

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Misc: Application No. _____/2023

IN

Service Appeal No. 833 /2020

Mazamih Appellant

Versus

The Govt. of KPK and others Respondents

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Through

Applicant/Appellant


Khaled Rahman

Advocate,
Supreme Court of Pakistan

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Dated: 18/05/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Misc: Application No. _____/2023

Khyber Pakhtunkhwa
Service Tribunal

IN

Service Appeal No. 833 /2020

Diary No. _____

Dated _____

Mazam 17Appellant

Versus

The Govt. of KPK and others Respondents

**Application on behalf of appellant for placing on record essential documents
having bearing upon the case.**

Respectfully Sheweth,

1. That the titled Service Appeal is pending before the Hon'ble Tribunal and is fixed for hearing 18.07.2023.
2. That the attached documents are essential to be placed on record having bearing upon the case.

It is therefore humbly prayed that on acceptance of this application, the attached documents may graciously be allowed to place on record.

Through

Applicant/Appellant

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Khaled Rahman,
ASC

Dated: _____/05/2023

Verification

Verified that the contents of the applicant are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.

مزمعلی

Deponent

r 2 And A²

DECISION ON THE REPRESENTATION DATED 28/07/2016 OF MOZAMIN
R.NO 4384 SEPOY BAJAUR LEVIES KHAR.

ORDER

Dated of personnel hearing 21 /02/2017

Date of Order. 24/02/2017

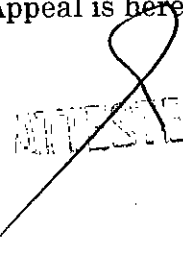
Being aggrieved of the order dated 28/07/2016, Mozamin Sepoy Bajaur levies filed representation dated 29/07/2016 to secretary SAFRON which is now received to this office for passing an order.

Mozamin Sepoy was summoned for hearing who attended this office on 21/02/2017, he was questioned to explain his 16 Days and 08 years absence from duty without permission and to explain whether during absence he was involved in any beneficial business/Services, and to also explain the service break for the stipulated period.

The appellant/applicant did not explained his unauthorized absence from duty and he admitted that during the aforementioned period of his absence he had not turned to attend his duty nor has filed any departmental appeal before the political Agent/Secretary Law & Order FATA Secretariat Peshawar while according to the secret inquiry conducted established that he was earning his livelihood at Punjab and later on as a hay seller at Inayat Killi Bazar till his re-instatement into service.

The appellant heard and record perused. The services of the levies personnel is governed by levies service rules and according to rule 14, there is only 10 days long leave provision in the levies service rules that too with the permission of the competent authority. In service discipline he can earn leave on his own right, but for its grant, he must have followed proper procedure provided under the rules. He was not supposed to avail any kind of leave entirely in his discretion and choice in departure to the rules and service discipline. Absence from duty without leave, even if not willful, but same being an act of disorder in service would constitute gross misconduct. His absence from duty was converted into extra ordinary leave without pay. It is well established fact that extra ordinary leave without pay causes break in service, more so during that period such person does not render service to Government, nor it can be treated as qualifying service for the purpose of pension and gratuity involving financial implication to the Govt, and it cause unnecessary illegal loss to public treasury.

In such like situation his services shall not be treated at par with those personnel who performed their duties perfectly, without break and regularly, and they should not be suffered and disturbed for a person who did not care of his service. Thus I am not inclined to interfere or modify order dated 29/04/2016, therefore, his representation/Appeal is hereby dismissed.


MISTAKEN


POLITICAL AGENT/
COMMANDANT BAJAUR LEVIES.

Mozamin Sepoy Regt:No.4384

Address