K NMAs Home Department
6. Section Officer L&O NMAs Home Department
7. Section Officer litigation NMAs Home Department
8. Section Officer DPC Home Department
9. Planning officer Home Department
10. PS to Secretary Home Department
11. PS to Special Secretary I&II Home Department

Deputy secretary (Admn)

P.T.O



16



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar the 17/6/2021

12. PA to Additional Secretary L&O Home Department
13. PA to Deputy secretary Admn Home Department
14. PA to deputy secretary dev Home Department
15. PA to deputy secretary L&O Home Department
16. PA to deputy secretary security Home Department
17. Officials concerned

Section Officer (General) 17/6/21

SECTION OFFICER (GENERAL)

ANNEX 9 17

**Government of Khyber Pakhtunkhwa**  
**Accountant General Khyber Pakhtunkhwa, Peshawar**  
**Monthly Salary Statement (December-2021)**



Personal Information of Mr ASAD IQBAL d/w/s of RIAZ IQBAL

Personnel Number: 00927802 CNIC: 1750153894245 NTN:  
 Date of Birth: 07.08.1994 Entry into Govt. Service: 08.05.2019 Length of Service: 02 Years 09 Months 025 Days

**Employment Category: Active Temporary**

Designation: JUNIOR CLERK NOS77270-GOVERNMENT OF KHYBER PAKH

DDO Code: PRS073-FCR Tribunal Merged Areas

Payroll Section: 005 GPF Section: 004 Cash Center:  
 GPF A/C No. Interest Applied: Yes **GPF Balance: 4,761.00**

Vendor Number: -

**Pay and Allowances:** Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 11 Pay Stage: 2

| Wage type |                           | Amount    | Wage type |                           | Amount   |
|-----------|---------------------------|-----------|-----------|---------------------------|----------|
| 0001      | Basic Pay                 | 14,330.00 | 1004      | House Rent Allow 45% KP21 | 6,909.00 |
| 1210      | Convey Allowance 2005     | 2,856.00  | 1300      | Medical Allowance         | 1,500.00 |
| 2211      | Adhoc Relief All 2016 10% | 1,051.00  | 2224      | Adhoc Relief All 2017 10% | 1,433.00 |
| 2247      | Adhoc Relief All 2018 10% | 1,433.00  | 2264      | Adhoc Relief All 2019 10% | 1,433.00 |
| 2309      | Adhoc Relief All 2021 10% | 1,433.00  | 2315      | Special Allowance 2021    | 3,500.00 |

**Deductions - General**

| Wage type |                           | Amount    | Wage type |                 | Amount    |
|-----------|---------------------------|-----------|-----------|-----------------|-----------|
| 3011      | GPF Subscription          | -1,200.00 | 3501      | Benevolent Fund | -1,200.00 |
| 4004      | R. Benefits & Death Comp: | -600.00   |           |                 | 0.00      |

**Deductions - Loans and Advances**

| Loan | Description | Principal amount | Deduction | Balance |
|------|-------------|------------------|-----------|---------|
|      |             |                  |           |         |

**Deductions - Income Tax**

Payable: 0.00 Recovered till DEC-2021: 0.00 Exempted: 0.00 Recoverable: 0.00

**Gross Pay (Rs.): 35,878.00 Deductions: (Rs.): -3,090.00 Net Pay: (Rs.): 32,788.00**

Payee Name: ASAD IQBAL

Account Number: 0010064139920012

Bank Details: ALLIED BANK LIMITED, 250604 Dabgari Bazar Peshawar Dabgari Bazar Peshawar, Peshawar

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: PWSHAWAR

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: asadkhan01994@gmail.com

**ATTESTED**



ANNEX H 18  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT  
KHYBER ROAD PESHAWAR

HD/B&A/FATA Tribunal/55/2021/1124-29

Dated: 25-10-2021

To:

✓  
Mr. Asad Iqbal,  
Junior Clerk (BPS-11),  
Ex-FATA Tribunal.

Subject: **SHOW CAUSE NOTICE.**

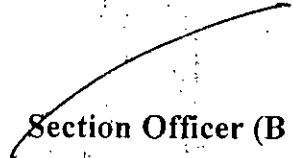
I am directed to refer to the subject noted above and to enclose herewith Show Cause Notice (in original) duly signed by the Competent Authority for your compliance within stipulated time period and further necessary action.

  
Section Officer (B & A)

**Encl: As above**

Copy to:

1. PS to Secretary Home & TAs Department Khyber Pakhtunkhwa.
2. PS to Special Secretary Home & TAs Department Khyber Pakhtunkhwa.
3. PS to Additional Secretary (L & O) Home & TAs Department NMAs.
4. PA to Deputy Secretary (L & O) Home & TAs Department NMAs.
5. Section Officer (E-II) Government of Khyber Pakhtunkhwa Establishment Department with reference to his letter No. SOE-II(ED)2(9)2010 dated: 13.09.2021.

  
Section Officer (B & A)

**ATTACHED**

**SHOW CAUSE NOTICE**

I Mr. Ikram Ullah Khan Secretary Home & Tribal Affairs Department as Competent Authority under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve upon you, Mr. Asad Iqbal, Junior Clerk employees of Ex-FATA Tribunal as follows:-

**"That Consequent upon the findings & recommendations of the Inquiry Committee it has been proved that the recruitment process for selection of 24 employees in Ex-FATA Tribunal was unlawful and all 24 appointment orders were issued without lawful Authority and liable to be cancelled".**

I am, therefore, satisfied that you have been found guilty of "Misconduct" as specified in rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 read with Rule-2, Sub-Rule (I) (vi) "appointed in violation of law and rules".

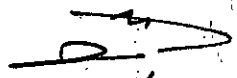
2. To, dispense with the Inquiry and serve you with a show cause notice under Rule-7 of the ibid Rules.

3. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the following penalty under the Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rule, 2011:-

i. Removal from service

4. you are therefore required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

5. If no reply to this notice is received within seven days or not more than of fifteen days of this delivery, it shall be presumed that you have no defense to put in, and in that case ex-parte action shall be taken against you.

  
**(IKRAM ULLAH KHAN)  
HOME SECRETARY  
(Competent Authority)**

**Mr. Asad Iqbal,  
Junior Clerk  
Ex-FATA Tribunal**



ANNEX "I"

20

To,

Home Secretary,  
Khyber Pakhtunkhwa,  
Peshawar,

Subject: Reply to the show cause notice dated 25.10.2021.

Respected Sir,

I very humbly submit the following few lines for your kind and sympathetic consideration:

1. That 23 posts including the post of the undersigned i.e. Junior Clerk, were advertised in daily AJJ and Aeen newspaper dated 09.02.2019 for open competition, being fit and eligible in all respect the undersigned applied for the post of Junior Clerk
2. That after gone all the rigors and selection process i.e test and interview, the undersigned was duly recommended for the post of Junior Clerk and was appointed on the said post vide office order dated 08.03.2019.
3. That since my appointment I performed my duties with great zeal and devotion to the entire satisfaction of my superiors without any complaint whatsoever regarding my performance.
4. That while serving in the said capacity, the undersigned received a show Cause Notice dated 25.10.2021 by leveling false and baseless allegation which was never committed by the undersigned by any malafide intention nor any connection or relation with authority issued my appointment order and even have no relation with the recruitment process, the allegations are the following

"That consequent upon the findings & recommendations of the inquiry committee it has been proved that the recruitment process for selection of 24 employees in Ex-FATA Tribunal was unlawful and all 24 appointment orders were issued without lawful authority and liable to be cancelled"

I am therefore satisfied that you have been found guilty of "Misconduct" as specified in rule-3 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline ) Rules 2011.

~~ANNEXED~~

(21)

5. That proper procedure was adopted in the process of recruitment i.e. advertisement, test and interview and the undersigned was appointed on the post after gone all the rigors and selection process provided under the law.
6. That the allegation so leveled against me regarding the misconduct is false and baseless in have never committed any act or omission which could be term as misconduct and the allegations leveled against me does not come in the orbit of misconduct.
7. That there is nothing on the part of undersigned which term as misconduct as undersigned applied for the advertised post while having all the request eligibility criteria and also compete along with all other candidates who applied for the post and when found fit and eligible for the post declare recommended for the post of Junior Clerk.
8. That the members of Tribunal attended the test and interview on the said date and all the committee members were agreed principally on the selection and recommendation of the selection committee and on such principle on the same date issued the appointment orders and the copy of the recommendation of selection committee was handed over to section officer and further process, and on the same issued when the inquiry officer called upon the selected candidates they given on Oath the statement that they duly appeared before the selection committee.
9. That the so-called inquiry committee called upon all the selected candidate and given Oath regarding the favoritism an nepotism if so made in favor of any of the candidate which they duly replied on oath that no such act of favoritism and nepotism were exist in the present selection process, furthermore none of the member of the selection committee were duly inquired in the matter as all the process was taken place in their presence nor any sort of evidence was taken on record which can proof any of the allegation.

**ATTESTED**

10. That the inquiry committee did not associate me with the inquiry proceedings. Not a single witness has been examined during the enquiry in my presence nor I have been given opportunity to cross examine any of the evidence which show my involvement in any malafide action or my eligibility for the post in question.
11. That the undersigned was not even served with a charge sheet and statement of allegation, neither any fact finding nor regular inquiry was conducting which can show any sort of involvement of the undersigned in the requirement process, which is mandatory provision under the law.
12. That the undersigned is a responsible, cautious citizen and cannot even think of the display of the charges leveled against me.
13. That the inquiry committee did not associate me properly with the inquiry proceedings. Not a single witness has been examined during the enquiry in my presence nor I have been given opportunity to cross examine those who may have deposed anything against me during the inquiry.
14. That the undersigned has never committed any act or omission which could be termed as misconduct. I duly performed my duties as assigned with full devotion, zeal and loyalty albeit I have been roped in the instant false and baseless charges.
15. That the charges leveled against me were neither proved during the inquiry proceedings, nor any independent and convincing proof/ evidence has been brought against me in the inquiry that could even remotely associate me with the charges, as such the charges remained unproved during the inquiry and the inquiry officer has thus rendered his findings on mere surmises and conjunctures regarding charges, further to add that the so called inquiry was conducted in sajjad ur Rehman registrar case.
16. That the undersigned has at his credit an unblemished and spotless service career, during entire service career, I have never given any chance of complaint whatsoever regarding my performance. I always preferred the interests of the department over and above my personal interests. The proposed penalty if imposed upon me, it would be too harsh and would stigmatized the bright and spotless service record of the undersigned.



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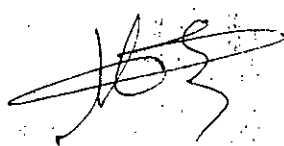
17. That I also desire to be heard in person.

It is, therefore, humbly prayed that on acceptance of this reply the subject Show cause may kindly be dropped and I may be exonerated of the charges leveled against me.

Yours Faithfully,



Asad Iqbal  
Junior Clerk (BPS-11)  
Ex-FATA Tribunal.

Received today 09/11/21  


~~RECEIVED~~



ANNEX J

24



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT  
KHYBER ROAD PESHAWAR

Dated Peshawar 17<sup>th</sup> January, 2022

**ORDER**

**HD/FATA Tribunal/B&A/55/2022/174-83** WHEREAS, Mr. Asad Iqbal, Junior Clerk (BPS-11) of Ex-FATA Tribunal was proceeded against under the Rule-4 of Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules, 2011, for the charges mentioned in the statement of show cause notice served upon him.

2. **AND WHEREAS**, the Department gave opportunity of personal hearing to Mr. Asad Iqbal, Junior Clerk (BPS-11), Ex-FATA Tribunal as required under the rules 7(d) of Government Servant (Efficiency & Disciplinary) Rules, 2011, **AND WHEREAS**, Mr. Asad Iqbal, Junior Clerk (BPS-11), Ex-FATA Tribunal was not able to produce any favorable record.

3. **NOW, THEREFORE**, the Competent Authority has been pleased to impose major penalty of "**Removal from Service**" on Mr. Asad Iqbal, Junior Clerk (BPS-11), Ex-FATA Tribunal under Khyber Pakhtunkhwa (Efficiency & Disciplinary) Rules, 2011, with effect from 11-01-2022.

-Sd-

Secretary to Govt. Khyber Pakhtunkhwa  
Home & Tribal Affairs Department

Endst No & Date even

Copy for information forwarded to:

1. The Accountant General Govt. of Khyber Pakhtunkhwa.
2. Secretary to Govt. of Khyber Pakhtunkhwa, Home & Tribal Affairs Department.
3. Secretary to Govt. of Khyber Pakhtunkhwa Finance Department.
4. Secretary to Govt. of Khyber Pakhtunkhwa Establishment Department.
5. Special Secretary-II Home & Tribal Affairs Department Khyber Pakhtunkhwa.
6. Additional Secretary (Judicial) Home & TA's Deptt: Khyber Pakhtunkhwa.
7. PSO to Chief Secretary Khyber Pakhtunkhwa.
8. PS to Chief Minister Khyber Pakhtunkhwa.
9. Account Section Home & TAs Department (NMAs).
10. Official concerned.

Section Officer (B & A)

~~ATTACHED~~

ANNEX "K"

CS-NO 517

25

HS

24-1-22

To

The Honourable Chief Secretary,  
Khyber Pakhtunkhwa, Civil Secretariat, Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE REMOVAL ORDER  
DATED 17-01-2022

R/Sir,

Most respectfully, it is stated that I am a resident of District Peshawar and was initially appointed as Junior Clerk (BPS-07) now BPS-11 in FATA Tribunal at Peshawar after fulfilling all the legal & codal formalities required for the post vide order dated 08-03-2019.

I started performing my duty quite efficiently whole heartedly and up to the entire satisfaction of my high ups after receiving the appointment order dated 08-03-2019 and submitting arrival report.

The FATA Tribunal was abolished after the 25<sup>th</sup> Constitutional Amendment the FATA was merged in the Khyber Pakhtunkhwa Province. After the abolition of the FATA Tribunal all the staff working in FATA Tribunal was deputed to Secretary Home & Tribal Affairs and as such the staff of FATA Tribunal started performing duty in the office of Secretary Home & Tribal Affairs Khyber Pakhtunkhwa.

Astonishingly, I received Show Cause notice dated 25-10-2021 with the allegation that "appointment/recruitment process so made for my as well as other 24 staff is without Lawful Authority". Which was properly replied by denying the entire allegation leveled against me in the ibid show cause notice.

In this connection it is stated in your honour that my appointment was made after fulfilling all the codal formalities which includes Advertisement, other relevant selection process and appearance before the Departmental Selection Committee for interview.

It is well settled principle of law that one should not be punished for the fault of others and accordingly I am punished for no fault on my part.

The impugned removal order dated 17-01-2022 is not issued in accordance with Law as no charge sheet and statement of allegation have been served upon me; no proper regular inquiry was conducted nor the inquiry report was handed over to me.

~~ARTIST~~

Only I am been prosecuted in the matter while issuing the impugned order date 17-01-2022 in such a way that the only the inquiry is conducted against me and not against those authority who issued appointment order dated 08-03-2019. Hence, the authority should not look into the matter in accordance with Law & Rules while issuing the impugned order dated 17-01-2022.

Therefore, it is, most kindly requested that the impugned order dated 17-01-2022 whereby major penalty of Removal from Service has been impose upon me may very kindly be cancelled and I may be reinstated into service with all back benefit.

I shall be very thankful to you for this kindness.

Dated: 21/01/2022

Obediently Yours,



(ASAD IQBAL s/o Riaz Iqbal)  
Junior Clerk (Ex-FATA Tribunal),  
0331-9258878

~~ATTACHED~~

**VAKALATNAMA**

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

APPEAL NO: \_\_\_\_\_ OF 2022

Asad Zbal (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Govt. of K.P. & Others (RESPONDENT)  
(DEFENDANT)

I/We Asad Zbal  
Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2022

[Signature]  
**CLIENTS**

[Signature]  
**ACCEPTED**  
**NOOR MUHAMMAD KHATTAK**  
**UMER FAROOQ MOHMAND**  
**KAMRAN KHAN**  
[Signature]  
**HAIDER ALI**  
&  
**KHANZAD GUL**  
**ADVOCATES**

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Service Appeal No.780/2022

Asad Iqbal

VS

Govt. of Khyber Pakhtunkhwa etc


SCANNED  
KPS  
Peshawar

(Appellant)

(Respondents)

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| 3.    | Affidavit         | B        | 5     |

  
Section Officer (Litigation-III)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

Service Appeal No.780 /2022



1. Asad Iqbal

(APPELLANT)

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa etc.

(RESPONDENTS)

**JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENT NO. 1 (CHIEF SECRETARY, KHYBER PAKHTUNKHWA), RESPONDENT NO.2 (SECRETARY HOME & TRIBAL AFFAIRS DEPARTMENT, KHYBER PAKHTUNKHWA) AND RESPONDENT NO. 3 (SECRETARY ESTABLISHMENT DEPARTMENT, KHYBER PAKHTUNKHWA)**

**RESPECTFULLY SHEWETH:-**

**PRELIMINARY OBJECTIONS:-**

1. That this Hon'ble Tribunal with profound respect has got no jurisdiction to entertain and adjudicate the instant appeal.
2. That the appellant is estopped by his own words and conduct to file the instant service appeal before this Hon'ble Tribunal.
3. That the appellant has got no locus standi to invoke the jurisdiction of this Hon'ble Tribunal.
4. That the appellant has concealed the entire material facts from this Hon'ble Tribunal.
5. That the appellant has not come with clean hands. Therefore, he is not entitled for any relief by this Hon'ble Tribunal.
6. That the appellant has got on cause of action to file the instant service appeal before this Hon'ble Tribunal.
7. That the service appeal is not maintainable in its present form.
8. That the service appeal is based on surmises and conjectures.
9. That the appellant is not an aggrieved person within the meaning of Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974. Hence, the instant service appeal is liable to be dismissed on this score alone.

ON FACTS:

1. The appellant may satisfy the Hon'ble Tribunal regarding the contents mentioned in Para 1.
2. That Para 2 needs no comments.
3. That Para 3 also needs no comments.
4. That Para 4 is correct.
5. Reference to Para 5, a full fledged inquiry was conducted in the matter to check the credibility and authenticity of the process of advertisement and selection and it was held that the entire process of selection from top to bottom was "*Coram Non Judice*". *Furthermore, inquiry was conducted against Mr. Sajjad ur Rehman ex-Registrar, FATA Tribunal under rule 10 of Khyber Pakhtunkhwa Govt. Servant (E&D), Rules, 2011 wherein the inquiry report held that the same selection Committee was constituted without any lawful authority. The said Committee comprised of temporary/contract/daily wages employees of FATA Tribunal who themselves were candidates against these posts. The inquiry proceedings further revealed that there were exists no attendance sheet, minutes of the meeting and even the appointment orders were found ambiguous. The said Departmental Committee unlawfully increased the number of posts from 23 to 24 illegally and issued 24 orders without any recommendations of legitimate Departmental Selection Committee. Else then, the Inquiry Committee has termed all the said 24 appointments illegal and without lawful authority and recommended to be cancelled/withdrawn.*
6. That Para 6 pertains to the appellant.
7. That Para 7 is totally incorrect, misconceived and hence denied as there was sufficient material exists in shape of documentary proof and after issuance of show cause notice and fulfilling all legal and codal formalities, major penalty of removal from service was imposed upon the appellant under the relevant rules/law.
8. That Para 8 needs no comments.
9. That Para 9 also needs no comments.

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**GROUNDS:-**

- A. Ground A is incorrect. The appellant was treated according to law.
- B. That Para B is totally incorrect and hence denied as the respondents have treated the appellant in accordance with Article 4 of the Constitution of Islamic Republic of Pakistan, 1973.
- C. Detail reply furnished in Para 5 and 7 of the facts above.
- D. Same reply as offered in Para C.
- E. That Para E is incorrect and hence denied to the extent that no retrospective effect is given in the removal order. The Authority acted in accordance with the mandate of law and constitution.
- F. That Para F is also incorrect detail reply offered in Para C.
- G. That Para G is incorrect and denied. Detail reply given in facts.
- H. Same reply as furnished in Para C above.
- I. That Para I is incorrect as no law, rules and judgments of the apex court has been violated. The appellant was treated in accordance with law, rules and constitution. Furthermore, detail reply already offered in Para 5 and 7 of the facts.
- J. That the respondents may also seek permission to take some other additional grounds at the time of arguments where necessary.

**PRAYER:-**

In view of the above narrated facts and grounds, it is, therefore, most humbly prayed that the instant service appeal may graciously be dismissed with special cost been devoid of merits and substances.

UJ  
5/18/2022

Secretary, Home & TA's Department  
Govt. of Khyber Pakhtunkhwa  
(Respondent No.2)

Secretary, Establishment Department  
Govt. of Khyber Pakhtunkhwa  
(Respondent No.3)

UJ  
5/18/2022

Chief Secretary,  
Govt. of Khyber Pakhtunkhwa  
(Respondent No.1)



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

SERVICE APPEAL NO.780/2022

Asad Iqbal

**(APPELLANT)**

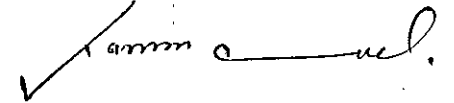
**VERSUS**

Govt: of Khyber Pakhtunkhwa etc.

**(RESPONDENTS)**

**AUTHORITY**

Mr. Shah Wali Khan Section Officer (Litigation) Home & T.As Department Peshawar do hereby authorized to submit reply in Service appeal No. 780/2022 titled Asad Iqbal Versus Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa on behalf of respondent No. 2 in the Service Tribunal Peshawar.

  
Deputy Secretary (Litigation-)

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

SERVICE APPEAL NO.780/2022

Asad Iqbal

**(APPELLANT)**

**VERSUS**


**Govt: of Khyber Pakhtunkhwa etc.**

**(RESPONDENTS)**

**Affidavit**

Mr. Shah Wali Khan Section Officer (Litigation-III) Home & T.As Department Peshawar do hereby solemnly affirm and declares on oath that the contents of reply Service appeal No. 780/2022 titled Asad Iqbal Versus Government of Khyber Pakhtunkhwa and others on behalf of respondent No. 2 in the Service Tribunal Peshawar are true and correct as per record and nothing has been concealed from the Honorable Court .



  
Section Officer (Litigation-III)