14.03.2023 Learned counsel for the appellant present. Mr. Syed Asif Ali Shah, Deputy District Attorney for respondents No. 1 present. Mr. Shahab Uddin Khattak, Legal Advisor for respondents No. 2 & 3 present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 22.03.2023 before D.B. P.P given to the parties.

(Salah-Ud-Din)
Member (J)

(Kalim Arshad Khan)
Chairman

22.03.2023 Junior to counsel for appellant present.

Mr. Fazal Shah Mohmand, Additional Advocate General for respondents present.

Learned Member Judicial (Mrs. Rozina Rehman) is on leave, therefore, case is adjourned to 25.05.2023 for arguments before D.B. Parcha Peshi given to the parties.

(Muhammad Akbar Khan)
Member (E)

27.02.2023 Appellant alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondent No. 1 and Mr. Ali Gohar Durrani, Legal Advisor for respondents No. 2 & 3 present.

Partial arguments heard. To come up for remaining arguments on 02.03.2023 before the D.B. Parcha Peshi given to the parties.

(Fareeha Paul)
Member (E)

(Salah-ud-Din)
Member (J)

02.03. 2023 Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for official respondent No. 1 present.

Learned counsel for the appellant seeks time for further preparation of arguments. Adjourned. To come up for further arguments on 14.03.2023 before the D.B. Parcha Peshi given to the parties.

(Fareeha Paul)
Member (E)

(Salah-ud-Din)
Member (J)

22.11.2022 Appellant in person present. Mr. Muhammad Adeel Butt Additional Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments on 19.01.2023 before D.B.

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

19th Jan. 2023 Lawyers are on strike today.

To come up for arguments on 27.02.2023 before the D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.

(Fareeha Paul)
Member(E)

(Rozina Rehman)
Member (J)

25.04.2022 Appellant in person present. Mr. Muhammad Rasheed learned Deputy District Attorney for respondent No. 1 present. Learned counsel for respondents No. 2 & 3 present.

Appellant requested for adjournment on the ground that his counsel is busy in Hon'ble Peshawar High Court, Peshawar. Adjourned. Last opportunity given. To come up for arguments on 24.05.2022 before the D.B.

(Rozina Rehman)
Member (J)

(Salah-Ud-Din)
Member (J)

24th May, 2022 Appellant present in person. Mr. Nasirud Din Shah, Asstt. AG alongwith Mr. Shahab Khattak, Legal Advisor for the respondents present.

Former seeks adjournment due to non-availability of his learned counsel. Last chance is given to the appellant for arguments, failing which the case will be decided on the basis of available record without the arguments. To come up for arguments on 08.08.2022 before the D.B.

(Fareeha Paul)
Member (E)

(Kalim Arshad Khan)
Chairman

8.8.22 Due to the Public holiday the case is adjourned to 22-11-22

Reader

10.09.2021 Appellant in person present.

Javid Ullah learned Assitant A.G for repsondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 10.01.2022 before D.B.

(Rozina Rehman)
Member (J)

Chairman

10.01.2022 Learned counsel for the appellant present. Mr. Riaz Khan Paindakheil, Assistant Advocate General and Mr. Shahab Khattak, legal Advisor for respondent present.

Mr. Shahab Khattak, legal Advisor for respondents requested for adjournment on the ground that he has not gone through the record. Adjourned. To come up for arguments before the D.B on 25.04.2022.

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

Chairman

31-12-2020 Due to summer vacation, case is adjourned to 18-3-2021 for the same as before.

Reader

18.03.2021 Counsel for the applicant and Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Instant application is with the prayer for restoration of Service Appeal No. 793/2016, dismissed for non-prosecution on 07.02.2020.

It is agitated in the application that learned counsel for appellant/applicant was busy in other courts on the relevant date while the appellant was incapacitated due to fractures in his shoulder and leg. The non-representation of appellant/applicant was not willful but was due to Act of God.

The application has been preferred within time period allowed for the purpose and is supported by duly sworn affidavit. At present, there is nothing on record to disbelieve the contents of application. It is, therefore, allowed and Appeal No. 973/2016 is restored to its original number. To come up for replication and arguments before the D.B on 19.05.2021.

(Salah-ud-Din)
Member (J)

Chairman

19.5.2021. Due to covid 19, the case is adjourned to 10-9-21 for the same

Reader

11.06.2020 Counsel for the applicant present. Notices be issued to the respondents for reply on restoration application for 20.08.2020 before D.B.

(Mian Muhammad)
Member

(M. Amin Khan Kundi)
Member

20.08.2020 Due to summer vacation, the case is adjourned to 30.10.2020 before D.B.

Reader

30.10.2020 Due to public holiday, the matter is adjourned to 31.12.2020 for arguments before the D.B.

Reader

Form-A

FORM OF ORDER SHEET

Court of _____

Appeal's Restoration Application No. 53 /2020

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.02.2020	The application for restoration of appeal No.793/2016 submitted by Mr. Yasir Saleem Advocate may be entered in the relevant register and put up to the Court for proper order please. REGISTRAR
2		This restoration application is entrusted to D. Bench to be put up there on 1-4-2020 CHAIRMAN
	01.04.2020	Due to public holiday on account of COVID-19, the case is adjourned to 11.06.2020 for same as before. Reader

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In the matter of
Appeal No. 793/2016.
Dismissed in default on 07.02.2020.

Abdulllah Rasheed, Lecturer Computer Engineering, presently posted at GATTC Hayatabad, Peshawar

(Appellant)

VERSUS

1. Govt of Khyber Paktunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to the Government of Khyber Pakhtunkhwa, Industries, Commerce & Technical Education Department, Peshawar.
3. Director, Technical Education & Manpower Training, Khyber Pakhtunkhwa Peshawar, Peshawar.

(Respondents)

Application for restoration of titled service appeal which has been dismissed for non-prosecution vide order dated 07.02.2020.

Respectfully Submitted:

1. That the above noted appeal was pending in this Honorable Court and fixed for 07.02.2020 on which reply was filed by the Respondents, however it was dismissed for non-prosecution on the said date. ***(Copy of the order dated 07.02.2020 is attached as Annexure A)***

2. That the applicant prays for the restoration of the titled appeal inter alia on the following grounds:

GROUNDS OF APPLICATION

A. That counsel for applicant was busy before another court when the case was called whereas the applicant due to an accident in which his shoulder and leg got fractured, could not attend this Honorable Tribunal, and due to this reason the appeal was dismissed for non prosecution.

B. That non appearance of the applicant or his counsel on the crucial date was not willful but due to the reason stated above.

C. That it is pertinent to mention here that the appeal was fixed for reply of the Respondents and as such it was not fixed for hearing of the appeal and in Rue 19 of the Khyber Pakhtunkhwa Service Tribunal Rules, 1974 the word "hearing" has been mentioned. Meaning thereby an appeal may be dismissed in default when it is fixed for hearing and appellant do not appear.

D. That it has been a consistent view of the superior courts that date fixed for reply or for notice to Respondents is not a hearing date and as such it cannot be dismissed for non prosecution. The captioned case was also fixed for notice to respondents and for of filling of reply, so it could not be dismissed for non-prosecution.

E. That the applicant is ready to pursue the case in hand diligently and vigilantly in future if the Honourable Tribunal allows restoration of the appeal.

F. That valuable rights of the applicant are involved in the instant appeal, hence the case deserves to be decided on merit.

G. That the superior courts have always favoured adjudication of disputes on merits rather then technicalities.

It is, therefore, prayed that on acceptance of this application, the instant appeal may please be restored and be decided on merit.

عبداللہ رشید
Applicant

Through,

YASER SALEEM
Advocate High Court
Peshawar

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

KHALID MAHMOOD ADVOCATE
ATTESTED
NOTARY PUBLIC
PESHAWAR HIGH COURT

عبداللہ رشید
Deponent

07.02.2020 Appellant absent. Learned counsel for the appellant absent. Mr. Muhammad Jan learned Deputy District Attorney alongwith Shahab Khattak Legal Advisor present, submitted reply placed on file.

Case called for several times but neither the appellant nor his counsel turned up. Consequently the present service appeal is dismissed in default. No order as costs. File be consigned to the record room.

(Hussain Shah)
Member

(Muhammad Hamid Mughal)
Member

Announced.
07.02.2020

21.11.2019 Appellant with counsel present. Mr. Zia Ullah learned Deputy District Attorney alongwith Mr. Shahab Khattak, Legal Advisor for the respondents present. Mr. Shahab Khattak Advocate submitted application for impleadment of Technical Education & Main Power Training instead of Technical Education & Vocational Training Authority. The application is placed on record. Copy of the same is handed over to the appellant as well as learned Deputy District Attorney. Adjourned. To come up for replication and arguments on 03.01.2020 before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

03.01.2020 Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Shahab Khattak legal advisor for the respondents present. Learned counsel for the appellant requested for time to file reply. Adjourned. To come up for replication and arguments on [illegible] 07.02.2020 before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

30.08.2019 Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith Irum Sultana Deputy Director for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 16.10.2019 before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

[illegible] To come up for arguments on [illegible] 10.2019 before D.B.

16.10.2019 Counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Shahab Khattak, Legal Advisor for respondents present. Learned Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 21.11.2019 before D.B.

Member

Member

04.07.2019 Learned counsel for the petitioner present. Mr. Zia Ullah Learned Deputy District Attorney for the respondents present.

Arguments on restoration application heard. Learned counsel for the appellant contended that the present service appeal was dismissed for non-prosecution vide order dated 30.11.2018. The appellant filed application for certify copy on 05.12.2018 in the copying branch. The copy of the same was delivered to the appellant on 17.12.2018, and the appellant filed the present service appeal on 18.12.2019, therefore the same is within time. It was further contended that the clerk of the counsel had entered wrong date in his diary. Learned counsel for the petitioner request to accept the restoration application.

On the other hand learned Deputy District Attorney ~~passed~~ opposed contention and contended that the present restoration application is badly time barred, therefore, the restoration application may be dismissed.

Record reveals that the appeal was dismissed on 30.11.2018, the appellant filed application for certify copy in the copying branch on 05.12.2018, the copy of order sheet was delivered to the appellant on 17.12.2018 and the appellant file restoration application on 18.12.23018, therefore the restoration application is within time. As such the appeal is restored on its original No. Adjourned. To come up for further proceeding in the main appeal on 30.08.2019 before D.B.

(Hussain Shah)
Member

(M. Amin Khan Kundi)
Member

29.03.2019 Appellant alongwith his counsel present. Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Representative of the department is not present therefore, notice be issued to the respondents with the direction to direct the representative to attend the court on the next date positively. Adjourned. To come up for replication and arguments on restoration application on 15.05.2019 before D.B.

(HUSSAIN SHAH)
MEMBER

(M. AMIN KHAN KUNDI)
MEMBER

15.05.2019 Counsel for the appellant present. None present on behalf of the respondents therefore, notice be issued to the respondents with the direction to direct the representative to attend the court on the next date positively. Adjourned. To come up for replication and arguments on restoration application on 04.07.2019 before D.B.

(AHMAD HASSAN)
MEMBER

(M. AMIN KHAN KUNDI)
MEMBER

FORM OF ORDER SHEET

Court of _____

Misc. Application No. **462/2018**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	18/12/2018	The application for restoration of appeal No. 793/2016 submitted by Mr. Abdullah Rasheed through Mr. Yasir Saleem Advocate may be entered in the relevant Register and put up to the Court for proper order please. REGISTRAR
2-		This Misc. application be put up before DB-II. Bench on 21-2-2019 CHAIRMAN
	21.02.2019	Applicant in person. Notice of instant restoration application be issued to respondents for 29.03.2019 before S.B. Chairman

Service Appeal No. 793/2016

05.07.2018 Counsel for the appellant and Mr. Sardar Shoukat Hayat, Additional AG alongwith Mr. Shahab Khattak, Coordinator for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 21.08.2018 before D.B.

(Ahmad Hassan)
Member

(Muhammad Amin Kundi)
Member

21-8-2018 Due to Eid-ul-Azha vacation the case is adjourned to 17-10-18

Reader

17.10.2018 Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the present. Junior to counsel for the appellant seeks adjournment that his senior counsel is not in attendance. Adjourned. To come up for arguments on 30.11.2018 before D.B.

Member

Member

30.11.2018 Appellant absent. Learned counsel for the appellant absent. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Case called for several time again but none appeared on behalf of the appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.

(Hussain Shah)
Member

(Muhammad Hamid Mughal)
Member

ANNOUNCED
30.11.2018

16.10.2017 Learned counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 21.12.2017 before D.B.

[illegible]

(Ahmad Hassan)
Member (E)

(Muhammad Hamid Mughal)
Member (J)

[illegible]

21.12.2017 Due to Judicial Officer's Conference today, case is adjourned to 22.02.2018 for the same before the D.B.

Reader

22.02.2018 Due to non availability of D.B. Adjourned. To come up on 24.04.2018 before D.B.

Member

24.04.2018 Learned counsel for the appellant and Mr. Kabir Ullah Khattak, learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 05.07.2018 before D.B.

(Ahmad Hassan)
Member

(Muhammad Hamid Mughal)
Member

03.04.2017 Appellant in person and Addl. AG for respondents present. Written reply not submitted despite numerous chances. No further opportunities for submission of written reply shall be given to the respondents. The appeal is assigned to D.B for rejoinder and final hearing on 24.05.2017.

Chairman

24.05.2017 Appellant in person present. Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Appellant requested for adjournment. Adjourned. To come up for arguments on 06.09.2017 before D.B.

(Muhammad Amin Khan Kundi)
Member

(Gul Zeb Khan)
Member

06.09.2017 Clerk of the counsel for appellant present. Mr. Muhammad Adeel Butt, Additional AG for respondent present. Arguments could not be heard due to incomplete bench. To come up for arguments on 16.10.2017 before D.B.

(Muhammad Hamid Mughal)
Member

13.02.2017 Appellant in person and Addl. AG for respondents present. Written reply not submitted despite last opportunities. Requested for further adjournment. Last opportunity further extended subject to payment of cost of Rs. 500/- which shall be borne by respondents from their own pockets. To come up for written reply/comments on 06.03.2017 before S.B.

(AHMAD HASSAN)
MEMBER

06.03.2017 Clerk to counsel for the appellant and Mr. Daud Jan, Superintendent alongwith Addl. AG for respondents present. Written reply not submitted despite another last opportunity. Requested for adjournment. Another last opportunity extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments on 03.04.2017 before S.B.

(MUHAMMAD AAMIR NAZIR)
MEMBER

21.12.2016 Counsel for the appellant and Addl. AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written/comments on 11.01.2017 before S.B. Counsel for the appellant submitted application for suspension order dated 01.12.2016. Learned counsel for the appellant submitted before the court that the impugned order dated 09.03.2016 appellant was awarded minor punishment of withholding of three increments for three years, however, now, it has been directed vide order dated 01.12.2016 for recovery of salary paid to the appellant which is illegal and not accordance with law and the same be suspended. Request seems genuine hence, impugned order dated 01.12.2016 is suspended till the date fixed. Notices be issued to the respondents.

(MUHAMMAD AAMIR NAZIR)
MEMBER

11.1.2017 Clerk of counsel for the appellant and Addl. AG for the respondents present. Written reply not submitted. Learned Addl. AG requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 13.02.2017 before S.B. The restraint order shall continue.

Chairman

30.08.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was posted as Lecturer Computer Engineering at GATTC Hayatabad when subjected to inquiry on the allegations of absence from duty and vide impugned order dated 09.03.2016 minor penalty in the shape of withholding of three increments for three years was imposed where-against he preferred departmental appeal on 06.04.2016 which was not responded and hence the instant service appeal on 03.08.2016.

That the appellant has never absented himself from duty as such has attended the classes after performing of routine duty. That he secured admission after obtaining NOC from the department and, moreover, no regular inquiry has conducted and as such the impugned order is defective.

Point urged at the Bar need consideration. Admit. Subject to deposit of security and process fee within 10 days where-after notices be issued to the respondents for written reply/comments for 02.11.2016 before S.B.

Chairman

02.11.2016

Clerk to counsel for the appellant and Assistant AG for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 21.12.2016 before S.B.

Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 793/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	03/08/2016	The appeal of Mr. Abdullah Rasheed presented today by Mr. Ijaz Anwar Advocate may be entered in the Institution Register and put up to Learned Member for proper order please. REGISTRAR
2-	04.8.16	This case is entrusted to S. Bench for preliminary hearing to be put up there on. 08.8.16 MEMBER
	08.08.2016	Agent to counsel for the appellant present and requested for adjournment. Request accepted. Adjourned for preliminary hearing to 30.08.2016 before S.B. Member

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No._____/2016

Abdulllah Rasheed, Lecturer Computer Engineering, presently posted at GATTC Hayatabad, Peshawar.

(Appellant)

VERSUS

Govt of Khyber Paktunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.

(Respondents)

INDEX

Appellant

Through

IJAZ ANWAR
Advocate Peshawar
&

SAJID AMIN
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No._____/2016

Abdullah Rasheed, Lecturer Computer Engineering, presently posted at GATTC Hayatabad, Peshawar.

(Appellant)

VERSUS

1. Govt of Khyber Paktunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to the Government of Khyber Pakhtunkhwa, Industries, Commerce & Technical Education Department, Peshawar.
3. Director, Technical Education & Manpower Training, Khyber Pakhtunkhwa Peshawar, Peshawar.

(Respondents)

2.

3. Managing Director, KP Technical education & Vocational training authority

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, Notification No. SOIII(IND)4-3/2015 dated 09.03.2016, whereby the appellant has been awarded the minor penalty of "withholding of three annual increments for three years" against which his departmental Appeal has not been responded despite the lapse of statutory period of 90 days.

Prayer in Appeal: -

On acceptance of this appeal the impugned Notification No. SOIII(IND)4-3/2015 dated 09.03.2016, may please be set-aside and the annual increments of the appellant may kindly be restored *with all back / consequential benefits of service*.

Respectfully Submitted:

1. That the appellant was initially appointed as lecturer (Computer Engineering) BPS-17, in the Directorate of Technical Education & Manpower Training, Khyber Pakhtunkhwa Peshawar vide order/ letter No. SOIII(IND)TE/3-5/2012/11510-76 dated 02.11.2012 and was posted at Government College of Technology Peshawar. The appellant duly submitted his arrival report and after handing over charge he stated performing his duties. **(Copies of the appointment order dated 02.11.2012, arrival report and charge report are attached as Annexure A, B & C)**

2. That ever since his appointment, the appellant is performing his duties as assigned with zeal and devotion and without giving any chance of complaint whatsoever regarding his performance.

3. That while serving in the said capacity, in order to improve his qualification, the appellant applied for higher studies i.e MS Mechatronics Engineering at NUST, accordingly he was selected for admission at NUST vide letter dated 19.08.2013 at NUST Rawalpindi. **(Copy of the letter dated 19.08.2013, is attached as Annexure D)**

4. That it is pertinent to mention here that before joining NUST, the appellant duly applied for NOC/departmental permission vide letter No. GCT/PESH/PF/293 dated 15.05.2013. Moreover he also applied for study leave vide application dated 03.09.2013, the application was duly forwarded vide letter No. GCT/PESH/PF/585 dated 03.09.2013 by the concerned principal and further forwarded by the Directorate of Technical Education to the Secretariat vide letter No. DGCT&MT/ESTT/2-210/6338 dated 30.10.2013. Unfortunately the appellant was not informed about the out come of his leave application in due time. **(Copies of the letter dated 15.05.2013, leave application dated 03.09.32013, forwarding letters dated 03.09.2013 & 30.10.2013 are attached as Annexure E, F, G & H respectively)**

5. That in the meantime the appellant's study course at NUST, Rawalpindi proceeded, therefore he was constrained to join his studies. However since classes timings of the appellant were from 5:30pm to 8:30pm, thrice a week, therefore, he also continued his

duties at GCT, Peshawar and never remained absent from his official duties.

6. That later, the appellant was served with a show cause notice containing certain unfounded and baseless allegations, the allegations so leveled are reproduced below:
   i. That you got admission in MS Mechatronics Engineering at NUST Islamabad without obtaining NOC of the department.
   ii. That while posting at Govt. College of Technology, Peshawar you remained absent from duty w.e.f 09.09.2016 to 08.09.2014, during your probation period of service which has been proved in the inquiry conducted by Engineer Sheer Akhbar Principal BS-20 Government College of Technology Swabi.
   iii. That you did not join duty despite repeated explanation letters and warnings from the concern principals and Director General Technical Education.
   iv. That during the period, you have drawn regular pay and allowances.
   (Copy of the show cause notice dated 27.10.2015, is attached as Annexure I)

7. That the appellant duly replied the show cause notice and refuted the allegations leveled against him. **(Copy of the reply to the show cause notice is attached as Annexure J)**

8. That without conducting any regular inquiry the appellant has been awarded the penalty of withholding of there increments for three years vide impugned notification dated 09.03.2016. **(Copy of the impugned order dated 09.03.2016, is attached as Annexure K)**

9. That against the order dated 09.03.2016, the appellant filed his departmental appeal, however the same has not been responded despite the lapse of 90 days statutory period. ***(Copy of the Departmental Appeal is attached as Annexure L)***

10. That the impugned orders are illegal unlawful against law and facts therefore, liable to be set aside inter alia on the following grounds:-

GROUNDS OF SERVICE APPEAL:

A. That the appellant has not been treated in accordance with law hence his rights secured and guaranteed under the law are badly violated.

B. That no proper procedure has been followed before awarding him the penalty of withholding of increments. The appellant has not been properly provided the opportunity to defend himself against the charges. Thus the whole proceedings are defective in the eye of law and an order based on such defective proceedings is liable to be set aside..

C. That the appellant has not been given fair opportunity of personal searing before awarding him the penalty thus he has been condemned unheard.

D. That the appellant has never been served with any charge sheet or statement of allegations thus he has been denied opportunity to defend himself against the charges.

E. That the appellant never remained absent from his duties infact he regularly attended his classed at GCT which is evident from his attendance sheet/ register. Since his classes at NUST were in the evening i.e, 5.30 to 8.30 p.m. and that too were thrice in a week, so he had no problems to perform his duties at GCT. **(Copies of time table of three semesters and abstracts of attendance register are attached as Annexure M & N).**

F. The Directorate of TEVTA informed him vide letter No. ESTT 1/3-561/3786 dated 12/082014 after 11 months of period, while the secretariat issued a letter No. S.O III (ND) 4-3/2012/0589 dated 2nd,july, 2014 informing TEVTA about the fate of my leave application. **(Copy of letter dated 12.08.2014 is attached as Annexure O).**

G. That the attendance register always remained in the custody of HOD and every officer and class-IV had to mark his attendance on daily basis to close that day's attendance. In the presence of HOD there was no possibility of leaving any blank spaces serial wise for a person can get access and to mark his attendance for the whole year just before inquiry proceeding.

H. That the appellant was selected for admission at NUST and he duly applied for the permission from the department before joining of his classes at NUST. Higher studies is the fundamental right of every citizen since the appellant applied for study leave, therefore , it could not have been refused needless to mention here that the appellant's studies never effected performance of his duties as he regularly performed his duties at GCT in the morning.

I. That since the appellant regularly attended the GCT so he is eligible to draw his pay and allowances accordingly.

J. That the charges leveled against the appellant was never admitted by him nor there was any sufficient material available that could prove even remotely associate the appellant with the charges so leveled, therefore, the matter in hand required a full fledge inquiry to prove the guilt or otherwise of the appellant in absence of regular inquiry no penalty can lawfully be imposed.

K. That since the charges were never admitted by the appellant, so adopting shorter procedure of show cause is uncalled for and not warranted under the law.

L. That even in the so called inquiry / facts finding inquiry conducted by TVETA, the appellant was never properly associated nor any kind of charge sheet / show cause notice is issued to him, moreover, the appellant being a civil servent, the TVETA had no authority to conduct any sort of inquiry against the appellant in absence of specific order from the competent authority , moreover , in that inquiry too the appellant was never associtesd properly nor any witness has been examined or if so examined no opportunity of cross examination has been given to him.

M. That the appellant was never served with any absence notice nor has any publication been made in any leading news paper.

N. That charges leveled against the appellant were never proved, it is pertinent to mention here about the letter dated 11.09.2014 sent to the inquiry officer by the HOD and principal which is clear proof of the fact that the appellant never remained absence of his duties and that he was fully devoted towards his profession.

O. That the appellant has never committed any act or omission which could be termed as misconduct. He has performed his duties as

assigned with zeal and devotion albeit he has been awarded the penalty.

P. That the appellant has a spotless service career of about more then three years, during his entire service he has always perform his duties to the best of his abilities and never given any chance of compliant whatsoever to his superiors regarding his performance. The penalty imposed upon the appellant is stigma on his bright and spotless service career hence liable to be set aside.

Q. That the facts and grounds mentioned in the reply to the show cause notice and departmental appeal of the appellant may also be read as integral part of the instant appeal.

11. That the appellant seeks permission of the Honourable Tribunal to rely on additional grounds at the time of hearing of the instant appeal.

It is therefore prayed that on acceptance of this appeal the impugned Notification No. SOIII(IND)4-3/2015 dated 09.03.2016, may please be set-aside and the annual increments of the appellant may kindly be restored *with all back / consequential benefits of service*.

Appellant

Through

IJAZ ANWAR
Advocate Peshawar
&

SAJID AMIN
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No._____/2016

Abdullah Rasheed, Lecturer Computer Engineering, presently posted at GATTC Hayatabad, Peshawar.

(Appellant)

VERSUS

Govt of Khyber Paktunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.

(Respondents)

AFFIDAVIT

I, **Abdullah Rasheed,** Lecturer Computer Engineering, presently posted at GATTC Hayatabad, Peshawar, do hereby solemnly affirm and declare that the contents of the above accompanied appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

Deponent

(8) Annex A

Tele:_____

GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE AND TECHNICAL
EDUCATION DEPARTMENT

NOTIFICATION.

*Dated Peshawar, the*_____

No. SOIII(IND)TE/3-5/2012. On the recommendations of the Khyber Pakhtunkhwa Public Service Commission, and in pursuance of the provisions contained in sub-section(2) of section-19 of the Khyber Pakhtunkhwa, Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), as amended by the Khyber Pakhtunkhwa, Civil Servants(Amendment) Act, 2005 (Khyber Pakhtunkhwa Act No. IX of 2005), the Competent Authority is pleased to order the appointment of the following candidates as Male Lecturer (Computer Engineering) (BPS-17) in the Directorate of Technical Education & Manpower Training, Khyber Pakhtunkhwa subject to the terms and conditions mentioned hereunder:

1. Mr. Abdullah Rasheed S/O Abdur Rasheed Khan.
2. Muhammad Siddique S/O Fazal Rauf.
3. Muhammad Safi Jan S/O Muhammad Parwaiz.
4. Mr. Hafeez ur Rehman S/O Habib ur Rehman.
5. Muhammad Haroon S/O Mir Daman.
6. Mr. Rashid Ali Khan S/O Saher Ali Khan.
7. Mr. Fazal Rabi S/O Fazal Hadi.
8. Mr. Fawad Ahmad Khan S/O Aziz ullah Khan.
9. Mr. Faisal Jamal Nasir S/O Muhammad Nasir.
10. Mr. Shams ur Rehman S/O Gul Jan.
11. Mr. Iqbal Munir S/O Abdul Munir Khan.
12. Mr. Amjad Ali S/O Muhammad Zahir Shah Khan.
13. Syed Shadab Ali Shah S/O Syed Nawab Ali Shah.
14. Mr, Hikmat Ullah Khan S/O Hji Nadir Khan.
15. Syed Muhammad Ijlal Hussain S/O Syed Shabbir Hussain Shah.
16. Mr. Muhammad Sheraz Ahmad S/O Sardar Muhammad.

TERMS AND CONDITIONS

i. They will, for all intents and purposes, be Civil Servants except for the purpose of pension or gratuity. In lieu of pension and gratuity, they will be entitled to receive such amount contributed by them towards Contributory Provident Fund (C.P.F) along with the contributions made by the Government to their account in the said fund, in the prescribed manner.

ii. They will be governed by the Khyber Pakhtunkhwa, Civil Servants Act 1973, all the laws applicable to the Civil Servant and rules made there under.

iii. They will, initially, be on probation for a period of one year.

iv. Their services will be liable to termination at any time without assigning any reasons, before the expiry of the period of probation/extended period of probation, if their work during this period is not found satisfactory. In such an event, they will be given a month's notice of termination from service or one moth's pay in lieu thereof. In case they wish to resign at any time, a month's

v. They will not be entitled to any TA DA on their first appointment as male Instructor (BPS-17) in the Directorate General of Technical Education & Manpower Training, Khyber Pakhtunkhwa.

2. On their appointment, the Competent Authority has further been pleased to order the following postings in the Directorate General of Technical Education & Manpower Training, Khyber Pakhtunkhwa with immediate effect:-

S.No	Name with Father's Name & Address	Proposed Posting.
1	Mr.-Abdullah Rasheed S/O Abdur Rasheed khan R/O House No.49, Mohallah Majian Dhaki Rahim Shah Hashtnagri, Peshawar City.	*As Lecturer(Computer Engineering) (BPS-17), Govt. College of Technology Peshawar against the vacant post.*
2	Mr. Muhammad Siddique S/O Fazal Rauf R/O Village & P/O Sangolai Payan, Tehsil Balambat District Dir Lower, C/O Khalid Khan Lecturer Zoology Department, Islamia College Peshawar	*As Lecturer (Computer Engineering) (BPS-17) Govt College of Technology, Timergara against the vacant post*
3	Mr.Muhammad Safi Jan S/O Muhammad Parwaiz R/O Village & P/O Mirzadher Tehsil Tangi District Charsadda	*As Lecturer (Computer Engineering) (BPS-17) Govt College of Technology Tangi, against the vacant post.*
4	Mr. Hafeez ur Rehman S/O Habib ur Rehman R/O House No.383, street-13,D-2,Phase-I Hayatabad Peshawar.	*As Lecturer (Computer Engineering) (BPS-17) Govt College of Technology Peshawar against the vacant post.*
5	Mr.Muhammad Haroon S/O Mir Daman R/O Janakor, FR Peshawar C/O Mir Bath Khan shop No.21 Gunj addah Peshawar.	*As Lecturer (Computer Engineering) (BPS-17), Govt College of Technology Kohat against the vacant post.*
6	Mr. Rashid Ali Khan S/O Sher Ali Khan, R/O village Begu Khel, District Lakki Marwat C/O Abid Ali Khan, Habib Bank LTD Khwaidad khel branch Lakki Marwat city.	*As Lecturer (Computer Engineering) (BPS-17), Govt. College of Technology D.I.Khan against the vacant post.*
7	Mr. Fazal Rabi S/O Fazal Hadi, R/O Mohallah Mohammed Gul Shaheed Mingorra, Swat C/O Rashid pharmacy Iqbal Plaza Green Chowk Mingorra Swat.	*As Lecturer (Computer Engineering) (BPS-17) Govt. Polytechnic Institute Batkhela, against the vacant post.*
8	Mr. Fawad Ahmad Khan S/O Aziz ullah Khan, R/O Maidad Khel P.O & Village Kheru Khel Pacca,Tehsil & District Lakki Marwat.	*As Lecturer (Computer Engineering) (BPS-17), Govt. Polytechnic Institute Lakki, against the vacant post.*
9	Mr. Faisal Jamal Nasir S/O Muhammad Nasir, District Abbottabad R/O Post office Supply Bazar Makkah Shoping Center C/O Khyber Medicos	*As Lecturer (Computer Engineering) (BPS-17), Govt. Polytechnic Institute Buner, against the vacant post.*
10	Mr. Shams ur Rehman S/O Gul Jan R/O Village & post office Kotki, District Mardan.	*As Lecturer (Computer Engineering) (BPS-17), Govt. Polytechnic Institute Takh Bhai against the vacant post.*
11	Mr. Iqbal Munir S/O Abdul Munir Khan, R/O Village Tigdari Tehsil & post office Khawaza Khela District Swat.	*As Lecturer (Computer Engineering) (BPS-17), Govt. College of Technology, Swat, against the vacant post.*

12	Mr. Amjad Ali S/O Muhammad Zahir Shah Khan, R/O Village Janoo, Tehsil & P.O Khawaza Khela District Swat. C/O Habib Book Seller, Main Bazar Khawaza Khela	As Lecturer (Computer Engineering) (BPS-17), Govt. College of Technology Swat against the vacant.
13	Syed Shadab Ali Shah S/O Syed Nawab Ali Shah, C/O Smai Ullah Cement Dealer near Police station Serai Naurang, District Laki Marwat.	As Lecturer (Computer Engineering) (BPS-17), Govt. Polytechnic Institute Karak, against the vacant post
14	Mr. Hikmat Ullah Khan S/O Haji Nadir Khan, R/O Academy for Engineering Courses new Arbab Colony Behind Jabir Flates, University Roard Peshawar. P. Address Khushdil Filling station P.O Talab Abbas, Mardan District Bannu	As Lecturer (Computer Engineering) (BPS-17), Govt. College of Technology Bannu, against the vacant post.
15	Syed Muhammad Ijlal Hussain S/O Syed Shabbir Hussain Shah, R/O House No.90/A Moh. Gazikot Township Sector A Mardan	As Lecturer (Computer Engineering) (BPS-17), Govt. College of Technology Swabi, against the vacant post
16	Mr. Muhammad Sherazi Ahmad S/O Sardar Muhammad R/O House No.355/5, Lower Malikpura Banda Suppan, Abbottabad.	As Lecturer (Computer Engineering) (BPS-17), Govt. Polytechnic Institute Batkhela, against the vacant post

3. If the above terms and conditions are acceptable to them, they should report for duty to the Principal of the Institute noted above within seven days of the receipt of this order.

-Sd-
Secretary to Govt. of Khyber Pakhtunkhwa,
Industries, Commerce & Technical Education
Department.

Endst: No. SO(II)(IND)TE/3-5/2012 11510-16 Dated Pesh. the 2nd November, 2012

Copy is forwarded to:-

1. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. The Director General, Technical Education & Manpower Training, Khyber, Pakhtunkhwa, Peshawar alongwith all relevant documents(in original)of the Officers for record.
3. The District Accounts Officers Swabi, D.I.Khan, Swat, Charsadda, Kohat, Lakki Marwat, Bunner, Mardan, Karak, Bannu.
4. The Director Recruitment, Khyber Pakhtunkhwa, Public Service Commission, Peshawar w/r to his letter No.KPK/PSC/SR/032005 dated 19-06-2012.
5. The Manager, Govt. Printing Press Peshawar.
6. The Principals Govt. College of Technology, Peshawar, Swabi, Timergara (Dir), Tangi(Charsadda), Kohat, D.I.Khan, Swat, Bannu.
7. The Principals, Govt. Polytechnic Institute Batkhela(Swat), Lakki Marwat, Bunner, Takht Bhai(Mardan), Karak.
8. The officers concerned.
9. O/O file.

(ANWAR-UL-HAQ)
DEPUTY SECRETARY-I

ANNEXX B

(11)

The principal,

Govt: College of Technology,

Peshawar City

Subject: Arrival/ Joining Report

Sir,

It is to inform you sir, that I have been appointed as Lecture in Computer Engineering at Govt: College of Technology under your kind control, Vide notification **No: SOIII (IND) TE/3-5/2012** (photo Copy attached).

Respected Sir, I hereby submit my arrival/ joining report on this day 2-11-2012

Yours Obediently,

Engr: ABDULLAH RASHEED

S/O ABDUR RASHEED KHAN

R/O H. NO 49 Moh: Majian

Dhaki Rahim Shah Hashtnagri

Peshawar

02/11/2012

(12) ANNEXURE C

GOVERNMENT COLLEGE OF TECHNOLOGY KOHAT ROAD PESHAWAR.

CERTIFICATE OF TRANSFER OF CHARGE.

Certified that I Engr. Abdullah Rasheed Lecturer (Computer Engineering) have this day after noon of A.N 02/11/2012 taken over the charge of the office of the Lecturer (Computer Engineering) Government College of Technology, Peshawar with reference to the Government of Khyber Pakhtunkhwa Industries, Commerce and Technical Education Department Notification Endst: No.SOIII (INI) TE/3-5/2012/11510-70 dated: 02/11/2012 .

Station: - PESHAWAR

Signature of _____
Government Servant Receiving Charge.
Designation: - Lecturer (Computer Engineering)

Signature of _____
Government Servant Relieving Charge.
Designation: -

Dated: - 2 /11/2012(A/N)

Endst:No.GCT/Pesh/Estt/PF/ 273 Dated 3 / 11 /2012.

From,

The Principal,
Government College of Technology,
Peshawar.

To,

1. The Secretary Industries, Commerce and Technical Education KPK Peshawar
2. The Accountant General, Khyber Pakhtunkhwa, Peshawar
3. The Director General Technical Education & Manpower Training, Peshawar.
4. The Accountant of this College.
5. The Officer Concerned.

PRINCIPAL

Afzal

(13)

National University of
Sciences & Technology
Sector H-12 Islamabad
Tel: 9085-1045
0920/05/Selection letter/PGP Dte
August 2013

To: NUST Roll No 10606
Name: ABDULLAH RASHEED
Merit Position: 14

Subject: **Provisional Admission - MS MECHATRONICS ENGINEERING Session 2013**

1. I am pleased to inform that you have been provisionally selected for admission in MS **MECHATRONICS ENGINEERING** at **College of E&ME, Peshawar Road, Rawalpindi** , on the basis of your merit position and the preference of choice given by you in the application form.

2. You are requested to forward documents as per attached checklist by hand or through courier service latest by **23 August 2013**. In case you fail to complete the same by the specified date, your selection is liable to be cancelled automatically and the next candidate on the merit list would be called for admission.

3. Your provisional admission is subject to fulfillment of following terms and conditions:-

   a. Submission of documents as per para 2 above.
   b. Production/verification, correctness and validity of original certificates / documents/ testimonials and antecedents to the entire satisfaction of the University. These original documents will be checked and deposited at the time of joining at concerned College/School /Centre.
   c. Your admission at NUST can be cancelled at any stage of studies with no liability on NUST. If any document / information provided by you is found to be fake / incorrect or not meeting NUST eligibility criteria.
   d. Candidates awaiting result who do not submit their final result, will be dropped from the selection process.

4. Refund Policy

   a. Admission processing fee is **not refundable** in any case.
   b. Security deposit is refundable subject to production of clearance certificate from the concerned NUST School/College.
   c. Half semester tuition fee deposited with the admission dues will be refunded in full, if application for refund is received up to 7th day of commencement of classes.
   d. No tuition fee will be refunded if application for refund is received on or after 8th day of commencement of classes.

5. Hostel facilities may be made available on first-come first-serve basis to limited number of students. Those requiring accommodation and conveyance may apply direct to College / School or Deputy Director Hostels & Messing (in case of Schools at H-12, Islamabad), on application form which can be downloaded from NUST website www.nust.edu.pk.

6. Your academic program is starting with effect from 09th September 2013. Please report to College of E&ME, Peshawar Road, Rawalpindi, 051-9239493 on due date, after deposit of willingness certificate, admission dues and academic documents with Postgraduate Programmes Directorate, HQ NUST.

Mailing Address:
Postgraduate Programmes Directorate
National University of Sciences and Technology (NUST)
Sector H-12, Islamabad
Phone: 051-9085(1045,1043)

Director PGP
Dr. Mahmood A Rahi

Note: This is a computer generated document and does not require signatures.

ANNEX E

(15)

Government College of Technology
Peshawar

No.GCT/Pesh/P.F/ 2 9)

Dated. 15 / 05 /2013

To

The Director General
Technical Education & Manpower Training
Khyber Pakhtunkhwa,
Peshawar

Subject: CERTIFICATE OF DEPARTMENTAL PERMISSION

Enclosed please find herewith a certificate of departmental Permission in respect of Mr. Abdullah Rasheed, Lecturer of this college for further necessary action.

Principal

Enclosed as above
M.Afzal
08052013

انشل خان
کمپیوٹر آپریٹر کی خدمات حاصل کی جائیں
اور تنخواہ میں لگایا جائے۔

The Director General,
Directorate of Technical,
Education & Manpower Training,
Khyber Pakhtunkhwa Peshawar.

Approved F (16) (9)

Subject: Study Leave.

Respected Sir,

It is for your kind information that I Abdullah Rasheed is working as Lecturer in Computer Engineering at Govt. College of Technology Peshawar has been granted admission in MS MECHATRONICS ENGINEERING at College of E & ME, NUST Rawalpindi. My classes will start w.e.f 9th Sept, 2013. Duration for this Master's Degree Course is 2 years. However I am requesting for 1 year Study Leave. Photocopy of selection letter NUST attached.

Sir I am selectee Lecturer of Public Service Commission vide Notification: **SOIII(IND)TE/3-5/2013** and have joined the service on 02-11-2012. I have applied for the said course through proper channel.

It is requested sir; my application for study leave may kindly be forwarded for further necessary action to the concerned quarters. I shall be very thankful to you.

class 9-9-13 to 1 year study lea

forwarded for please. 02/09/2013

Your's sincerely,

Engr. ABDULLAH RASHEED
Lect: Computer Engineering
G.C.T, Peshawar.

Endst: NO: 585

Dated: 03/09/2013.

Copy to:

1- The PS to Secretary Industries, Commerce and Technical Education KPK Peshawar.
2- The Director Technical Education KPK Peshawar.

GOVERNMENT COLLEGE OF TECHNOLOGY KOHAT ROAD PESHAWAR.

NO.GCT/PESH/ESTT:/PF/585
To,

DATED 01/09/2013.

The Director General,
Technical Education & Manpower Training,
Khyber Pakhtunkhwa, Peshawar.

Subject:- APPLICATION FOR STUDY LEAVE.

Enclosed please find herewith an application in respect of Engr. Abdullah Rasheed, Lecturer (B-17) of this College regarding study leave for further necessary action.

DA/As above.

PRINCIPAL

Ibrar

(18) Approved

DIRECTORATE OF TECHNICAL EDUCATION,
& MANPOWER TRAINING, KHYBER PAKTUNKHWA.

(12)

No DGTE&MT/Estt/3-561/6338(1-2)
Dated 30/10/2013.

To

The Section Officer-III,
Government of Khyber Pakhtunkhwa,
Industries & Technical Education Department,
Peshawar.

Subject: APPLICATION FOR LEAVE FOR STUDY:

I am directed to enclose herewith an application submitted by Engr: Abdullah Rasheed, Lecturer (Computer)BPS-17, Govt. College of Technology, Peshawar for the grant of one year Leave (without pay) for study w.e.f. 9-9-2013 to 8-9-2014. It is pertinent to mention that the Officer has been appointed as Lecturer on 02-11-2012 and is under probation for one year. Thus the period from 9-9-2013 to 02-11-2013 is at the discretion of the authority to be accordingly relaxed.

It is therefore, requested that the leave in question may kindly be decided as per rules.

DA/As above.

DEPUTY DIRECTOR (ADMN)

Endst: No. DGTE&MT/Estt/2-210/6338(1-2) Dated 30/10/13

Copy forwarded for information to the Principal, Govt. College of Technology, Peshawar w/r to his letter No.585 dated 03-09-2013.

DEPUTY DIRECTOR (ADMN)

Leave

(18) Attested F

No.SOIII(IND)4-3/15 /

SPECIAL MASSENGER/TCS/UMS/

GOVERNMENT OF KHYBER PAKHTUNKHWA
INDUSTRIES, COMMERCE AND TECHNICAL EDUCATION DEPARTMENT

Tele:

Dated Peshawar; the 27th October, 2015

To

Mr.Abdullah Rasheed,
Lecturer (BS-17),
Govt; College of Technology, Swabi.

Subject; SHOW CAUSE NOTICE

I am directed to refer to the subject noted above and to enclose herewith two copies of the show cause duly signed by the Competent Authority and to state that one copy of the show cause notice may be returned to this Department duly signed by your self as token of receipt immediately.

2. You are directed to submit your reply, if any, within 7 days of the delivery of this letter, otherwise, it will be presumed that you have nothing to put in your defence and ex-parte action will be taken.

3. You are further directed to intimate whether you desire to be heard in person or otherwise.

(Encl; as above)

(ZAHIR SHAH)
SECTION OFFICER-III

Copy forwarded to the Manaing Director KP-TEVTA 3-A Chinar Road, University Town, Peshawar w/r to his letter No.TEVTA/HR-I/3-561/1939/2651 dated 09.10.2015.

SECTION OFFICER-III

SHOW CAUSE NOTICE

(20)

I, Amjad Ali Khan, Chief Secretary, Khyber Pakhtunkhwa, as Competent Authority under the Khyber Pakhtunkhwa Govt; Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr.Abdullah Rashed, Lecturer (BPS-17), Govt; College of Technology, Peshawar presently working as Lecturer (BS-17) at Govt; College of Technology, Swabi as follows;

i) That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given the opportunity of hearing.

ii) On going through the findings and recommendations of the inquiry officer, the material on record and other relevant papers, including your defence before the said inquiry officer.

2. I am satisfied that you, while posted as Lecturer (BS-17) Govt; College of Technology, Peshawar committed the following acts/omissions;

i. That you got admission in M.S. Mechatronics Engineering at NUST Islamabad without obtaining NOC of the Department. P-15/E

ii. That while posted at Govt; College of Technology, Peshawar, you remained absent from duty with effect from 09-9-2013 to 08-9-2014, during your probation period of service which has been proved in the enquiry conducted by Engr;Sher Akhbar Khan, Principal (BS-20), Govt; College of Technology, Swabi.

iii. That you did not join duty despite repeated explanation letters and warnings from the concerned Principal and Director General Technical Education.

iv. That during the period, you have drawn regular Pay and Allowances.

v. That you attended the college concerned on 09-9-2014 and illegally/ fraudulently included your name in the Attendance Register and also tried to mark yourself present for the entire period of absentee.

3. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the penalty of "dismissal from service" under Rule-9 of the said rules.

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

5. If no reply to this notice is received within seven (07) days or not more than fifteen (15) days of its delivery, it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

6. A copy findings of the inquiry report is enclosed.

(AMJAD ALI KHAN)
Chief Secretary, Khyber Pakhtunkhwa

Mr.Abdullah Rasheed,
Lecturer (BPS-17),
Govt; College of Technology, Swabi

To

The SO III,

Industries, Commerce and Technical Education.

Memo

With reference to show cause notice NO SOIII(IND) 4-3/15/13745 dated 27th Oct, 2015, received on dated 03-11-2015, I hereby submit my reply.

Regards

Engr Abdullah Rasheed

10/11/15

3-20pm

10/11/2015

Govt. Advance Technical Training

Centre Hayat Abad Peshawar

The Honourable Cheif Secretary,

Government of Khyber Pakhtoonkhwa.

Honourable Sir

In pursuance of show cause notice served upon me vide SO III (IND) 4-3/15/13745 dated 27th oct, 2015 (Annexure 1). I humbly submit para wise details as follows.

1. sir before getting admission at NUST i applied for NOC/Certificate of departmental permission vide letter No GCT/PESH/P.F/293 dated 15-05-2013 (Annexure 2)
2. I was appointed as lecture vide letter number SOIII (IND) TE/3-5/2012/11510-76 dated 2nd November 2012 (Annexure 3). I reported to join GCT Peshawar on the same date. I regularly mark my attendance in attendance register from 2nd November 2012 till my transfer dated 31 October 2014 to GCT Swabi.
3. Photocopy of attendance register including my name and initial is attached (Annexure 4 (1-12)).
4. No explanation letters received from principal office, however a letter from Directorate General Technical Education (TEVTA) letter No 3-561/3300(1-2) dated 25-06-2014 for which I replied in detail (Annexure 5)
5. I also applied for study leave through proper channel to the competent authority vide application NO GCT/PESH/ESTT/pf/585 dated 3-9-2013 (Annexure 6) the same was sent to secretariat vide No DGTE & MT/ESTT/2-210/6338 dated 30-10-2013 by the directorate of Directorate of Technical Education. (Annexure 7).
6. The directorate of TEVTA informed me vide letter NO ESTT:-I/3-561/3786 dated 12-08-2014 (Annexure 8) after 11 months of period, while the secretariat issued a letter No S.O III (IND) 4-3/2012/ 0589 dated 2nd, July 2014, informing TVETA about the fate of my leave application. Annexure 9.
7. My NUST class timings were from 5:30PM to 8:30PM trice in a week which did not suffer my duty at GCT. (Annexure 10 (1-4)).
8. I regularly attended the GCT so I was eligible to draw my pay and allowances accordingly.
9. The attendance register always remained in the custody of HOD and every officer and class IV had to mark his attendance on daily basis before him. He (HOD) used to mark his initial on daily basis to close that day's attendance. Being as HOD, there was no possibility of leaving blank spaces serial wise for a person to mark his attendance and as such it is impossible that a person can get access and to mark his attendance for the whole year just before a few minutes of enquiry.

10. The behaviour, thoughts and attitude of HOD and principal towards me is crystal clear from the letter No/GCT/PESH/704 dated 11.09.2014 (Annexure 11) sent to enquiry officer two days later after enquiry.

In the view of above facts and my reply, I humbly request that this case may kindly be reconsidered and reviewed sympathetically to exonerate the undersigned from the unfounded charges levelled against me.

Your Obedient Servant

Mr. Abdullah Rasheed
Lecturer in Computer Engineering
GATTC Hayatabad-Peshawar

(24) Awarded

Government of Khyber Pakhtunkhwa
Industries, Commerce & Technical Education Department

NOTIFICATION

No.SOIII(IND)4-3/2015. Whereas Mr.Abdullah Rashed, Lecturer (BPS-17), Govt; College of Technology, Peshawar remained absent from official duty for 365 days since 09.09.2013 to 08.09.2014 without prior approval of the competent authority.

2. And, whereas, a Show Cause Notice was served upon him vide even No dated 27.10.2015 to the effect to show cause as to why the penalty of Dismissal from Service shoud not be imposed upon him and also to intimate whether he wanted to be heard in person.

3. Whereas during personal hearing on 16.02.2016, he explained that before joining his current assignment (Lecturer), he was enrolled in MS Mechatronics Engieering at College of E&ME, NUST, Rawalpindi, but upon joining Government Service, he applied for study leave which was not approved while he continued his studies as such, although he took his classes in evening. ?

4. Now, therefore, the competent authority in exercise of powers conferred on him under the Khyber Pakhtunkhwa (Efficiency and Discipline) Rules 2011; in view of the clarification and the shortage of Lecturers in Technical Education, is pleased to reduce the major penalty of "Removal from Service" tentatively imposed upon the acused to minor penalty of "WITHHOLDING OF THREE ANNUAL INCREMENTS FOR THREE YEARS".

-Sd-
Secretary to Govt. of Khyber Pakhtunkhwa,
Industries, Commerce & Technical Education
Department.

Endst:No.SOIII(IND)4-3/2015 2542-46 **Dated Pesh, the 9th March, 2016**

Copy is forwarded to:-

1. The Accoutant General, Khyber Pakhtunkhwa, Peshawar.
2. PSO to Chief Secretary, Khyber Pakhtunkhwa, Peshawar
3. The Managing Director, KP-TEVTA; Peshawar.
4. The Principal Govt; Advance Technical Training Center, Hayatabad Peshawar.
5. Mr.Abdullah Rashid, Lecturer (BS-17) GATTC, Hayatabad Peshawar.
6. File/Office copy.

(ZAHIR SHAH)
SECTION OFFICER-III

Annex. L

(28)

To

The Honorable Chief Minister,
Khyber Pakhtunkhwa,
Peshawar.

Subject: ***Departmental appeal against the Notification No. SOIII(IND)4-3/2015. dated 09.03.2016, whereby the minor penalty of withholding of three annual increments for three years has been imposed upon the undersigned.***

Prayer in Departmental Appeal:

On the acceptance of this Departmental Appeal the order dated 09.03.2016 may kindly be set-aside, and the Annual Increments of the undersigned may kindly be restored with consequential benefits.

Respected Sir,

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

1. That the undersigned was initially appointed as lecturer (Computer Engineering) BPS-17 in the Directorate of Technical Education & Manpower Training, Khyber Pakhtunkhwa Peshawar vide order/ letter No. SOIII(IND)TE/3-5/2012/11510-76 dated 02.11.2012 and was posted at Government College of Technology Peshawar.

2. That ever since my appointment I am performing my duties as assigned with zeal and devotion and without giving any chance of complaint whatsoever regarding my performance.

3. That while serving in the said capacity, in order to improve my qualification, I applied for higher studies i.e MS Mechatronics Engineering at NUST, accordingly I was selected for admission at NUST vide letter dated 19.08.2013 at NUST Rawalpindi.

4. That it is pertinent to mention here that before joining NUST, I duly applied for NOC / departmental permission vide letter No.

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GCT/PESH/PF/293 dated 15.05.2013. Moreover I also applied for study leave vide letter No. GCT/PESH/PF/585 dated 03.09.2013, which was duly forwarded by the Directorate of Technical Education to the Secretariat vide letter No. DGCT&MT/ESTT/2-210/6338 dated 30.10.2013. Unfortunately I was not informed about the faith of my leave application in due time.

5. That in the mean time my study course at NUST, Rawalpindi preceded, therefore I was constrained to join my studies, however my classes timings were from 5:30pm to 8:30pm, thrice a week, therefore, I also continued my duties at GCT, Peshawar and never remained absent from my official duties.

6. That I was served with a show cause notice containing certain unfounded and baseless allegations the allegations so leveled are reproduced below.

   i. That you got admission in M/S Mechatronics Engineering at NUST Islamabad without obtaining NOC of the department.

   ii. That while posting at Govt. College of Technology, Peshawar, you remained absent from duty with effect from 09/09/2013 to 08/09/2014 during your probation period of service which has been proved in the enquiry conducted by Engr: Sher Akhbar Khan, Principal (BS-20), Govt. College of Technology Swabi.

   iii. That you did not join duty despite repeated explanation letters and warnings from the concerned Principal and Director General Technical Education.

   iv. That during the period, you have drawn regular pay and Allowances.

7. That I duly replied the show cause notice and refuted the allegations leveled against me.

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8. That without conducting any regular inquiry, I have been awarded the penalty of ***"withholding of three Increments for three years"*** vide impugned notification dated 09.03.2016.

9. That the penalty so imposed upon me is illegal, unlawful against the law and facts, hence liable to be set aside inter alia on the following grounds.

GROUNDS OF DEPARTMENTAL APPEAL

A. That the applicant/undersigned has not been treated in accordance with law hence my rights secured and guaranteed under the law are badly violated.

B. That no proper procedure has been followed before awarding me the penalty of withholding of increments. I have not been properly provided the opportunity to defend myself against the charges. No inquiry has been conducted whatsoever to probe into the charges. Thus the whole proceedings are defective in the eye of law and in order based on such defective proceedings is liable to be set aside.

C. That I have not been given fair opportunity of personal hearing before awarding me the penalty thus I have been condemned unheard.

D. That I have never been served with any charge sheet or statement of allegations thus I have been denied opportunity to defend myself against the charges.

E. That I never remained absent from my duties infact I regularly attended my classed at GCT which is evident from my attendance sheet/ register. Since my classes at NUST were in the evening i.e. 5.30 to 8.30 p.m. and that too were thrice in a week, so I had no problems to perform my duties at GCT.

F. The Directorate of TEVTA informed me vide letter No. ESTT:-1/3-561/3786 dated 12/082014 after 11 months of period, while the Secretariat issued a letter No. S.O III (ND) 4-3/2012/0589 dated 2nd, July, 2014, informing TVETA about the fate of my leave application.

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G. That the attendance register always remained in the custody of HOD and every officer and class-IV had to mark his attendance on daily basis before him. The HOD had used to mark his initial on daily basis to close that day's attendance. In the presence of HOD there was no possibility of leaving any blank spaces serial wise for a person to mark his attendance and as such it is impossible that a person can get access and to mark his attendance for the whole year just before inquiry proceedings.

H. That the undersigned was selected for admission at NUST and I duly applied for the permission from the department before my joining my classes at NUST, higher studies is the fundamental rights of every citizen since I applied for study leave, therefore, it could not have been refused needles to mentioned that my studies never effected performance of my duty as I regularly performed my duty at GCT in the morning.

I. I regularly attended the GCT so I was eligible to draw my pay and allowance accordingly.

J. That the charges leveled against me were never admitted by me nor there was any sufficient material available that could prove even remotely associate me with the charges so leveled, therefore, the matter in hand required a full fledge inquiry to prove the guilt or otherwise of the undersigned in absence of regular inquiry no penalty can lawfully be imposed.

K. That since the charges were never admitted by me, adopting shorter procedure of show cause is uncalled for and not warranted under the law.

L. That even in the so called inquiry / facts finding inquiry conducted by TVETA I was never properly associated nor any kind of charge sheet / show cause notice is issued to me, moreover, I being civil servant, the TVETA had no authority to conduct any sort of inquiry against me in absence of specific order from the competent authority, moreover, in that enquiry too I was never associated properly nor any witness were examined or if so examined I was not given opportunity to cross examined.

M. That I was never served with any absence notice nor any publication has been made in any leading newspaper.

(28)

N. That charges leveled against the undersigned were never proved. It is pertinent to mention here about the letter dated 11.09.2014 sent to the inquiry officer by the HOD and principal which is clear proof the fact that I never remain absent from my duties and I was fully devoted towards my profession.

O. That I have never committed any act or omission which could be termed as misconduct. I have performed my duties as assigned with zeal and devotion albeit I have been awarded the penalty.

P. That I have a spotless service career of about more than 3 years, during my entire service I have always perform my duties honestly and to the best of my abilities and have never given any chance of complaint to my superiors regarding my performance. The penalty imposed upon me is a stigma on my bright and spotless service career hence liable to be set aside.

It is, therefore, humbly prayed that on acceptance of this appeal the order dated 09.03.2016 may kindly be setaside, and the annual increments of the undersigned may kindly be restored with consequential benefits.

Yours Obediently

ABDULLLAH RASHEED
Lecturer in computer Engineering
GATTC Hayatabad, Peshawar.

Dated:____/03/2016

Semester : 1st

TRG PROGRAMME – PG COURSES – FALL SEMESTER 2013/14

Course : MS-78

Discipline: Mechatronics Engineering

Duration: 09 Sep to 10 Jan 2014

No of Weeks : 18

Free classroom 02

Day	Venue	Time	Hours	Instructor	Code	Course	Method
Mon	CR (Mts)-04 (Trg Block-III)	1730 -2030	3	Dr Kunwar Faraz Ahmad	EM-820	Adv Manufacturing Design Techniques	Lec
Tue	-do-	-do-	3	Dr M. Umar Farooq	MTH-851	Numerical Analysis	Lec
Wed	-do-	-do-	3	Dr Umar Izhar	EM-851	Micro Electro Mechanical System	Lec
Thu	-do-	-do-	3	Dr Khurram Kamal	EM-860	Artificial Intelligence	Lec
Fri	-do-	-do-	3	Dr Mehmood Akhtar	EC-835	Digital Image Processing	Lec

Summery

1.	Dr Kunwar Faraz Ahmad	3.00
2.	Dr M. Umar Farooq	3.00
3.	Dr Umar Izhar	3.00
4.	Dr Khurram Kamal	3.00
5.	Dr Mehmood Akhtar	3.00

Aug 2013

Lt Col
Dy Registrar (PG)
(Dr Muhammad Naveed)

(B1) (28)

ASG-6-QSF-C02

TRG PROGRAMME – PG COURSES SPRING SEMESTER – 2014

Semester : 2nd

Course : MS-78

Discipline: Mechatronics Engineering

Duration: 03 Feb to 06 Jun 2014

No of Weeks : 18

Day	Venue	Time	Hours	Instructor	Code	Course	Method
Mon	CR (Mts)-04 (Trg Block-III)	1730 -2030	3	Dr Khurram Kamal	MTS-813	Paradigm of Artificial Intelligence	Lec
Tue	-do-	-do-	3	Lt Col Dr Kunwar Faraz Ahmad Khan	MTS-804	Motion Planning for Mobile Robotics	Lec
Wed	-do-	-do-	3	Dr Mahmood Anwar Khan	MTS-800	Advance Robotics-I	Lec
Thu	-do-	-do-	3	Dr Umar Shahbaz Khan	MTS-841	Advanced Embedded Systems	Lec
Fri	-do-	-do-	3	Lt Col Dr Adnan Masood (TVF)	MTS-840	Data Acquisition and Control	Lec

Summery

1. Dr Mahmood Anwar Khan 3.00
2. Lt Col Dr Kunwar Faraz Ahmad 3.00
3. Lt Col Dr Adnan Masood 3.00
4. Dr Khurram Kamal 3.00
5. Dr Umar Shahbaz Khan 3.00

Lt Col
Dy Registrar (PG)
(Dr Muhammad Naveed)

____ Dec 2013

(32)

ASG-6-QSF-C02

Semester : 3rd

TRG PROGRAMME – PG COURSES SUMMER SEMESTER – 2014

Course : MS-78

Discipline: Mechatronics Engineering

Duration: 16 Jun - 03 Oct 2014

No of Weeks: 16

Day	Venue	Time	Hours	Instructor	Code	Course	Method
Mon	CR-Elec-14 (Trg Block-I)	1730 -2030	3	Dr Rab Nawaz Chaudhry (TVF)	MTS-812	Machine Vision	Lec
Wed	CR-Elec-14 (Trg Block-I)	-do-	3	Dr Mohsin Islam Tiwana	BMES-813	Biomedical Instrumentation	Lec

Summery

1. Dr Mohsin Islam Tiwana 3.00
2. Dr Rab Nawaz Chaudhry (TVF) 3.00

Lt Col
Dy Registrar (PG)
(Dr Muhammad Naveed)

10 Jul 2014

Annexure 2 (A-L)

ial	NAME	Father's Name	Rank	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	19 20 21 22 23 24 25 26 27 28 29 30 31	Total No. of days	Over Time	Salary	Amount Rs. P.	Advance Rs. P.	Balance Rs. P.	Remarks
	Sheema Khan											
	Noshab Gul											
	A. RASHEED											
	Zia Muhammad											
	Zia-ul-Hassan											
	M. Bakhtiar Khan											
	Yousaf Gull		ASST									
	Asadullah		ASST									
	Waheed Khan		Attend									
	M. Bilal		Attend									

Sept 2013 to June 2014 Sept Oct 2014

No.	Name	Father's Name	Rank	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	19 20 21 22 23 24 25 26 27 28 29 30 31	Total No. of days	Over Time	Salary Rs. P.	Amount Rs. P.	Advance Rs. P.	Balance Rs. P.	Remarks
1	Bakhtiar Khan											
2	Shaema Khan											
3	Zia ul Hassan											
4	Noshab Gul											
5	Zia Mulammad											
6	Fazrullah											
7	Yousuf Gul											
8	Waheed Khan											
9	Mulammad Bilal											
10	Abdullah Rasheed											

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Daily Attendance Register of the Dept of Compute and IT for the month of November, 2013

Serial No.	NAME	Father's Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No. of days	Over Time	Salary	Amount Rs.	Amount P.	Advance Rs.	Advance P.	Balance Rs.	Balance P.
I	M. Bakhtiar Khan		Lect.																																								
II	Miss Shema Khan		Lect.																																								
III	Zia-ul-Hassan		C/Step																																								
IV	Zia Muhammad		C/Comp																																								
V	Fazal Ullah		Asst.																																								
VI	Yousaf Gul		Asst.																																								
VII	Waheed Khan		Ahd.																																								
VIII	Muhammad Bilal		Ahd.	P	P		P			L	L			P	P	P			P		P	P	P	P		P	P	P	P	P	P	P											
IX	Abdullah Rasheed		Lect.	A	A		A	A		A	A			A	A	A			A		A					A	A	A	A	A	A	A											
				A	A		A	A		A	T+O			A	A	A			A		A					A	A	A	A	A	A	A											

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Serial No.	NAME	Father's Name	Rank	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	19 20 21 22 23 24 25 26 27 28 29 30 31	Total No. of days	Over Time	Salary Rs.	P.	Amount Rs.	P.	Advance Rs.	P.	Balance Rs.	P.	Remarks
1	M. Bakhtiar Khan		Lect													
2	Sheema Khan		Lect													
3	Zia-Ul-Hassan		Lect													
4	Zia Muhammad															
5	Fazal Ullah		Asst													
6	Yousaf Gul		Asst													
7	Waheed Khan		Asst													
8	Muhammad Bilal		Asst	P P P P P P P P P P P P P P P P	P P P P P P P P P P P P P P											
9	M. Sami		Lect.													
10	A. Rashid		Lect													

Deptt.

Serial No	NAME	Father's Name	Rank	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	19 20 21 22 23 24 25 26 27 28 29 30 31	Total No. of days	Over Time	Salary	Amount Rs.	Amount P.	Advance Rs.	Advance P.	Balance Rs.	Balance P.	Remarks
01	M. Bakhtiar Khan		Lect.												
02	Mrs. Sheema Khan		Lect.			04									
03	Yousaf Gul		Sup. Asst.												
04	Fazal Ullah		Sup. Asst.												
05	Waheed Khan		Ahd.												
06	M. Bilal		Ahd.												
	CONTRACT STAFF														
07	Zia ul Hassan		Lect.												
08	Zia Muhammad		Lect.												
09	ABDULLAH RASHEED		Lect.												
10	Muhammad Sami		Lect.												

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Daily Attendance Register of the

Serial No.	NAME	Father's Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No. of days	Over Time	Salary	Amount Rs.	P.	Advance Rs.	P.	Balance Rs.	P.
	M. Bakhtiar	Khan		P	P		P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P												
	Miss Sheema	Khan		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A												
	Yousaf	Gul		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A												
	Fazal	Ullah																																									
	Waheed	Khan		P	P	P		P	P	P		P	P	P	P	P	P	P		P	P	P	P	P	P		P	P	P	P	P													
	M. Bilal			P	P	P		P	P	P		P	P	P	P	P	P	P	P		P	P	P	P	P		P	P	P	P	P													
	Abdullah	Rasheed		A	A	A		A	A	A		A	A	A	A	A	A	A	A		A	A	A	A	A		A	A	A	A	A													
	Zia-ul-Hassan			Tank	Tank	Tank		Tank	Tank	Tank		Tank	Tank	Tank	Tank	Tank	Tank	Tank	Tank		Tank	Tank	Tank	Tank	Tank		Tank	Tank	Tank	Tank	Tank													
	Zia	Muhammad		A	A	A		A	A	A		A	A	A	A	A	A	A	A		A	A	A	A	A		A	A	A	A	A													
	Muhammad	Sarni																																									

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Serial No.	NAME	Father's Name	Rank	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	19 20 21 22 23 24 25 26 27 28 29 30 31	Total No. of days	Over Time	Salary Rs. P.	Amount Rs. P.	Advance Rs. P.	Balance Rs. P.	Remarks
	M. Bakhtar Khan											
	lecturer											
	MM Sheema Khan											
	lecturer											
	Yousaf Gul											
	Lab/asst											
	Fazal Allah											
	Lab Asst.											
	Waheed Khan											
	Lab Attend											
	M. Bilal											
	Lab Attend											
	Abdullah Rasheed											
	(Contract)											
	Zia ul Hassan											
	lect											
	Zia Muhammad											
	lect											
	Muhammad Sami											
	lect											

Serial No.	NAME	Father's Name	Rank	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	19 20 21 22 23 24 25 26 27 28 29 30 31	Total No. of days	Over Time	Salary	Amount Rs.	P.	Advance Rs.	P.	Balance Rs.	P.	Remarks
	M. Bakhtum Khan Lecturer														
	Miss Sheema Khan Lecturer				TRAINING										
	Abdullah Rasheed														
	Yousaf Gul Lab Assistt														
	Fazrullah Lab Assistt														
	Waheed Khan Lab Attendant														
	M. Bilal Lab Attendant														
				E-Trng											

Serial No.	NAME	Father's Name	Rank	1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	19 20 21 22 23 24 25 26 27 28 29 30 31	Total No. of days	Over Time	Salary	Amount Rs.	Amount P.	Advance Rs.	Advance P.	Balance Rs	Balance P	Remarks
1	M. Bakhtiar Khan			ON Tour											
	Lecturer														
2	Miss Sheema Khan														
	Lecturer														
3	A. Rasheed														
1	Yousaf Gul (Lab Asstt)														
2	Fazrullah (Lab Asstt)														
1	Waheed Khan (Lab Attend)			P P P P P P P P P P P P P P	P P P P P P P P P P P P P P										
2	M. Bilal (Lab Attend)			P P P P P P P P P P P P P P	P P P P P P P P P P P P P P										

HPO 1-A

Daily Attendance Register of the DIT Of the month of Sep. 2014 20 Computer & IT dept.

Signature (10 تا 10) DATE AND HOURS OF ATTENDANCE

Serial NO	Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No. of days	Remarks
1	Bakhtiar Khan Lecturer																																		
2	Sheema Ishaq Lecturer																																		
3	Abdullah Rashid Lecturer																																		
4	Yousaf Gul Lab Asstt																																		
5	Fazaullah Lab Asstt																																		
6	Waheed Khan Lab Attendt																																		
7	M. Bilal Lab Attendt																																		

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Daily Attendance Register of the Computer & IT Deptt. Of the month of Oct, 2014, 20 ____

DATE AND HOURS — % OF ATTENDANCE

Serial NO	Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No. of days	Remarks
1	Bakhtiar Khan Lecturer																																		
2	Shama Khan Lecturer																																		
3	Abdullah Farhad Lecturer									Eid Day																									
4	Yousaf Gul Lab Asst																																		
5	Fazaullah Lab Asst																																		
6	Waheed Khan Lab Attendant		P	P	P	P						P	P	P	P	P	P	P	P	P		P	P												
7	M. Bilal Lab Attendant		P	P	P	P						P	P	P	P	P	P	P	P	P															
8	Firdous Khan Lab Attendant		P	P	P							P	P	P	P	P	P	P	P	P		P	P												
9	Zia ul Hassan Lecturer																																		
10	Zia Muhammad Network Administrator																																		

Tele-091-9212324
TEVTA
KHYBER PAKHTUNKHWA

KHYBER PAKTUNKHWA TECHNICAL EDUCATION AND VOCATIONAL TRAINING AGENCY

No.TEVTA Secretariat/Estt:-I/3-561/ 3786 (L-3) **Dated.** 12 / 8 **/2014.**

To

1. The Principal,
   Govt. College of Technology, Peshawar
2. Mr. Abdullah Rasheed,
   Lecturer(Computer), GCT, Peshawar.

Subject:- **APPLICATION FOR LEAVE FOR STUDY.**

I am directed to refer to the subject noted above and to enclose herewith a copy of letter No. SOIII(IND)/4-3/2012/10589 dated 2.7.2014 received from Section Officer-III, Industries & Technical Education Department regarding rejection of Study Leave in respect of Mr. Abdullah Rasheed, Lecturer (Computer), GCT, Peshawar for information and further consumption please.

Encls: (As above)

Deputy Director(Estt-I)

No.TEVTA Secretariat/Estt:-I/3-561/ 3786 (L-3) Dated. 12 / 8 /2014.

Copy of the above is forwarded to Engr. Sher Akbar, Principal, GCT, Swabi/Enquiry Officer for information and with the request to expedite the enquiry proceedings please.

Deputy Director(Estt-I)

Principal corres

POWER OF ATTORNEY

In the Court of KPK Service Tribunal Peshawar

Abdullah Rashid } For Plaintiff / Appellant / Petitioner / Complainant

VERSUS

Govt of KPK & } Defendant / Respondent / Accused

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____

Fixed for _____

I/We, the undersigned, do hereby nominate and appoint

IJAZ ANWAR ADVOCATE, SUPREME COURT OF PAKISTAN

Sajid Amin Adv my true and lawful attorney, for me in my name and on my behalf to appear at Peshawar to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits. Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employee any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at Peshawar

the _____ day to _____ the year _____

Executant/Executants _____

Accepted subject to the terms regarding fee _____

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3 &4, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Ph.091-5272151 Mobile-0333-9107225

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

CM_____/2016
IN
Appeal No._____/2016

Abdulllah Rasheed, Lecturer Computer Engineering presently posted at GATTC Hayatabad, Peshawar.
(Appellant)

VERSUS

Govt of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar and others.
(Respondents)

Application for suspension of order dated 01.12.2016, till the final decision of the appeal.

Respectfully Submitted:

1. That the above titled service appeal is pending adjudication before this Honorable Tribunal in which 21.12.2016 is fixed for hearing.

2. That the facts and grounds taken in the titled service appeal may kindly be taken as integral part of the instant application.

3. That the Deputy Director (ADMIN/HR), has directed the Principal of Advance Technical Training Centre, Hayatabad Peshawar to recover the salaries of the applicant of his alleged absentees and withholding of his three increments vide letter dated 01.12.2016.

4. That it is pertinent to mention here that in the impugned order dated 09.03.2016, the penalty of withholding of three annual increments from the applicant/ appellant was imposed upon the applicant/ appellant, however there was no order regarding the recovery of any salary from the applicant.

5. That since the applicant has already impugned the order dated 09.03.2016 in his service appeal, therefore it will be in the fitness of things to put on hold the recovery from the pay of the appellant.

6. That the applicant has got a good prima facie case in his favor and he is sanguine of its success, besides all the three ingredients/ pre-requisites for the grant of status quo strongly lies in favor of the applicant.

7. That the applicant would be exposed to great hardship and inconvenience in case the order dated 01.12.2016 is not suspended.

8. That it would also serve the interest of justice if the respondents are restrained from making recoveries of salaries from applicant for his alleged absence and withholding of his three increments, till the final decision of the titled service appeal.

It is, therefore, humbly prayed that on acceptance of this application the order dated 01.12.2016 may kindly be suspended and the respondent may kindly be stopped from making recovery of his salaries till the final decision of the titled service appeal.

Applicant

Through

IJAZ ANWAR
Advocate Peshawar
&

YASIR SALEEM
Advocate Peshawar

KHYBER PAKHTUNKHWA TECHNICAL
EDUCATION & VOCATIONAL TRAINING
AUTHORITY 3-A, CHINAR ROAD
UNIVERSITY TOWN, PESHAWAR

No.TEVTA/Estt-I/3-561/ Dated_____/2016.

To

The Principal,
Advance Technical Training Centre,
Hayatabad Peshawar.

Subjects:- IMPLEMENTATION OF NOTIFICATION NO.SOIII(IND)4-3/2015/2542-46 DATED. 09-3-2016:

I am directed to refer to the subject noted above and to state that Mr. Abdullah Rashid, Lecturer BPS-17, presently posted at Govt: Advance Technical Training Centre, Hayatabad has been accordingly imposed minor penalty of withholding of three Annual increments for three years for his absence from duty w.e.f.09-09-2013 to 08-09-2014, vide Notification NO.SOIII(IND)4-3/2015/2542-46 DATED. 09-3-2016 issued by the Govt: of Khyber Paktunkhwa, Industries, Commerce, & Technical Education Department. Since the absentee of the accused officer has been established, the salary illegally received by the Officer during his absence period is to be recovered from him.

This office has not been intimated about the progress made so far in this regard. You are, therefore, requested to kindly intimate the progress of the matter with regard to recovery and withholding of increments from the Officer for further necessary action.

This may kindly be treated on priority basis.

DEPUTY DIRECTOR
(ADMN/HR)

Endst:No.TEVTA/Estt-I/3-561/4972 (1-5) Dated 1/12/2016.

Copy of the above is forwarded for information and necessary action to:

1. The Section Officer-III, Govt: of Khyber Paktunkhwa, Industries and Technical Education Department w/r to Notification NO.SOIII (IND)4-3/2015/2542-46 DATED. 09-3-2016.
2. The Principal, GCT, Peshawar with the request to make coordination in this regard with the Principal, Advance Technical Training Centre, Hayatabad, Peshawar.
3. Mr. Abdullah Rashid, Lecturer BPS-17, Advance Technical Training Centre, Hayatabad, Peshawar.
4. Assistant Director (Audit), KP-TEVTA Head Office.

DEPUTY DIRECTOR
(ADMN/HR)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR

Khyber Pakhtukhwa Service Tribunal
Diary No. 2292
Dated 18-12-2018

Restoration Application No. 462/18

Appeal No.793/2016

Abdullah Rasheed, Lecturer Computer Engineering, presently posted at GATTC Hayatabad, Peshawar.

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Civil Secretariat Peshawar & others.

(Respondents)

Application for restoration of the captioned service appeal, dismissed for non-prosecution vide order dated 30.11.2018

Respectfully Submitted:

1. That the above noted appeal was pending in this Honorable Court and fixed on 30.11.2018, however it was dismissed for non-prosecution on the said date. ***(Copy of the order dated 30.11.2018 is attached as Annexure A)***

2. That clerk of the counsel for the applicant/ appellant wrongly entered another date of the captioned appeal in his diary and for the reason the appeal was dismissed for non-prosecution.

3. That the absence of the counsel on the said date was not willful but was due to the reason stated above.

4. That the Applicant or his counsel never absented them selves willfully but it was due to the above reason, the case in hand was throughout pursued diligently and vigilantly, moreover the applicant has valuable rights involved in the instant suit, hence the case deserves to be decided on merits.

5. That the superior courts have always favoured adjudication of disputes on merits hence the applicant may please be allowed to contest the appeal on merit.

It is, therefore, prayed that on acceptance of this application the order dated 30.11.2018 may please be set-aside and the noted appeal may please be restored and be decided on merit.

Applicant/ Appellant

Through,

YASIR SALEEM
Advocate High Court,

&

JAWAD UR REHMAN
Advocate Peshawar

Affidavit

I do hereby solemnly affirm and declare on oath that the contents of the above application are true and correct and that nothing has been kept back or concealed from this Honourable Tribunal

Deponent

KHALID MAHMOOD ADVOCATE
ATTESTED
NOTARY PUBLIC
PESHAWAR HIGH COURT

Khyber Pakhtunkhwa Service Tribunal Peshawar

Diary No. 809

Dated 03/08/2016

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 743/2016

Abdulllah Rasheed, Lecturer Computer Engineering, presently posted at GATTC Hayatabad, Peshawar.

(Appellant)

VERSUS

1. Govt of Khyber Paktunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to the Government of Khyber Pakhtunkhwa, Industries, Commerce & Technical Education Department, Peshawar.
3. Director, Technical Education & Manpower Training, Khyber Pakhtunkhwa Peshawar, Peshawar.

(Respondents)

No further opportunities for reply order sheet 03-04-2017

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, Notification No. SOIII(IND)4-3/2015 dated 09.03.2016, whereby the appellant has been awarded the minor penalty of "withholding of three annual increments for three years" against which his departmental Appeal has not been responded despite the lapse of statutory period of 90 days.

Prayer in Appeal: -

On acceptance of this appeal the impugned Notification No. SOIII(IND)4-3/2015 dated 09.03.2016, may please be set-aside and the annual increments of the appellant may kindly be restored *with all back / consequential benefits of service*.

Filed to-day
Registrar
3/8/16

Certified to be true copy
Registrar
Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No. 793/2016

05.07.2018 Counsel for the appellant and Mr. Sardar Shoukat Hayat, Additional AG alongwith Mr. Shahab Khattak, Coordinator for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 21.08.2018 before D.B.

(Ahmad Hassan)
Member

(Muhammad Amin Kundi)
Member

21-8-2018 Due to Eid-ul-Azha vacation the case is adjourned to 17-10-18

Reader

17.10.2018 Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the present. Junior to counsel for the appellant seeks adjournment that his senior counsel is not in attendance. Adjourned. To come up for arguments on 30.11.2018 before D.B.

Member

Member

30.11.2018 Appellant absent. Learned counsel for the appellant absent. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Case called for several time again but none appeared on behalf of the appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.

(Hussain Shah)
Member

(Muhammad Hamid Mughal)
Member

ANNOUNCED
30.11.2018

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Khyber Pakhtunkhwa Service Tribunal, Peshawar

Date of Presentation of Application 05-12-18
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Name of Copyist
Date of Completion of Copy 17-12-18
Date of Delivery of Copy 18-12-18

BEFORE THE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL, PESHAWAR

Restoration Application No. 462/18

Appeal No.793/2016

Abdullah Rasheed, Lecturer Computer Engineering, presently posted at GATTC Hayatabad, Peshawar.

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa Civil Secretariat Peshawar & others.

(Respondents)

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Applicant/ Appellant

Through,

YASIR SALEEM
Advocate High Court,

&

JAWAD UR REHMAN
Advocate Peshawar

Affidavit

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Deponent

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa Service Tribunal
Diary No. 809
Dated 03/08/2016

Appeal No. 743/2016

Abdullah Rasheed, Lecturer Computer Engineering, presently posted at GATTC Hayatabad, Peshawar.

(Appellant)

VERSUS

1. Govt of Khyber Paktunkhwa through Chief Secretary, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to the Government of Khyber Pakhtunkhwa, Industries, Commerce & Technical Education Department, Peshawar.
3. Director, Technical Education & Manpower Training, Khyber Pakhtunkhwa Peshawar, Peshawar.

(Respondents)

No further opportunities for reply order sheet 03-04-2017

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Prayer in Appeal: -

Filed to-day
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On acceptance of this appeal the impugned Notification No. SOIII(IND)4-3/2015 dated 09.03.2016, may please be set-aside and the annual increments of the appellant may kindly be restored *with all back / consequential benefits of service.*

Certified to be true copy
Khyber Pakhtunkhwa Service Tribunal, Peshawar

Service Appeal No. 793/2016

05.07.2018 Counsel for the appellant and Mr. Sardar Shoukat Hayat, Additional AG alongwith Mr. Shahab Khattak, Coordinator for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 21.08.2018 before D.B.

(Ahmad Hassan)
Member

(Muhammad Amin Kundi)
Member

21-8-2018 Due to Eid-ul-Azha vacation the case is adjourned to 17-10-18

Reader

7.10.2018 Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General for the present. Junior to counsel for the appellant seeks adjournment that his senior counsel is not in attendance. Adjourned. To come up for arguments on 30.11.2018 before D.B.

Member

Member

30.11.2018 Appellant absent. Learned counsel for the appellant absent. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Case called for several time again but none appeared on behalf of the appellant. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.

(Hussain Shah)
Member

(Muhammad Hamid Mughal)
Member

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