

بعدالت جناب سروس ٹریبونل کمپ کورٹ بمقام گلگدہ سیدو شریف سوات

سروس اپیل نمبر 8640/2020

یا سین خان
بنام
گورنمنٹ خیبر پختونخوا
درخواست بمراد منسوخی یکطرفہ کارروائی برخلاف مدعا علیہ / مدعا علیہم

جناب عالی! ذیل عرض ہے۔

(۱) یہ کہ مقدمہ عنوان بالا عدالت حضور میں زیر سماعت ہے جس میں امر و تاریخ پیشی مقرر ہے۔

(۲) یہ کہ مقدمہ عنوان بالا میں برخلاف مدعا علیہ / مدعا علیہم بالا کیخلاف یکطرفہ کارروائی عمل میں لائی گئی ہے۔

(۳) یہ کہ مدعا علیہ / مدعا علیہم بالا کو چونکہ پچھلے تاریخ پیشی پر کوئی سمن و اطلاع موصول نہیں ہوئی تھی اس لئے عدالت حضور میں مدعا علیہم بالا کی غیر حاضری ہوئی ہے، بدیں وجہ یکطرفہ کارروائی عمل میں لائی گئی ہے۔

(۴) یہ کہ مقدمہ عنوان بالا میں مدعا علیہم بالا کیخلاف کارروائی یکطرفہ منسوخ کرنا از حد ضروری اور قرین انصاف ہے، درخواست اندر معیاد ہے۔

لہذا استدعا ہے کہ بمنظوری درخواست مدعا علیہ / مدعا علیہم بالا تصدیق: کیخلاف یکطرفہ کارروائی منسوخ کرنے کا حکم صادر فرمایا جائے۔

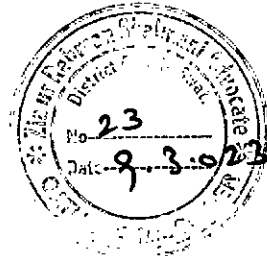
تصدیق کی جاتی ہے کہ جملہ مراتب

درخواست ہذا تا حد علم و یقین میرے

درست اور صحیح ہے۔

عرفہ

ATTESTED



الرقوم 9-3-023

BEFORE THE SERVICE TRIBUNAL (CAMP COURT) MINGORA SWAT
SERVICES APPEAL .NO 8640/2020

Yaseen Khan _____ Petitioner
Versus
Government of Khyber Pakhtunkhwa and others _____ Respondents

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Respondents No. 3



Executive Engineer
Public Health Engg: Division
Dir Lower.

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BEFORE THE SERVICE TRIBUNAL (CAMP COURT) MINGORA SWAT
SERVICES APPEAL .NO 8640/2020

Yaseen Khan.....Petitioner

Versus

- 1) Govt. of Khyber Pakhtunkhwa through Secretary Public Health Engineering Khyber Pakhtunkhwa Peshawar.
- 2) Chief Engineer Public Health Engineering Khyber Pakhtunkhwa Peshawar.
- 3) Superintending Engineer Public Health Engineering Khyber Pakhtunkhwa Timergara.
- 4) Executive Engineer Public Health Engineering KPK Timergara.
- 5) Deputy District Officer water supply & sanitation Dir Lower at Timergara

.....(Respondents)

Reply for and on the behalf of Respondents 1,2,3,4&5

Respectfully Sheweth:

Preliminary objections:

- i) That appellant has got no cause of action; therefore, the appeal of the appellant is not maintainable.
- ii) That the appellant as ex-employee of this department he has unlawfully filed the above titled appeal.
- iii) That the appellant is not an aggrieved person rather he has been dismissed from his services on misconduct.
- iv) That the above appeal is filed for ulterior motives, the appellant has been violated service rules continuously.
- v) The appellant is not come with clean hands to this honorable service tribunal.

FACTS:-

1. Para No: 1 is correct, pertains to records and needs no comments.
2. Para No: 2 is correct, the appellant had attained sanction of 622 days for leave as per the record of this office vide this Office Letter No. 06/R-4 dated 01-12-2015 and visit foreign country.



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**OFFICE OF THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGG: DIVISION DIR LOWER.**

No. 01 / S-E

Dated Timergara the 23 / 10 /2018.

OFFICE ORDER.

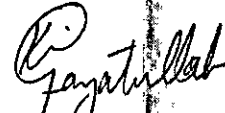
Reference:- Daily News paper Aaj INF (P) 3775 absentee notice date: 01/10/2018.

As recommended by SDO PHE Sub Division Timergara vide his letter No. 02/G-3 dated 07/09/2018, and fulfilling all codal formalities, the service of Mr. Yaseen Khan S/O Shamshur Rahman chowkidar water supply scheme Bandgi Soghalai is hereby terminated without back benefit w.e. from the date of absent from the Govt: duty.

Executive Engineer
Public Health Engg: Division
Dir Lower

Copy forwarded for information to:-

- 1 Deputy Commissioner Dir Lower for information please.
- 2 The Superintending Engineer PHE Circle Malakand at Timergara for information please.
- 3 District Account Officer Dir Lower for information please.
- ✓ 4 Sub Divisional Officer PHE Sub Division Timergara.
- 5 D.A.O local.
- 6 Official Concerned.


Executive Engineer
Public Health Engg: Division
Dir Lower

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Annex A

OFFICE OF THE
EXECUTIVE ENGINEER
PHE DIVISION, DIR. LOWER

No: 08/5/E

Dated Timergara the 19/09/2018

sdophe@gmail.com



Public Health Engineering Department Dir Lower



PHE Dir Lower



+92-945-9750075

To

Mr. Yaseen Khan Chowkldar
WSS Bandgai.

ABSENT FROM GOVT DUTY

- 1. SDO PHE Timergara No 05/G=3 dated 07/03/2018
- 2. -do- No. 02/ =dated 12/04/2018
- 3. -do- No. 05/ =dated 04/05/2018
- 4. -do- No. 02/ =dated 07/09/2018
- 5. T/O letter No. 03/E-5 dated 10/09/2018

Your attention is invited to letters under reference and you are hereby directed to attend the office of SDO PHE Sub Division Timergara as well as explain your absence for your absentee from yours respective scheme without any prior permission within 7 days positively countable from the issuing of this letters. In case of failure, ex-part decision will be taken against you who may lead to your removal from service.

Executive Engineer
Public Health Engg. Division
Dir Lower

Forwarded for information to:
SDO PHE Sub Division Timergara with reference to above for information.

Executive Engineer

پشاور ایبٹ آباد اور اسلام آباد سے یک وقت شائع ہونے والا کثیر الاشاعت کوئی روزنامہ
روشنی کی شانیت آج کا نائب امین

روزنامہ



پشاور
پاکستان

ایڈیٹر
عبدالواحد یوسفی

صفحات 12

جلد 29 | پیر یکم اکتوبر 2018ء | 20 محرم الحرام 1440ھ | قیمت 15 روپے | پوسٹ ای 1 اور 262 شماره

از دفتر پبلک ہیلتھ انجینئرنگ ڈویژن تیرگرہ ضلع راولپنڈی

نوٹس غیر حاضری 19/9/2018

آب مسی یا سین خان ولد شمس الرحمن جو کہ لاہور پولی ٹیکنک میں سیکرٹری کے طور پر ملازم ہیں
تلاش ضلع راولپنڈی مورخہ 7/3/2018 بغیر حجازی سے چھٹی لئے بغیر ڈیوٹی
سے غیر حاضر آئے۔ آب کو ڈیوٹی پر بلائے گا۔ 03/5/18
10/9/2018 کو بذریعہ ہدایت کی گئی ہے کہ آب اپنے ڈیوٹی پر حاضر ہو
جائے لیکن تا حال آب اپنے ڈیوٹی پر حاضر ہونے سے قاصر ہے۔
آب کو آخری بار نوٹس ہذا کیلئے ہدایت کی جانے کے بعد آج نوٹس ہذا کی اطلاع
کے بعد 5 ایام کے اندر اندر اپنی ڈیوٹی پر حاضر ہو جائے اور اسے بغیر حاضری
کی وضاحت کریں۔

نوٹس کے مطابق مورخہ 19/9/2018 کو آب کو نوٹس ہذا کی اطلاع
دی گئی تھی اور ان کے پاس 5 ایام کے اندر اپنی ڈیوٹی پر حاضر ہونے کی ہدایت کی گئی تھی

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**OFFICE OF THE EXECUTIVE ENGINEER
PUBLIC HEALTH ENGG: DIVISION
DIR LOWER AT TIMERGARA**

NO. 06/R-41 DATED: 01/12/2015

OFFICE ORDER

Sanction is hereby accorded to the grant of 622 days leave in respect of Mr. Yaseen Khan Chowkidar WSS Bandgai Soghalai as per detailed given below, under revised leave rules 1981 from the date of availing .

- 1. Leave on full Pay 120 days. Dated.
 - 2. Leave on half Pay 336 days. Dated.
 - 3. Leave on Without Pay 166 days. Dated.
- Total = 622 days.**

On the expiry of his leave, the official will be returned to the same post.

Executive Engineer
Public Health Engineering Division
Dir Lower at Timergara

Copy to:-

- 1. District Account Officer Dir Lower for information and necessary action please.
- 2. Sub Divisional Officer PHE S/Division Timergara for information .
- 3. DAO (L)
- 4. Official Concerned.

1

پشاور ایبٹ آباد اور اسلام آباد سے ایک وقت شائع ہونے والا پشاور کی روزنامہ

روشنی کی مناسبت آج کا صبا چین

روزنامہ



پشاور

پاکستان

ایڈیٹر
عبدالواحد یوسفی

صفحات 12

جلد 29 پیر 16 اکتوبر 2018ء 20 محرم الحرام 1440ھ قیمت 15 روپے - بولے ای آرڈر شماره 262

از دفتر پبلک ریلیٹھ انجینئرنگ ڈویژن تیرگرہ ضلع دیر پور

نوٹس غیر حاضری 19/9/2018

آپ مسکی یاسین خان ولد شمس الرحمن جو کنڈار واہر سلائی سکیم ٹیڑت کے سوا سٹے
 تلاش ضلع دیر پور مور نمبر 713/2018 ایگزیکٹو آفسر سے چھٹی کے بغیر ڈیوٹی
 سے غیر حاضر آئے۔ آپ کو ہڑائی خط نمبر 03/5-E مور نمبر
 10/9/2018 کو بذریعہ بذات کی گئی ہے کہ آپ اپنے ڈیوٹی پر حاضر ہو
 جائے لیکن تا حال آپ اپنے ڈیوٹی پر حاضر ہونے سے قاصر ہے۔
 آپ کو آخری بار نوٹس ہذا کیلئے بذات کی جانی ہے کہ آپ نوٹس ہذا اور شاعت
 کے بعد 15 ایام کے اندر اندر اپنی ڈیوٹی پر حاضر ہو جائے اور اپنے غیر حاضری
 کی وضاحت کریں۔

مورٹ ریگر آپ کے خلاف مور نمبر 10/9/2018 کے تحت کارروائی مکمل رہی

12

No. 218

RGL23801238

Registered
Parcel to

Handwritten name

Insured for Rs. (in figures)

Handwritten amount
(in words)

Name and address of sender

Handwritten name and address

Kilo Grams

Handwritten weight

18



OFFICE OF THE
EXECUTIVE ENGINEER
PHE DIVISION, DIR LOWER
No: 01/5/E
Dated Timergara the 17/10/2019

Public Health Engineering Department Dir Lower
@PHEDDirLower +92-945-9250075

The Superintending Engineer
PHE Circle Malakand at
Timergara

Subject:-

**APPLIED AGAINST THE ORDER OF REMOVAL FROM SERVICE DATED
23/10/2018**

Reference:-

SO (E) letter No. SO (Estt:)/PHED/8-6/2017-18/ Timergara dated
05/09/2019

With reference to the letter on the subject cited above, it is submitted for your information that Mr. Yaseen Khan was appointed as Chowkidar on water supply scheme Bandgai Soghali vide this office, office order No 901/5-E dated 14/09/2009 (copy enclosed Annex-A). The appellant applied for 622 days earned leave which was sanctioned vide this office order No 06/R-4 dated 01/12/2015 (copy enclosed Annex-B). After expiry of his leave period he submitted his arrival report for duty in PHE Sub Division Timergara. Moreover after 6 months the appellant once again disappeared from his duty without permission of the competent authority.

In this regard several notices were issued from office of the Sub Divisional Officer PHE Sub Division Timergara time to time and as well as this office to the explain his position and joint duty but in vain. It is further mentioned that a final notice issued to the concerned vide this office letter No. 08/5-E dated 19/09/2018 (copy attached for perusal Annex-C), and finally he was also informed through print media but he did not attend the office for Government duty (press cutting attached Annex-D).

Keeping in view of above ~~the~~ Mr. Yaseen Khan Chowkidar on water supply scheme Bandgai Soghale was removed from service vide office order No. 01/5-E dated 23/10/2018 (copy attached Annex-F). (Report Submitted please).

o/c
Executive Engineer
Public Health Engg: Division
Dir Lower

Copy forwarded to the:-

1. The Chief Engineer (North) PHE Department Peshawar for information Please.
2. Section Officer (Estt) PHED Khyber Pakhtunkhwa Peshawar with reference to above for information please.
3. The Sub Divisional Officers PHE Sub Division Timergara for information with reference to his letter No 01/G-3 dated 30/9/2019.

(12)



OFFICE OF THE
SUB DIVISIONAL OFFICER
PHE SUB DIVISION TIMERGARA.

No: 01 IG-3

Dated Timergara the 30/9/2019.

PublicHealthEngineeringDepartmentDirLower @PHEDDirLower +92-915-9250075

To

The Executive Engineer
PHE Division Dir Lower.

Subject: -

**APPEAL AGAINST THE ORDER OF REMOVAL FROM SERVICE
DATED 23/10/2018.**

Reference:-

Your letter No: Nil dated Nil.

It is intimated that Mr. Yaseen Khan was appointed as Chowkidar on WSS Bandgai Soghalai w.e.f 15/09/2009, after 6 years qualifying service, he had applied for 622 days earned leave which was sanctioned by your good office vide letter No: 06/R-4 dated 01/12/2015 and he went aboard. After expiry of leave he returned to Pakistan and submitted arrival report for duty on 14/08/2017 and stayed only 06 month for which leave is on his visa. After 06 month he once again went abroad without permission of the department. He was absent from duty w.e.f 27/02/2018 and this office letter No: 05/G-3 dated 07/03/2018 and continuously letter issued to Mr. Yaseen Khan to attend his duty and explain reason for his absentee vide this office letter No: 02/G-3 dated 12/04/2018, No: 05/G-3 dated 04/05/2018 and final notice issued No: 02/G-3 dated 07/09/2018 but he failed to attend his duty nor submitted any reply.

Lastly the undersigned recommended the case for termination of his service under the rules.

Report is submitted please.

H/C / DAULI
Rov M.L.A.

[Signature]
Sub Divisional Officer
Public Health Engg: Sub Division
Timergara

[Handwritten initials]