

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Misc: Application No. \_\_\_\_\_/2023

IN

Service Appeal No. 832 /2020

Najeebullah ..... Appellant

Versus

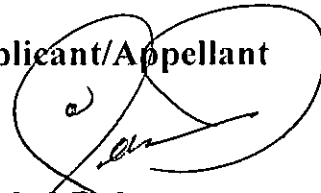
The Govt. of KPK and others ..... Respondents

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Applicant/Appellant

Through

  
Khaled Rahman  
Advocate,  
Supreme Court of Pakistan

4-B, Haroon Mansion,  
Khyber Bazar, Peshawar.  
Off: 091-2592458  
Cell # 0345-9337312

Dated: 18/05/2023

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Misc: Application No. \_\_\_\_\_/2023 **Khyber Pakhtunkhwa Service Tribunal**  
IN  
Service Appeal No. 832 /2020      Diary No. \_\_\_\_\_  
Dated \_\_\_\_\_

Najeebullah .....Appellant

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.

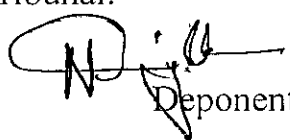
It is therefore humbly prayed that on acceptance of this application, the attached documents may graciously be allowed to place on record.

Through **Applicant/Appellant**  
  
**Khaled Rahman,**  
ASC

Dated: 18/05/2023

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.

  
Deponent

- 2      Agent A

DECISION ON THE REPRESENTATION DATED 30/04/2016 OF NAJIBULLAH  
R.NO 5222 SEPOY BAJAUR LEVIES KHAR.

ORDER

Dated of personnel hearing                      21 /02/2017  
Date of Order.    24/02/2017

Being aggrieved of the order dated 29/04/2016, Najibullah Sepoy Bajaur levies filed representation dated 30/04/2016 to secretary SAFRON which is now received to this office for passing an order.

Najibullah Sepoy was summoned for hearing who attended this office on 21/02/2017, he was questioned to explain his 14 Days, 01Month and 07 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 has been running his business as a photocopier at civil colony khar 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.

MIS

  
POLITICAL AGENT/  
COMMANDANT BAJAUR LEVIES.

Najibullah Sepoy Regt: No.5222

Address .....