

1st Feb, 2023

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation of the brief. Last opportunity is granted to the appellant to argue the case on the next date failing which the appeal will be decided on the available record without arguments. Adjourned. To come up for arguments on 10.05.2023 before D.B.

SCANNED
KPST
Peshawar



(Muhammad Akbar Khan)
Member (E)



(Kalim Arshad Khan)
Chairman

10th May, 2023

1. Counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.

2. Learned counsel for the appellant seeks adjournment as he has not prepared the brief. Adjourned. To come up for arguments on 07.06.2023 before D.B. P.P given to the parties.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)



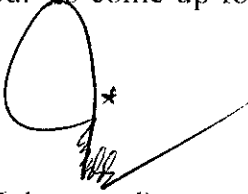
(Kalim Arshad Khan)
Chairman

Kaleem Ullah

07.10.2022

Counsel for the appellant present. Mr. Kabir Ullah Khattak. Additional Advocate General for respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 05.12.2022 before D.B.



(Mian Muhammad)
Member (E)




(Kalim Arshad Khan)
Chairman

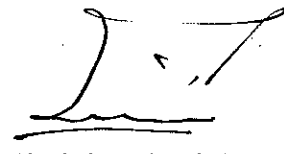
05.12.2022

Appellant in person present. Mr. Muhammad Jan, District Attorney 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 01.02.2023 before D.B.



(Mian Muhammad)
Member (E)



(Salah-ud-Din)
Member (J)

SCANNED
KPST
Peshawar

15-2-22


Due to retirement of the Hon,ble Chairman
The case is adjourned to come up for the same
as before on 9-6-22

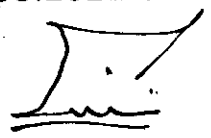
Reader

09.06.2022

Clerk of learned counsel for the appellant present. Mr. Zewar Khan, Inspector (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Clerk of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today due to strike of lawyers. Adjourned. To come up for arguments on 30.08.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

30.08.2022

Bench is incomplete, therefore, case is adjourned to 07.10.2022 for the same as before.


Reader

27.05.2021 Counsel for the appellant present.

Muhammad Adeel Butt Additional Advocate General
for respondents present.

Former requests for adjournment as issue involved in
the present case is pending before Larger Bench of this
Tribunal.

Adjourned to 16.09.2021 before D.B for hearing.



(Atiq ur Rehman Wazir)
Member (E)

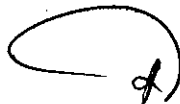


(Rozina Rehman)
Member (J)

16.09.2021 Junior to counsel for appellant present.

Usman Ghani, learned District Attorney for respondents
present.

Former made a request for adjournment as senior counsel
is not available today. Adjourned. To come up for arguments on
18.01.2022 before D.B.



(Rozina Rehman)
Member (J)



Chairman

19.01.2022 Counsel for the appellant and Mr. Muhammad
Adeel Butt, Addl. AG for the respondents present.

Due to paucity of time, arguments could not be
heard. To come up for arguments on 15.02.2022 before
the D.B.



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



Chairman

07.12.2020

Khalid Tanveer Roheela, Advocate submitted Wakalat Nama in favor of appellant. Mr. Kabirullah Khattak learned Additional Advocate General for respondents present.

Due to general strike of the bar, the matter is adjourned to 18.12.2020 for hearing before D.B.



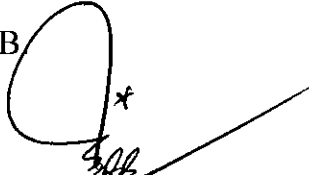
(Atiq-Ur-Rehman Wazir)
Member (E)


Chairman

18.02.2021

Mr. Muhammad Imaran, Advocate and Miss. Uzma Syed, Advocate on behalf of counsel for the appellant present. Addl: AG alongwith Mr. Sajaad Ali, H.C for respondents present.

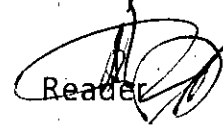
On 13.10.2020 the proceedings were adjourned to await the outcome of cases involving retrospective effect of penalty. The Larger Bench is yet to ^{return} ~~written~~ a judgement on the point, therefore, instant appeal is adjourned to 27.05.2021 for hearing before D.B.


(Mian Muhammad)
Member (E)
Chairman

_____ .2020

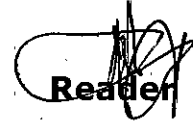
Due to COVID19, the case is adjourned to

10 / 8 / 2020 for the same as before.


Reader

10.08.2020

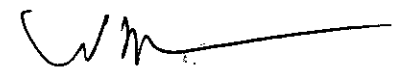
Due to summer vacations case to come up for the same on
13.10.2020 before D.B.

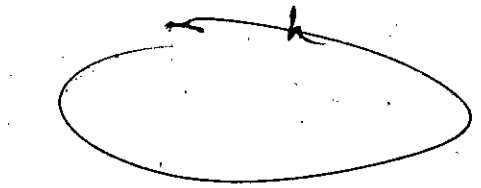

Reader

13.10.2020

Miss. Uzma Syed, Advocate for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General alongwith representative of the department Mr. Zahir Shah, ASI are also present.

Learned Additional Advocate General while making reference to impugned order dated 02.04.2013 submitted that retrospective effect was given to the referred to order, the issue with retrospectivity is pending before the Larger Bench of this august Tribunal constituted for the purpose therefore, unless and until judgment is made by the worthy Larger Bench of this Tribunal, this appeal is kept pending. File to come up for further proceedings on 07.12.2020 before D.B.


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


(Muhammad Jamal Khan)
Member (Judicial)

26.12.2019

Counsel for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Akhtar Saeed, ASI for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 10.02.2020 before D.B.


Member


Member

10.02.2020

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 20.03.2020 for arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

20.03.2020

Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Zahir Shah, Sub-Inspector for the respondents present. Adjourned to 22.05.2020 for arguments before D.B.


(Mian Muhammad)
Member


(M. Amin Khan Kundi)
Member

29.05.2019

Junior to counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 02.08.2019 before D.B.



Member



Member

02.08.2019

Junior to counsel for the appellant present. Mr. Riaz Páindakheil learned AAG present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 22.10.2019 before D.B.



Member



Member

22.10.2019

Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Inam Ullah PSI for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 26.12.2019 before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

07.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 31.12.2018.


Chairman

28.12.2018

Miss Uzma Syed, Advocate junior to Mr. Saadullah Khan Advocate for appellant and Addl. AG alongwith Zewar Khan, S.I (Legal) for the respondents present.

Learned senior counsel for the appellant is busy before the Hon'ble Peshawar High Court, therefore, request for adjournment is made. Adjourned to 11.03.2019 for arguments before the D.B.


Member


Chairman

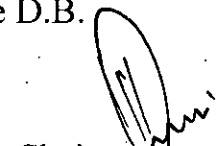
11.03.2019

Counsel for the appellant Addl. AG alongwith Zewar Khan, S.I (Legal) for the respondents present.

Learned counsel for the appellant requests for adjournment prepare the brief.

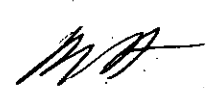
Adjourned to 29.05.2019 before the D.B.

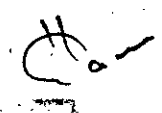

Member


Chairman

19.03.2018

Appellant absent. Learned counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for rejoinder and arguments on 16.05.2018 before D.B.

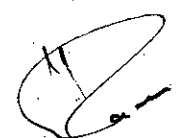

(Muhammad Amin Khan Kundi)
Member


(Muhammad Hamid Mughal)
Member

16.05.2018


Learned counsel for the appellant and Mr. Riaz Paindakheil, learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 27.07.2018 before D.B.


(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

27.07.2018

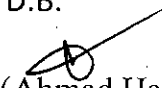
Clerk to counsel the appellant and Mr. Zia Ullah learned Deputy District Attorney present. Clerk to counsel for the appellant seeks adjournment as Clerk counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 19.09.2018 before D.B.

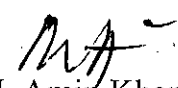

(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

19.09.2018


Counsel for the appellant and Mr. Ziullah, Deputy District Attorney alongwith Mr. Zewar Khan, S.I (legal) for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 07.11.2018 before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

05.12.2017

Counsel for the appellant present. Mr Riaz Painsa Khel, Assistant Advocate General for the respondents present. Written reply not submitted. Requested for further adjournment. Adjourned. To come up for written reply/comments on 27.12.2017 before S.B.


(Gul Zeb Khan)
Member (E)

27.12.2017

Clerk to counsel for the appellant and Addl: AG alongwith Mr. Fazal Mabood for respondents present. Written reply not submitted. Requested for adjournment. Adjourned. To come up for written reply/comments on 18.01.2018 before S.B.


Chairman

18.01.2018

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muqadar Khan, Inspector (legal) for the respondents also present. Written reply on behalf of respondents submitted. Adjourned. To come up for rejoinder and arguments on 19.03.2018 before D.B.



(Muhammad Amin Khan Kundi)
Member

26.10.2017

Counsel for the appellant present. Arguments on office objection as well as on main appeal heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department but he was discharged from service with effect from 01.12.2012 mentioned in the appellate order dated 05.06.2017. It was further contended that since the impugned order was passed on 02.04.2013 and the appellant was discharged from service with effect from 01.12.2012 i.e retrospectively therefore, the impugned order of discharge of the appellant was illegal and void ab-initio. It was further contended that the case of the appellant was also fixed for arguments on office objection on the ground that the impugned order of the competent authority was not annexed with the appeal but under Rule-6 sub-rule-2 clause (e) of Khyber Pakhtunkhwa Service Tribunal Rules, 1974 every appeal will be accompanied by the impugned order against which the appeal is directed but under proviso of the said section it has also been mentioned that where the Tribunal is satisfied that it is not possible for an appellant to produce any document referred to in (e) it may waive the provision of the said clause therefore, it was contended that the Tribunal has power to admit the appeal without annexing the impugned order. It was further contended that since the impugned order of the discharged of the appellant was passed retrospectively therefore, the impugned order is illegal void ab-initio and the limitation does not run against such order.

The contentions raised by learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to limitation and all legal objections. The appellant is directed to deposit the security and process fee within 10 days, thereafter notice be issued to the respondents for written reply/comments for 05.12.2017 before S.B.




Appellant Deposited
Security & Process Fee


(Muhammad Amin Khan Kundi)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. _____/2017

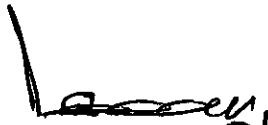
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17/08/2017	<p style="text-align: center;">As per direction of the Worthy Chairman this case is submitted to the S. Bench for decision on office objection. To be put up there on <u>11-9-2017</u></p> <p style="text-align: right;"> REGISTRAR</p>
	11.09.2017	<p style="text-align: center;">Counsel for the appellant present and requested for adjournment. Adjourned. To come up arguments on office objection on 03.10.2017 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p>
	03.10.2017	<p style="text-align: center;">Counsel for the appellant present and requested for adjournment. Adjourned. To come up for arguments on office objection on 26.10.2017 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p>

The appeal of Mr. Niamat Khan son of Gul Saray ex-Constable no. 976 Police Station Mundan Dir Lower received today i.e. on 04.08.2017 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of impugned order dated 02.04.2013 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 2- Copy of first departmental appeal mentioned in the memo of appeal is not attached with the appeal which may be placed on it.

No. 1857 /S.T,

Dt. 7/8 /2017


REGISTRAR 7/8/17,
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Sir
Resubmitted. At present, the same are not available. It shall be placed as & when becomes to hand, yet the same are mentioned in the record attached with the appeal.

Submitted at.

by
The objection mentioned at S. No - 1 & 2 are still stand. The deficiency should be removed within 7 days.

NO. 1860 /S.T

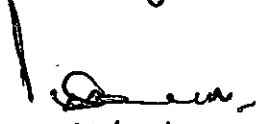
Dt. 10/8 /2017

Srs Re-submitted Please put before the court. by 16/08/17.

10/8/17

Sir

The objections of this office and
reply of counsel for the is sub-itted for
order please.


16/8/19

The chairman,

Be pleased before SB,


17/8/17

... ..
... ..
... ..

W

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. _____/2017

Niamat Khan

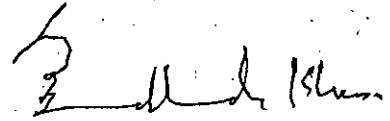
versus

D.P.O & Others

INDEX

S. No	Documents	Annex	P. No.
1.	Memo of Appeal		1-3
2.	Appeal to IGP	"A"	4
3.	Rejection order dated 05-06-2017	"B"	5
4.	Judgments in similar cases	"C"	6-18

Through Appellant



Saadullah Khan Marwat.
 Advocate.
 21-A Nasir Mansion,
 Shoba Bazaar, Peshawar.
 Ph: 0300-5872676
 0311-9266609

Dated: 03-08-2017

1

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. _____/2017

Niamat Khan S/o Gul Saray,
R/o Gosam, Lower Dir, Ex-Constable
No. 976, Police Station, Mundan,
Dir Lower Appellant

Versus

1. District Police Officer, Dir Lower.
2. Regional Police Officer, Malakand,
Saidu Sharif, Swat.
3. Provincial Police Officer,
KP, Peshawar. Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST ORDER, DATED 02-04-2013 OF R. NO. 1
WHEREBY APPELLANT WAS DISCHARGED FROM
SERVICE ON ACCOUNT OF ABSENCE OR OFFICE
ORDER NO. 3343/17 DATED 05-06-2017 R. NO. 3
WHEREBY HIS DEPARTMENTAL APPEAL WAS
REJECTED.

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. That appellant was appointed as Constable on 11.04.2010 and was posted at Police Post, Sangi Para, Lower Dir.
2. That appellant father became ill and he was then marked as absent from duty with effect from 01-12-2012.
3. That on 02-04-2013, appellant was discharged from service by R. No. 01.

4. That appellant preferred departmental appeal before R. No. 02 but without any response.
5. That thereafter appellant filed Review Petition on 07-03-2017 before R. No. 03 for reinstatement which was rejected on 05-06-2017 and copy of the same was got from the office on 06-07-2017 (Copy as Annex "A" & "B")
6. That the same subject matter came up for hearing before this hon'ble Tribunal in numerous cases and after through probe, their appeals were accepted vide judgments dated 02.05.2016 and 08-03-2017, etc. (Copies as annex "C")

Hence this appeal, inter alia, on the following grounds:-

GROUND S:

- a. That appellant never absented from duty willfully and intentionally but the same was due to the aforesaid count.
- b. That appellant was enlisted in service on 11.04.2010 and served the department till the date of removal from service.
- c. That at the time, the Swat Valley was in clutches of the miscreants and it is well in knowledge of every one that they were ruling the area and the government machinery was totally collapsed. Employees were kidnapping, beheading and killing either through guns or bomb blasts. In such a situation employees of almost all of every department let their services, especially of the police department.
- d. That Darbar was held by the authority and hundreds and thousands employees were reinstated into their services in numerous orders due to the said situation.
- e. That appellant was removed from service on the score of absence but such absence was not willful but was due to the deteriorated situation of the area.

- f. That absence does not constitute any misconduct when the same is not willful and as stated earlier, hundreds and thousands similarly and equally placed employees have been reinstated into their services not only by the department but also by the hon'ble Tribunal/courts which judgments were upheld by the apex court.
- g. That codal formalities enumerated in the Rules were never observed, being mandatory.


It is, therefore, most humbly prayed that on acceptance of appeal, order dated 02-04-2013 and 05-06-2017 of the respondents be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Appellant.

Through



Saadullah Khan Marwat



Arbab Saiful Kamal
Advocates

Dated 03-08-2017

بیتنام لیٹس اور

بخدمت جناب ~~دعوائی~~ جی صاحب ملا کٹریشن بمقام عدالت

درخواست بمراد بحال کرنے ملازمت بحیثیت پولیس کنسٹیبل

جناب عالی! حسب ذیل عرض ہے۔

یہ کہ سائیل دیہہ گوسم تحصیل منڈا ضلع دیرپائین کا مستقل سکونتی ہے۔

یہ کہ سائیل بمورخہ 11/01/2010 کو محکمہ پولیس ضلع دیرپائین میں زیر بیلٹ نمبر 976 بھرتی ہو کر متعلقہ ضلع میں

اپنے فرائض منصبی انجام دے رہا تھا۔

یہ کہ سائیل اُس وقت سائیل کی تنخواہ کم تھی اور دیگر گھریلو اخراجات کی وجہ سے سائیل پر بہت قرضہ لوگوں کا بقیایا تھا

بدیں وجہ سائیل مورخہ 11/12/2012 سے غیر حاضر ہو کر بیرون ملک محنت مزدوری کیلئے چلا گیا۔

یہ کہ سائیل گھر کا اکلوتا کمانے والا تھا جبکہ والدین اکثر بیمار رہتے ہیں اور ماہانہ تنخواہ سے سائیل کا گھر اور دوسری

اخراجات پوری نہیں ہو سکتے تھے بدیں وجہ بیرون ملک محنت مزدوری کیلئے چلا گیا تھا۔

یہ کہ سائیل اب واپس اپنے ملک آچکا ہے اور واپس اپنے پوسٹ پر تعینات ہونا چاہتا ہے۔

یہ کہ سائیل دوبارہ پولیس فورس میں شامل ہونے کا اذ حد خواہاں ہے۔

چونکہ من سائیل ایک غریب گھرانے سے تعلق رکھتا ہے اور سائیل کو کافی مالی مشکلات کا سامنا ہے۔

یہ کہ سائیل کی دوبارہ تاحال پولیس فورس میں تعیناتی نہیں ہوئی ہے۔

یہ کہ سائیل آئندہ کیلئے اپنی ڈیوٹی خوش اسلوبی سے انجام دوں گا۔

استدعا ہے کہ بمنظوری درخواست بالا سائیل کو دوبارہ متعلقہ پوسٹ پر

بحال / تعینات کرنے کے احکامات صادر فرمائیں۔

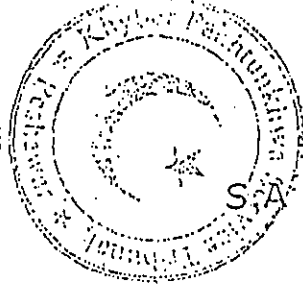
تسلیم شدہ

العارض

نعمت خان ولد گل سرے سکند گوسم تحصیل منڈا ضلع دیرپائین

6

BEFORE KPK SERVICE TRIBUNAL PESHAWAR



S.A No. 27 /2013

Handwritten notes: 04-01-1

Taj Uddin S/o Shah Nazar Khan,
R/o Kas Kalam, Ex. Constable No.117,
Pesh Imam, DIG House, Malakand Appellant

Versus

1. Provincial Police Officer, KPK,
Peshawar.
2. Deputy Inspector General, Malakand
Division, Malakand.
3. District Police Officer, Swat..... Respondents

⊕ <=> ⊕ <=> ⊕ <=> ⊕ <=> ⊕

APPEAL AGAINST OFFICE /ORDER
NO.3507 DATED 27.11.2012 OF
R.NO.1 WHEREBY REVISION
PETITION AGAINST ORDER
NO.1032/E, DATED 18.02.2012 OF
R.NO.2 WAS REJECTED AS R.NO.2
HAD REJECTED DEPARTMENTAL
APPEAL AGAINST O.B. NO.48,
DATED 11.03.2010 ON 18.02.2012
OF R.NO.3.

Handwritten notes: 4/1/2013

⊕ <=> ⊕ <=> ⊕ <=> ⊕ <=> ⊕

ATTESTED

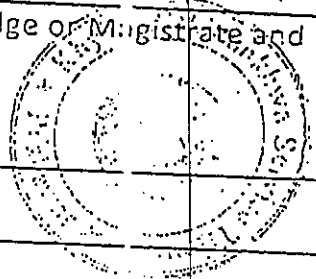
Respected Sheweth,

That appellant was appointed as Constable on 16.03.2009. He was performing his duties with R.No.2 as Pesh Imam also in his house.

7

15

ing	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
	2	3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT.

APPEAL NO.27/2013

(Taj-ud-Din-vs-Provincial Police Officer, KPK, Peshawar and others etc).

JUDGMENT

02.05.2016

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN: Appellant

with counsel and Mr. Imranullah, Inspector (legal) along with Mr. Muhammad Zubair, Senior Government Pleader for respondents present.

Tajud Din son of Shah Nazar, hereinafter referred to as the appellant, has preferred the instant appeal against the original order dated 11.03.2010 followed by order passed on departmental appeal dated 18.02.2012 and order passed in review petition dated 27.11.2012.

Brief facts of the case are that the appellant was serving as Constable when discharged from service with immediate effect due to his links with terrorists/miscreants organization.

Perusal of the record would suggest that the first original order was passed on 11.3.2010 while the appellant was handed over to Pak Army on 10.3.2010 i.e. one day earlier than passing the impugned order. According to the law

Commanding Headquarter 37 Division appellant was investigated by the Pak Army personnel and declared clear by the concerned authority. Apart from the said certificate appellant was not proceeded against departmentally as neither any charge sheet nor any statement of allegations was served on him nor enquiry was conducted and hence the appellant was condemned unheard and the impugned order is a void order finding no support from any legal provision of service law.

For the above mentioned reasons the appeal is accepted and as a consequence thereof appellant is reinstated in service with back benefits. The respondents may, in case of need, proceed against the appellant afresh and in such eventuality proceedings shall be completed within a period of two months. Parties are however left to bear their own costs. File be consigned to the record room.

Announced:
02.05.2016

Sd/- M. Azim Khan Afzali,
Chairman
Sd/- Abdul Latif,
Member

Certified to be true copy

MAJID KHAN
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Receipt: 10-05-2016
Number of Pages: 1200
C. Price For: 8/-
Urgent: 8/-
Total: 8/-
Name of Appellant: [Signature]
Date of Disposal: 12-05-2016
Date of Delivery: 12-05-2016

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by

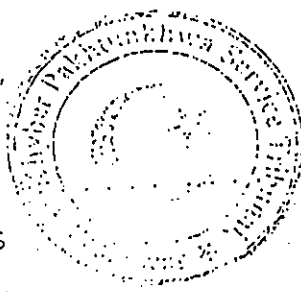
9

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 588 /2012

Dr. W. J. Durrani
Secretary
No. 562
Date 23/05/12

Mura I Ali S/o Muhammad Mashal Khan,
R/o Char Bagh, Ex-C. No. 4708, FRP,
Police Station. Matta, Swat.



Appellant

Versus

1. Commandant, FRP, KPK,
Peshawar.
2. Superintendent of Police, FRP,
Malakand Region, Swat.
3. Provincial Police Officer, KPK,
Peshawar. Respondents

APPEAL AGAINST OFFICE ORDER
NO.1964-65/EC, DATED 09.04.2012 OF
R.NO.1 (APPELLATE AUTHORITY)
WHEREBY REPRESENTATION OF
APPELLANT WAS REJECTED AGAINST OR
NO.138 DATED 10.10.2008 OF R.NO.2
(ORIGNIONAL AUTHORITY) WHO
DISMISSED APPELLANT FROM SERVICE
FOR NO LEGAL REASON.

23/5/12

FILED

RECEIVED
KPK Service Tribunal
Peshawar

re-submitted to-EGP
and filed.

23/5/12

Respect fully Sheweth,

1. That on 25.07.2007, appellant was enlisted as FRP constable in Malakand Range by R.No.1.
2. That it was an admitted fact that the whole Swat valley was under the control of miscreants/Taliban. Normal life was absolutely ineffective. Miscreants/Taliban were kidnapping, killing and beheading; Government employees, especially of

10

No. of
Order or
proceedings.

Date of
Order or
proceedings.

2

Order or other proceedings with signature of Judge or Magistrate
and that of parties where necessary.

3



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT.

APPEAL NO. 588/2012

(Murad Ali Vs. Commandant FRP, KPK Peshawar & 2 others.)

JUDGMENT

02.05.2012

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:

Appellant with counsel and Mr. Muhammad Zubair, Senior
Government Pleader alongwith Mushtaq Ahmad, Inspector (Legal)
for the respondents present.

Murad Ali son of Muhammad Mashal Khan hereinafter
referred to as the appellant has preferred the instant appeal against
order dated 09.4.2012 communicated to the appellant on 02.5.2012
vide which his departmental appeal against original order dated
10.10.2008 of removal from service was rejected.


Brief facts giving rise to the present appeal are that the
appellant was appointed as Constable in FRP Malakand Range
vide appointment order dated 25.07.2007. While serving so he was
found absent from duty for a period of 3 months and 8 days and
after conducting enquiry removed from service vide order dated
10.10.2008 where-against departmental appeal of the appellant
was rejected on 09.4.2012 and hence the instant service appeal on
23.05.2012.

We have heard arguments of the learned counsel for the parties and perused the record.

Perusal of the record would suggest that charge sheet dated 09.08.2008 was communicated to the appellant on the allegations of wilful absence, however, according to findings/report of the enquiry committee appellant had not turned up in response to notice issued to the appellant for resuming duty and facing an enquiry. It is evident from the record that enquiry procedure was not followed by the enquiry committee as the appellant was neither associated with the enquiry proceedings nor any opportunity of hearing afforded to him and, furthermore, in case of absence, publication of any notice in prescribed manners was not made in the newspapers. Furthermore the alleged period of absence was during the days of militancy and, according to the stance of the appellant, similarly placed employees were reinstated in service and that appellant was also entitled to same treatment.

Since the appellant was subjected to enquiry wherein neither prescribed procedure was followed nor appellant associated with the same as such we deem it more appropriate to set aside the impugned original order dated 10.10.2008 as well as final order dated 09.4.2012 and as consequence thereof reinstate the appellant in service, placing the respondents at liberty to departmentally proceed against the appellant afresh, if need be, and that the plea of the appellant in respect of reinstatement of similarly placed persons in service shall also be taken into account during the enquiry which shall be concluded within the period of 2 month from the date of receipt of this judgment. In case the

ATTEST:


EXAMINER
Khyber Pakhtunkhwa
Services Tribunal,
Peshawar

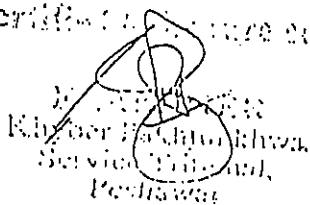
enquiry is not conducted then the period of absence till reinstatement be treated as leave of the kind due. The appeal is disposed of accordingly. Parties are however left to bear their own costs. File be consigned to the record room.

Announced
02.05.2016

sd/- M. Azim Khan Afzidi,
Chairman

sd/- Abdul Latif,
Member

Verified true copy



Date of award 10-05-2016

No. of file 1600

Copying fee 10/-

Urgent -

Total 10/-

Signature

Date of award 12-05-2016

Date of award 12-05-2016

Affidavit

by

BEFORE KPK SERVICE TRIBUNAL PESHAWARS.A No. 614 /2016

Abdul Hanan S/o Juma Dost,
R/o Village Manjot, Swat,
Ex - Constable No. 1607,
Police Line, Swat

Khyber Pakhtunkhwa
Service TribunalDiary No. 601Dated 08-6-2016

Appellant

Versus

1. Inspector General of Police,
KP, Peshawar.
2. Regional Police Officer,
Malakand Region, Swat.
3. District Police Officer, Swat Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT,
1974 AGAINST OFFICE ORDER NO. 4058/16,
DATED 19.05.2016 OF R. NO. 1, WHEREBY
DEPARTMENTAL APPEAL AGAINST OB NO. 146,
DATED 12.10.2009 OF R. NO. 2, DISMISSING
APPELLANT FROM SERVICE, WAS REJECTED
FOR NO LEGAL REASON.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That appellant was enlisted on 31.12.2008 as constable. (Copy as annex "A")
2. That appellant became ill and vide mad No. 23, dated 19.01.2009 he was deputed for treatment to Civil Hospital, Saidu Sharif but did not turn up thereafter. (Copy as annex "B")
3. That on 23.01.2009, father of the appellant submitted application to R. No. 3 (DPO) stating therein that his son (appellant) is not traceable for the last 2/3 days and it is apprehended that he would

ATTESTED

[Signature]
Registrar
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Filed to-day

Registrar

8/6/16

have been kidnapped by miscreants. This application was marked to the SHO of PS concerned to make efforts for the release of appellant from the clutches of miscreants with the help of jirga members. (Copy as annex "C")

4. That on 27.04.2009, Personal Assistant to R. No. 3 wrote letter to department that appellant has been kidnapped by the miscreants during insurgency but no FIR was registered as in the militancy area, Govt. writ was not established as most of the Police Stations were sieged by the miscreants. Press clipping was also enclosed with the said letter regarding the matter. (Copy as annex "D")
5. That on 01.09.2009, charge sheet was issued to appellant but the same was not served upon him being not traceable, so could not be replied the same. (Copy as annex "E")
6. That perhaps enquiry into the matter was initiated but appellant was not associated with the same, being untraced and self made report was submitted to the authority, recommended him for major punishment.
7. That on 10.09.2009, the Inquiry Officer submitted finding report to the department wherein appellant was shown absent from duty. (Copy as annex "F")
8. That on 18.09.2009, final show cause notice was issued for service upon appellant but was not replied, being un-served. (Copy as annex "G")
9. That on 12.10.2009, appellant was dismissed from service by R. No. 3 (D.P.O) from the date of absence from duty i.e. 19.01.2009. (Copy as annex "H")
10. That on 13.10.2014, Review/Revision/Appellate Board was constituted by R. No. 1 (I.G.P) to review the cases of constables, etc. who were disappeared during insurgency. (Copy as annex "I")
11. That appellant submitted representation before R. No. 1 (I.G.P) for reinstatement in service, stating therein that he was not

ATTESTED

Signature
Date

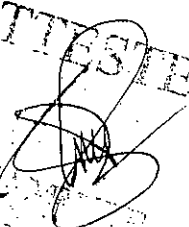
absent from duty but was kidnapped by the miscreants, so he be reinstated in service. (Copy as annex "J")

12. That in similar circumstances, the authority reinstated Ex-Constable Muhammad Saeed Khan No. 1613, Ex-Constable Ghuas Ali Khan No. 4344, Ex-Constable Shafiullah No. 660, etc. on 19.12.2007, 253 Constables on 30.11.2010, 20 constables on 18.02.2011, 12 constables on 07.02.2012, on 27.01.2015, on 01.03.2016, etc. but appellant was not treated at par with the same, thus discriminated. (Copies as annex "K")
13. That on 19.05.2016, the Appellate Board who held meeting on 14.04.2016, rejected the appeal of appellant. (Copy as annex "L")
14. That similar question of fact and law came under consideration in numerous appeals before this hon'ble Tribunal and after through probe, the same were accepted vide judgment dated 02.05.2016. (Copy as annex "M")

Hence this appeal, inter alia, on the following grounds:-

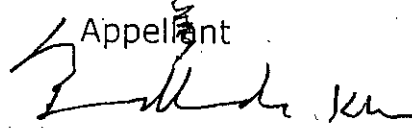
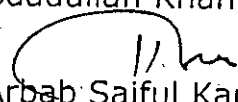
GROUND S:

- a. That appellant never absented from service willfully and intentionally but the same was due to the deteriorated situation of the area.
- b. That the Govt. itself realized the truth and fact that the servants never absented from duties at their own will but was due to the adverse law and order situation.
- c. That for the aforesaid purpose, the Review Committee was constituted and the dismissed/removed servants were directed to file review, revision and appeals to the Board to scrutinized the same and to reinstate them in services but unfortunately, the case of appellant was not properly, fairly and justly scrutinized and bypassed the same for no plausible reason.
- d. That in the circumstances, not only the Board but also the hon'ble Tribunal reinstated numerous constables, etc. into their services and appellant was dropped for no legal reason.

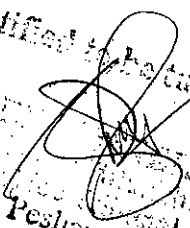
ATTESTED

 Member Tribunal,
 Peshawar

- e. That similarly and equally placed servants be treated similarly and equally and not to discriminate them inter-se.
- f. That when one class is availing the same benefits, depriving the same class tentamounts to malafide.

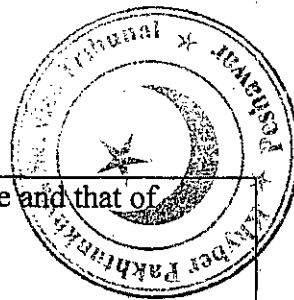
It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 19.05.2016 or 12.10.2009 of the respondents be set aside and appellatant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Appellant
 Through 
 Saadullah Khan Marwat
 &

 Arbab Saiful Kamal
 Advocates.

Dated. 7.06.2016

Certified to be true copy

 Khatun Gulistan
 Peshawar

Date of Presentation of Appeal 26-4-17
 Number of Words 1600
 Copying Fee 10/-
 Urgent 2/-
 Total 12/-
 Name of Clerk
 Date of Drawing 26-4-17
 Date of 26-4-17



No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	08.03.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>CAMP COURT SWAT</u></p> <p style="text-align: center;">Appeal No. 614/2016</p> <p style="text-align: center;">Abdul Hanan Versus Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader alongwith Imranullah, Inspector (Legal) for respondents present.</p> <p>2. Abdul Hanan son of Juma Dost hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the impugned order dated 12.10.2009 vide which he was dismissed from service on the allegations of wilful absence w.e.f. 19.1.2009 and where-against his departmental appeal was also rejected vide order dated 19.05.2016 and hence the instant service appeal on 08.06.2016.</p> <p>3. Learned counsel for the appellant has argued that the absence of the appellant was not intentional and that he was kidnapped by militants during the days of insurgency. In support of his stance he has placed reliance on the application submitted by the father of the appellant which was entertained by the D.P.O on 23.01.2009 and marked to the SHO Police Station, Mingora with the directions to make efforts for the release of the appellant. Certificates issued by the office of the DPO signed by P.A to DPO is also suggestive of the fact that the appellant was kidnapped by militants during the days of insurgency.</p>

ATTESTED

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

4. Learned Senior Government Pleader has argued that the appellant has failed to participate in the enquiry and as such the appeal is liable to dismissal.

5. We have heard arguments of learned counsel for the appellant as well as learned Senior Government Pleader and perused the record.

6. Perusal of record would suggest that the appellant was not associated with the enquiry proceedings. The enquiry officer has failed to take note of the stance of the appellant due to ex-parte proceedings. We are of the view that the stance of the appellant requires consideration at departmental level.

7. We are therefore constrained to accept the present appeal, set aside the impugned order of dismissal of the appellant from service and reinstate him in service with the directions that the competent authority shall conduct denovo enquiry in the allegations wherein appellant be afforded opportunity of participation and hearing including his defence and where-after the competent authority shall pass orders deemed appropriate within a period of two months from the date of receipt of judgment of this Tribunal. Parties are left to bear their own costs. File be consigned to the record room.

Announced

08.03.2017

Sd/- M. Azim Khan Afridi,

Chairman

Sd/- Ahmad Hassan,

Member

Certified true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 26-4-17
Number of Words 6800
Capping Fee 2/-
Urgent ✓
Total 6802
Name of Copy [Signature]
Date of Completion 26-4-17
Date of Delivery 26-4-17

بعدالت جناب سرسٹریٹس ٹریبونل صوبہ سندھ پشاور

اسلام آباد

منجانب

محکمہ ٹرانسپورٹ

بنام

نور محمد خان

دعویٰ اپیل

باعث تحریر اینکہ

مقدمہ مذکورہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و نقل کاروائی متعلقہ آن مقام پشاور کیلئے اسٹیکڈ اڈا خان سرورتنے ایڈوکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی نقل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے یعنی نامہ و تقریر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور رضی دعویٰ اور درخواست ہر قسم کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور تسخیری نیز دائر کرنے اپیل نگران و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے نقل یا جزوی کاروائی سے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تخریر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا اور دوران مقدمہ میں جو شرحہ و ہر جانہ التواء مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا دفر حسبہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقدمہ روزہ پر ہو یا عدسے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ رکھ دیا کہ سند ہے۔

المترجم

العبد العبد العبد

ارباب الاعمال
ایڈوکیٹ

سید اللہ خان مرثی
ایڈوکیٹ

لفظ خان

عن رؤیتہ تار
ایڈوکیٹ

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 1203/2017.

Ex Constable Niamat Khan s/o Gul Saray No.976 r/o Gosam PS Munda
Lower Dir.....Appellant.

VERSUS

- 1) Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Officer Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir Lower.....Respondents.

PARA WISE REPLY ON BEHALF OF RESPONDENTS.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

- 1) That the present service appeal is not maintainable in its form.
- 2) That the appellant has not come to this August Tribunal with clean hands.
- 3) That the present service appeal is badly time barred.
- 4) That this Honorable Service Tribunal has got no jurisdiction to entertain the present service Appeal.
- 5) That the appellant has got no cause of action.
- 6) That the appellant has suppressed the material facts from this Honorable Tribunal.

ON FACTS

1. Pertains to records, hence needs no comments.
2. Incorrect, the appellant absented himself from duty willfully without seeking any leave or prior permission from his seniors nor he apprised his seniors about illness of his father and gone on his own. The daily dairy report is enclosed as annexure "A".
3. As already discussed that the appellant has left the duty station on his own sweet will and during process of inquiry, it was came to light that the appellant has gone to Saudi Arabia for labouring and has no more interested to serve in Police department. Therefore in light of circumstances, he was discharged from service vide OB No. 489 dated 02.04.2013. copy enclosed as annexure "B".
4. Pertains to record, hence needs no comments.
5. Incorrect, the respondent No. 03 rightly rejected the review on the ground of limitation, as the review petition is badly time barred.
6. Incorrect, each and every case has its own facts and circumstances and on the same capacity, the cases were, treated accordingly.

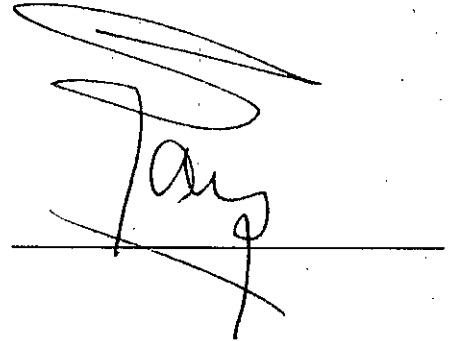
ON GROUNDS

- A. Incorrect, the appellant absented himself from duty wilfully as evident from record, that he has gone to Saudi Arabia for Labouring. To this effect, statement of the father of appellant has been recorded, wherein his father clarified that the appellant (his Son) has gone to Saudi Arabia and not interested to serve more in police department.
- B. Pertains to record, hence needs no comments.
- C. Incorrect, the appellant left the station willfully and gone abroad. His case in connection with absence from service is separate in nature to that of mentioned criteria elaborated in the para.
- D. As already discussed that each case has its own facts and circumstances through that criteria the cases are scrutinized by competent authority thoroughly.
- E. Incorrect, as already discussed vide para-a that the appellant had gone abroad for labouring on his own sweet will and his father stated in statement that his son is no more interested to serve in police department and be discharged from service. The case of the appellant was not fall in the said condition.
- F. Incorrect, the absence of appellant has been confirmed wilfully in entire proceeding. As discussed earlier, that that the appellant has gone abroad i.e Saudi Arabia for laboring and his father clearly mentioned that his son had gone to Saudi Arabia for Laboring and has no more interest to serve in police department. Moreover each and every case has its own facts and finding.
- G. Incorrect, all the codal formalities have been completed required for the purpose. Copy of charge sheet statement of allegation, enquiry report and statement of the father of appellant are enclosed.

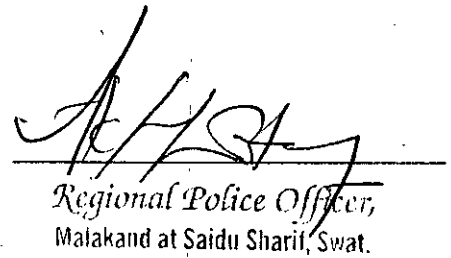
PRAYER:

It is therefore humbly prayed that on acceptance of this Para-wise reply the service appeal may graciously be dismissed with costs.

Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.

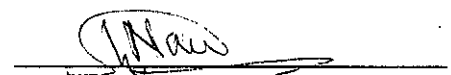


Regional Police Officer,
Malakand at Saidu Sharif, Swat.



Regional Police Officer,
Malakand at Saidu Sharif, Swat.

District Police Officer,
Dir Lower



District Police Officer,
Dir Lower at Timergara

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 1203/2017.

Ex Constable Niamat Khan s/o Gul Saray No.976 r/o Gosam PS Munda
Lower Dir.....Appellant.

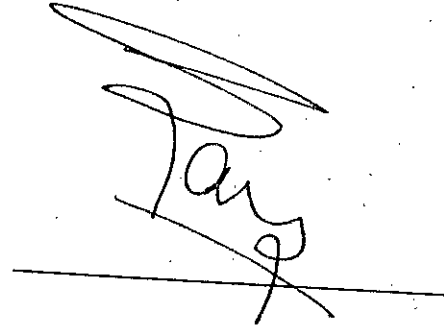
VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer Malakand at Saidu Sharif, Swat.
3. District Police Officer Dir Lower.....Respondents.

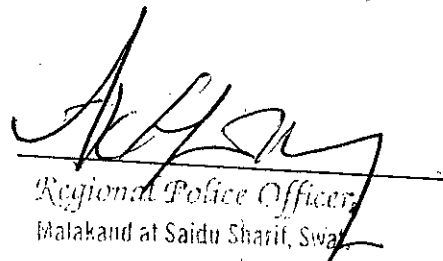
AFFIDAVIT

We the following respondents do hereby solemnly affirm and declare on Oath that the contents of Para-wise reply are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.



Regional Police Officer,
Malakand at Saidu Sharif, Swat.



Regional Police Officer,
Malakand at Saidu Sharif, Swat.

District Police Officer,
Dir Lower.



District Police Officer,
Dir Lower at Timergara.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No: 1203/2017.

Ex Constable Niamat Khan s/o Gul Saray No.976 r/o Gosam PS Munda
Lower Dir.....Appellant.

VERSUS

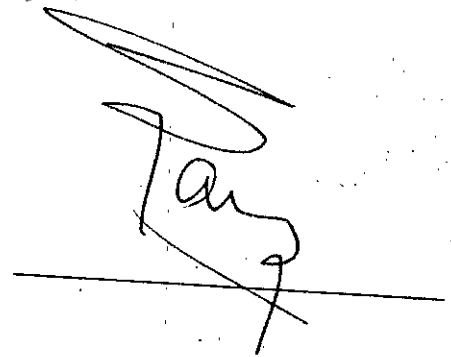
1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer Malakand at Saidu Sharif, Swat.
3. District Police Officer Dir Lower.....Respondents.

POWER OF ATTORNEY

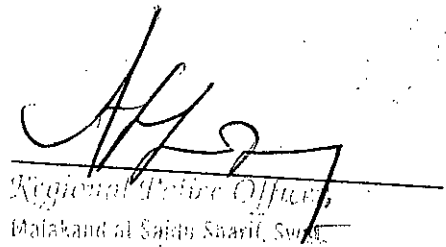
We the following respondents do hereby authorize Mr. Zewar Khan SI Legal Dir Lower to appear on our behalf before the Honourable service Tribunal in the above Service appeal and pursue the case on each and every date.

He is also authorized to submit all the relevant documents in connection with the above case.

Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.



Regional Police Officer,
Malakand at Saidu Sharif, Swat.



Regional Police Officer,
Malakand at Saidu Sharif, Swat.

District Police Officer,
Dir Lower.



District Police Officer,
Dir Lower at Timergara

CHARGE SHEET.

i, Muhammad Ijaz Abid, District Police Officer, Dir-Lower at Timergara as competent authority, hereby charge you Constable Naimat Khan No.976 committed as follows: -

That while you posted at Check Post Sangipara PS Mayar absented yourself from duty with effect from 01/12/2012 to date without any leave or prior permission from your superior.

2- By reason of above, you appear to be guilty of mis-conduct and have rendered your-self liable to all or any of the penalties specified in Rule-4 of the Disciplinary Rules, 1975.

3- You are; therefore, require submit your written reply within 07 days of the receipt of this charge sheet to the enquiry officer.

4- Your written reply, if any, should reach the enquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-part action shall follow against you.

5- Intimate to whether you desire to be heard in person or not?

6- A statement of allegation is enclosed.

M. Ijaz Abid
District Police Officer,
Dir Lower at Timergara.
613

No. 4428 /EB.

Dated 7/3/2013.

Copy to accused Constable Naimat Khan No.976 son of Gul Sari resident of Rahim Abad Munda PS Munda.

SAC / munda

For compliance.

M. Ijaz Abid
4 SD PO - Janitor
11-3-013.

SAC / munda

مستحق العقاب
1557 / 13

M. Ijaz Abid
SAC Munda
12/3/2013

No-9-5A
11/3/13

No-405
8-3-09

11/3/13
11/3/13

976
12-3-013
SAC PS munda

Enq: No. 1408/FB.
Dated 27/03/2013.

DISCIPLINARY ACTION.

I, Muhammad Ijaz Abid, District Police Officer, Dir Lower at Timergara as competent authority, as of the opinion that Constable Naimat Khan No.976 has rendered yourself liable to be proceeded against departmentally as you have committed the following acts/omission as defined in Rule 2 (iii) of Police Rules 1975.

STATEMENTS OF ALLEGATION.

That while he posted at Check Post Sangipara PS Mayar absented himself from duty with effect from 01/12/2012 to date without any leave or prior permission from his superior.

- 2- For the purpose of scrutinizing the conduct of said officer with reference to the above allegations Mr. Gul Noor Khan SDPO Maidan is appointed as enquiry officer.
- 3- The enquiry officer shall conduct proceedings in accordance with provisions of Police Rules 1975 and shall provide reasonable opportunity of defence and hearing to the accused officer, record its findings and make within twenty five (25) days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused officer.
- 4- The accused officer shall join the proceeding on the date, time and place fixed by the Enquiry officer.

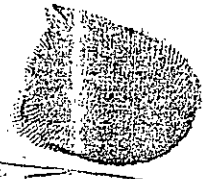
District Police Officer,
Dir Lower at Timergara.

No. 4423-24/EC. Dated Timergara, the 7/3/2013.

- 1- Mr. Gul Noor Khan SDPO Maidan (Enquiry Officer) for initiating proceeding in the light of the attached original documents containing 03 sheets against the accused Constable Naimat Khan No.976 under Police Rules 1975.
- 2- Constable Naimat Khan No.976 son of Gul Sarf resident of Rahim Abad Munda PS Munda.

District Police Officer,
Dir Lower at Timergara.
M 613

میں سنی گلسٹری وڈ نیاز ہے۔ ان کو گوسم منڈی دے دو۔ گورنر
 اس قبیلہ کے سے اقتدار کر کے لگے۔ یہاں پر گوسم ایسا لگتا ہے
 جس کے پولیس میں نوکری کرنا تھا۔ اس کی نگرانی پر چار انگریزوں نے ہوا تھا۔
 بدیں و حراں کیلئے ویزن کا پتہ دلالت کر کے قیوت جاہ قبلہ
 سعودی عرب جا چکا ہے۔ قلم پولیس میں مندرجہ نوکری
 کا خواہشمند ہے۔ اور اس میں خواہشمند ہوں۔ اس کے آگے
 قلم پولیس میں پیش کیا گیا ہے۔ اس کا
 سے خارج کر کے ہیں سرابیان ہے۔



19/03/03

الک
 گل مشرف و لہر نیاز خیر ساکن گوسم مشرف
 NIC-NO-15304-3940966-5
 Mobile No-0301-59091416

گورہ مشرف

الک
 ملک جان
 ملک جان و لہر مشرف خان مسکنہ گوسم مشرف
 NIC-NO-15304-2174153-5

الک
 عسر البرحق
 عسر البرحق و لہر مشرف خان مسکنہ گوسم مشرف
 NIC-NO-42201-0375596-3

جناب عالی
 یہ نام کے گوسم مشرف خان 1976 کے
 کے گوسم مشرف خان مسکنہ گوسم مشرف
 کے گوسم مشرف خان مسکنہ گوسم مشرف
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 کے گوسم مشرف خان مسکنہ گوسم مشرف

Six

Forwarded

Attested

Signature
 P.S. Lal Quilla
 20-03-03

Signature

3/73

میں مستحق گولہ بھرے وارہ نیاز خیر سٹالکن گوسم مندرہ ۵۰۰ ہرزے گواہان اس
 قسیر کے رو سے (قیر آکر کے کھو گیا ہوں۔ کہ میرا بیٹا کھت خان FC قسیر
 ساڑھے تین ماہ پہلے سعودی عرب گیا تھا ہے۔ چونکہ کھت خان کی تنخواہ تین
 سو روپیہ ہے اس لیے ہمارا ذرا رہ نہیں پاتا تھا اس لیے وہ کوٹری پھر آ کر
 سعودی عرب چلا گیا ہے اور ہر روز کوٹری کا خبر دیا کرتا ہے۔ جس کی میں
 ۵۰۰ ہرزے گواہان قسیر کی ہر ماہوں



الہ
 عمل مشرف وارہ نیاز خیر سٹالکن گوسم مندرہ

NIC-15304-3940966-5
 mobile-0301-5909146

گواہ شہرہ

عزیز الرحمن

الہ
 عزیز الرحمن وارہ نیاز خیر سٹالکن گوسم مندرہ
 NIC No: 42207-0375596-3

الہ
 سنگ سہا


الہ
 جان وارہ شہرہ کوسم مندرہ
 NIC No: 15304-2174153-5

Sig Forwarded


SHO/PS. Lal Qatta
 RO - 03 - 013

جوابی وارہ
 وارہ نیاز خیر سٹالکن گواہان ۹۱۶ کی تین ماہوں میں
 میں گوسم مندرہ جان سٹالکن گواہان FC قسیر
 قسیر ساڑھے تین ماہ پہلے سعودی عرب گیا تھا ہے جس کی
 کوٹری پھر آ کر کوٹری چلا گیا ہے۔ چونکہ کھت خان کی
 تنخواہ تین سو روپیہ ہے اس لیے ہمارا ذرا رہ نہیں پاتا
 تھا اس لیے وہ کوٹری پھر آ کر کوٹری چلا گیا ہے۔
 اور ہر روز کوٹری کا خبر دیا کرتا ہے۔ جس کی میں
 ۵۰۰ ہرزے گواہان قسیر کی ہر ماہوں

SHO/PS. Lal Qatta - 19/3/03

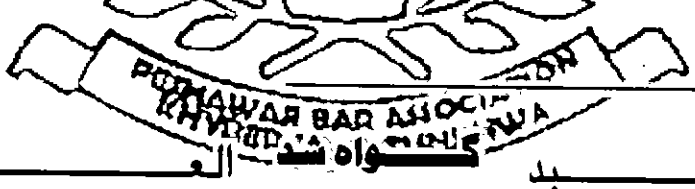
قیمت 50 روپے	65399			
ایڈوکیٹ:		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر:				
رابطہ نمبر:				

بعدالت جناب: صرفہ صاحبہ کی طرف سے درخواست

مخانب: اسپرینٹ	دعویٰ:
	علت نمبر: ۸۵۰
	مورخہ: ۲۰۱۷
	جرم: ۲۰۱۳
	تھانہ:

باعث تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام خالد بیجو بلیج کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کر مئے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے لقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ باختارات حاصل ہوں گے اور اس کا ساختہ برداختہ منظور قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



المقوم:

مقام کے لیے منظور ہے۔

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04/01/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 4519/2021

Zahid Wali.....Appellant

VERSUS

The Secretary Agriculture, Livestock, Government of Khyber Pakhtunkhwa & Others
.....Respondents

INDEX

S.No.	Description of Documents	Annexure	Page No
1.	Parawise comments on behalf of Respondent No.01, 02 & 03.	--	1-2
2.	Affidavit.	--	3
3.	1 st Show Cause Notice to the Appellant.	A	4
4.	Service Book Page mentioning Earned Leave granted to the Appellant.	B	5
5.	2 nd Show Cause Notice to the Appellant.	C	6
6.	Reminder 01 of the Show Cause Notice to the Appellant.	D	7
7.	Reminder 02 of the Show Cause Notice to the Appellant.	E	8
8.	Letter to the then Executive District Officer (Agriculture).	F	9
9.	3 rd Show Cause Notice to the Appellant.	G	10
10.	Show Cause Notice issued to the Appellant in Daily Newspaper Dated 01/01/2017.	H	11
11.	Termination Order of the Appellant Dated 25/01/2017.	I	12
12.	Copy of NIC for Overseas Pakistani in respect of the Appellant.	J	13
13.	Reference of the Efficiency & Disciplinary Rules 2011.	K	14-15
14.	Authority Letters.		16-17

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
APPEAL NO.4519/2021

Zahid Wali

Appellant

VERSUS

The Secretary Agriculture, Livestock, Government of Khyber Pakhtunkhwa & Others.

Respondents

Para-wise comments on behalf of the respondent No. 01, 02 & 03.

Respectfully Sheweth:

PRELIMINARY OBJECTIONS:

1. That the appellant has got no locus standi for filing this appeal.
2. That the appeal is based on illegal and unlawful presumptions.
3. That the appellant has got no cause of action to file the present appeal.
4. That the appeal is not maintainable in its present form.
5. That the appeal is badly time barred.



FACTS

1. Pertains to record.
2. Pertains to record.
3. Incorrect. The appellant remained willful absent from his duty due to which 1st Show Cause Notice No. 1311 dated 27/07/2006 was issued to the appellant after a surprise visit to the Concerned Civil Veterinary Dispensary by the Assistant Director Kohat dated 25/07/2006 (Annexure-A). The appellant was then granted 120 days of earned leave on full pay w.e.f. 01/03/2008 to 28/06/2008 for Construction/ Repair of his House. (Annexure-B). It is pertinent to mention here that the appellant after completion of his earned leave was still unable to join his duty and has left for United Arab Emirates; Meanwhile 2nd Show Cause Notice No. 924-25 dated 24/07/2008 was issued to the appellant by the office of District Livestock Officer Kohat (Annexure-C). The appellant was then issued reminders to report for duty, but the appellant failed to follow the instructions. (Annexure-D & E). Moreover, the appellant still remained absent from his duty due to which a letter No. 771 dated 30/05/2009 was issued to the Executive District Officer (Agriculture) Kohat by the office of District Livestock Officer, Kohat with proposal to issue Show Cause Notice to the appellant (Annexure F), which was issued by the concerned Officer (Annexure-G).
4. Incorrect. The appellant remained willful absent from duty due to which Disciplinary proceedings was initiated against him.
5. Incorrect. The Appellant remained absent from duty for many years and was not able to reply any Show Cause Notice conveyed to him inspite of the fact is showing dubious/ fake postal receipt to this honorable Tribunal having no official record. In addition to that the appellant was also served final Show Cause Notice by the Director General (Ext), Livestock & Dairy Development Department, Peshawar in the Newspaper (Daily Express) dated 01/01/2017 (Annexure-H).

- 6. Correct to the extent that the appellant was removed from Service dated 25/01/2017 after fulfilling all the codal formalities and the stance of the appellant is biased and totally based on malafide intensions (Annexure-I).
- 7. Incorrect. The Departmental Appeal was not considered by the Competent Authority and was filed accordingly.
- 8. That the appellant has got no cause of action to file instant appeal.

GROUND

- A. Incorrect. The appellant has been treated as per law and rules.
- B. Incorrect. The penalty has been awarded to appellant on account of willful absence from duty.
- C. Incorrect. The requisite procedure was adopted by the respondents office as clearly mentioned in the above paras and the appellant without any solid evidences is making false presumptions
- D. Incorrect. As stated above.
- E. Incorrect. No violation of Article 10-A of the constitution of Islamic Republic of Pakistan 1973 made by the respondent Department and the appellant was time and again asked to report for his duty but he failed to join duty and departed for United Arab Emirates/abroad and remained willful absent from duty for many years (Annexure-J).
- F. Incorrect. As the appellant remained willful absent from duty for many years and did not respond to any Show Cause notice issued by the respondent Department. Therefore, he was proceeded as per rule 09 of the Efficiency and Disciplinary rules 2011 (Annexure-K).
- G. Incorrect. The statement of the appellant is totally biased and based on false presumptions and in order to fulfill his malafide intensions.
- H. The respondents seek permission to raise additional grounds at the time of arguments.

In view of the above parawise comments, the instant Service Appeal may kindly be dismissed with cost.

Respondent No. 01

Secretary Agriculture, Livestock
& Cooperative Department,
Peshawar

Respondent No. 02

Director General (Ext), Livestock &
Dairy Development Department,
Peshawar

Respondent No. 03

Assistant Director Livestock Kohat
Now
District Director Livestock Kohat

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
SERVICE APPEAL NO. 4519/2021


Zahid Wali.....Appellant

VERSUS

The Secretary Agriculture, Livestock, Government of Khyber Pakhtunkhwa and Others...**Respondents**

AFFIDAVIT

I, Dr. Noor Badshah Khattak, Veterinary Officer (H), office of Director General (Ext), Livestock & Dairy Development Department, Peshawar, do hereby solemnly affirm on oath that the contents of the parawise comments related to the above mentioned Service Appeal are true and correct to the best of my knowledge and belief, and that nothing has been concealed from this Honorable Tribunal.


DEPONENT

ATTESTED



13 OCT 2021

دفتر ڈسٹرکٹ آفیسر قلم لاہور سٹان و ڈسٹری ڈیولپمنٹ صلاح و ہدایت
تاریخ ۷

بنا سٹر راجہ والی و ڈسٹری ایسٹسٹ ایچارج و ڈسٹری ڈسٹری ٹائٹ

حور طلبی

مطلبی سے کہ دفتر سطحی نے کہ وہ اپنی 2006 ڈسٹری ڈسٹری
ٹائٹس کا احاطہ معائنہ کیا
ڈسٹری و نالہ گوانفا سٹر صیانت الرقش شہتی و شہر سے
تعلق رکھتا ہے۔ معائنہ پر معلوم ہوا کہ ڈسٹری سے متعلق عام سٹر
آب (سٹر راجہ والی) کے لیے ہیں۔ یا ڈسٹری صیانت لاجی میں
رکھے ہیں۔ آج صرف عیسے میں ایک بار یعنی درگم جہازم قلم لاہور میں
و شہوان دیے گئے ٹائٹس جاتے ہیں

ڈسٹری میں ادویات کا نام و قیمتیں ہیں تھا آج بھی ادویات
سیلان کی ہے وہ باقی آب سے فروخت کی ہے یا ان کے گم کے لیے ہے
حقانی لوگوں سے بنایا کہ آب راجہ والی قیمت کم ڈیوٹی پر جاتے ہیں
صنہ ٹائٹس کے قرام ان کے جانوروں کے علاوہ معالجہ کے لیے لاجی جاتے ہیں
ٹائٹس سے والی ہی پر آئے ڈسٹری کا آؤٹ ڈور راجہ والی ڈسٹری
صیانت لاجی میں موجود یا عیسے ان 2006-7-15 تک عملی انداز میں

صدر نالہ حقائق کی روشنی میں آج حکایت لیجاتی ہے
! دفتر حلال سے وصول شدہ ادویات حور ڈسٹری ڈسٹری ٹائٹس بجائیں
لھور ڈسٹری ادویات کی قیمت آج سے وصول کی جائے گی
ڈسٹری سے متعلق عام سٹر ڈسٹری میں رکھتے
آج آج یہ لوگوں غیر صحتی کا حصول و جوہر 2 تیار نہیں لھور ڈسٹری
ایک طرف سوتے نادہی کا روای لیجاتیں

1311
تاریخ 27/7/06
ڈسٹری ڈسٹری ڈسٹری ڈسٹری
ڈسٹری ڈسٹری ڈسٹری ڈسٹری

(Annexure - c) 6

UNCLASSIFIED

10

OFFICE OF THE DISTRICT LIVESTOCK OFFICER
LIVESTOCK & DAIRY DEVELOPMENT DEPT., KANAK

NO. 924-25

Dated 24/7/08

1. Mr. Zahid will Veterinary Assistant,
Civil Veterinary, dairy & piggery division.
2. Mr. Zahid will Veterinary Assistant, S/o Muhammad will
N/O Village Bahai P.O. Jhangli Tehsil Sakhi Bazar
Distt. Narok.

Subject:- ABSENCE FROM DUTY.

You were granted 120 days earned leave on full pay with effect from 1.3.2008 to 23.6.2008 for construction/repair of your home.

You have not resumed your duties so far. It is learnt that you have not constructed your home. You have left abroad i.e. Dubai just after sanctioning your leave.

You are hereby directed to:-

1. Immediately appear before the Under-signed with in 3 days on receipt of this letter.
2. Explain reasons for will/all absence from official duties and proceeding abroad with out obtaining permission and N.O. from the competent authority.

Your written reply must reach in this office with in 7 days on receipt of this letter otherwise disciplinary action under special govt 2000 the removal from service will be taken against you.

Approved
[Signature]

m 2517
DISTRICT LIVESTOCK OFFICER
LIVESTOCK & DAIRY DEVELOPMENT

NO. 926-27

Dated 24/7/2008

Copy of the above is forwarded to :-

1. The Executive District Officer (Agri) Bahat for information & Necessary action please.
2. The accountant/cashier of this office to stop the pay of the official concerned.

m 2517
DISTRICT LIVESTOCK OFFICER
LIVESTOCK & DAIRY DEVELOPMENT

OK

1st:Reminder.

14/8/08 (Annexure-01/7)

OFFICE OF THE DISTT:LIVESTOCK OFFICER, LIVESTOCK&DAIRY DEV: KOHAT.

NO. 1113-141

Dated Kohat the

18/8/2008.

TO

11

- 1- Mr. Zahid Wali Veterinary Assistant
I/C Civil Veterinary Dispensary Malgeen.
- 2- Mr. Zahid Wali Veterinary Assistant
S/O Muhammad Wali R/O. Village Lakki Banda
P/O Jehangiri Teh: Takht-e-Nasrati Distt: Karak.

subject:-

ABSENCE FROM D.TY.

Memo:

Please refrence to this office letter No.924-25 dated 24.7.2008 on the subject cited above.

You failed to follow the instructions contained in this office letter quoted above, you are absent from official duties so, far.

You are once again directed:-

- 1- To report for duty with in a week time on receipt of this letter.
- 2- Explain the reasons for willfull absence from duties.
- 3- Immediately appear before the undersigned with in 3days on receipt this letter.

If you again failed to follow the instructions, then it will be presumed that you have nothing to say on your part. Hence a case under special powers i.e, removal from service under Rules-2000 will be initiated against you.

18/8
DISTRICT LIVESTOCK OFFICER,
LIVESTOCK&DAIRY DEVELOPMENT
KOHAT.

NO. 1115

Dated Kohat the

18/08/2008.

Copy to the Executive Distt:Officer(Agri:)Kohat for information and w/r to this office andst:No.926-27 dated 24.7.2008 please.

18/8
DISTRICT LIVESTOCK OFFICER,
LIVESTOCK&DAIRY DEVELOPMENT
KOHAT.

(Annexure-E)
u. Reminders (6)

Khyber Pakhtunkhwa

OFFICE OF THE DISTRICT LIVESTOCK OFFICER, LIVESTOCK & DAIRY DEVELOPMENT, KOHAT.

NO. 1209-101 Dated Kohat the 10/9/2008

12

- 1- Mr. Zahid Wali Veterinary Assistant
I/C Civil Veterinary Dispensary, Malgeen
Distt: Kohat.
- 2- Mr. Zahid Wali Veterinary Assistant
S/O Muhammad Wali Resident of Village
Lakki Banda Post office Jehangiri Banda
Teh: Tekhat-e-Nasrati Distt: Karak.

subject:- ABSENCE FROM DUTY.

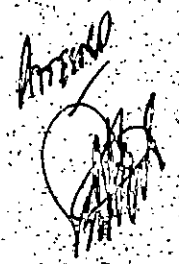
Memo: Reference this office registered/No. 924-25
dated 24.7.2008 and registered Reminder No. 1113-14 dated 18.8.2008
on the subject cited above.

It is very much regretted to state that you
failed to follow the the instructions contained in this office
letters quoted above.

You are finally advised:-

- 1-To immediately assume your duties with in a week time on receipt
this letter.
- 2-To immediatly appear before the undersigned and explain cogent
reasons for your willfull absence from official duties.

If no reply is received from you, then it
will be presumed that you are absconder and do want to say in this
regard.



DISTRICT LIVESTOCK OFFICER,
LIVESTOCK & DAIRY DEVELOPMENT
KOHAT.

NO. 1211 /1 Dated Kohat the 10/09/2008.

Copy to:-

The Executive District Officer (Agri:) Kohat for information and w/r
to this office endst: No. 926-27 dated 24.7.2008 and Endst: No. 1115
dated 18.8.2008 please.

DISTRICT LIVESTOCK OFFICER,
LIVESTOCK & DAIRY DEVELOPMENT
KOHAT.

(Annexure - F) (9)

OFFICE OF THE DISTRICT LIVESTOCK OFFICER, LIVESTOCK & DAIRY DEV: KOHAT.

NO. 771/1 Dated Kohat the 30/05/2009.

To

16

The Executive District Officer,
(Agriculture) Kohat.

Subject:- ISSUANCE OF SHOW CAUSE NOTICE TO MR. ZAHID WALI VETERINARY ASSISTANT.

Memo:

Kindly reference to this office Endst: No. 926 dated 27.4.2008, No. 1115 dated 18.8.2008 and No. 1211 dated 10.9.2008.

Mr. Zahid Wali Veterinary Assistant posted at Civil Veterinary Dispensary Malgeen is absent from official duties with effect from 29.6.2008 to date with out prior permission and sanction of leave. Necessary notice as mentioned in the above mentioned letters has already been issued to him. He according to his fathers statement has left to Dubai.

It is proposed that he may be served with a show-cause notice which is attached for approval and release to News papers for publication please.

Encl. As Above.

³⁷⁵
DISTRICT LIVESTOCK OFFICER,
LIVESTOCK & DAIRY DEVELOPMENT
KOHAT.

نام: شیو کار اوٹسٹن وٹنری اینڈ سٹاک ڈسٹری بیوٹرز ایسوسی ایشن، ماڈرن وٹنری ہاٹ
17 شیو کار اوٹسٹن وٹنری اینڈ سٹاک ڈسٹری بیوٹرز ایسوسی ایشن، ماڈرن وٹنری ہاٹ

موضوع: شیو کار اوٹسٹن وٹنری اینڈ سٹاک ڈسٹری بیوٹرز ایسوسی ایشن، ماڈرن وٹنری ہاٹ و 20 ایوم
رحمت آباد، قادیانہ از مورخہ 2008ء تا 2008ء 29.6 برائے نمبر دہائی قومی -

لیکن آج اور ہم دہائی سے قاعدہ ہونے کے مرتبہ بنائے گئے۔
اور یہ قومی قلم ہونے پر 30.6.08 پر شیو کار اوٹسٹن پر حاضر نہیں ہوئے۔ کفایت و
ذرائع شیو کار اوٹسٹن 25 - 24.7.08 قطعہ 4 - 1113
بتاریخ 2008ء اور قطعہ 10 - 12.09.08 بتاریخ 10.4.08 اور قطعہ آئیے تمام
کی کوئی اور کمرے پر بھیجے گئے۔ شیو کار اوٹسٹن پر حاضر نہیں ہوئے اور شیو کار اوٹسٹن
کے حقوق اور حقوق و جوہات شیو کار اوٹسٹن پر بانی بیان کرنے کی تیار ہوئی تھی۔

لیکن آج اور ہم دہائی سے قاعدہ ہونے کے مرتبہ بنائے گئے۔
2 شیو کار اوٹسٹن وٹنری اینڈ سٹاک ڈسٹری بیوٹرز ایسوسی ایشن، ماڈرن وٹنری ہاٹ
ذرائع شیو کار اوٹسٹن 25 - 24.7.08 قطعہ 4 - 1113
بتاریخ 2008ء اور قطعہ 10 - 12.09.08 بتاریخ 10.4.08 اور قطعہ آئیے تمام
کی کوئی اور کمرے پر بھیجے گئے۔ شیو کار اوٹسٹن پر حاضر نہیں ہوئے اور شیو کار اوٹسٹن
کے حقوق اور حقوق و جوہات شیو کار اوٹسٹن پر بانی بیان کرنے کی تیار ہوئی تھی۔

3 شیو کار اوٹسٹن وٹنری اینڈ سٹاک ڈسٹری بیوٹرز ایسوسی ایشن، ماڈرن وٹنری ہاٹ
ذرائع شیو کار اوٹسٹن 25 - 24.7.08 قطعہ 4 - 1113
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کے حقوق اور حقوق و جوہات شیو کار اوٹسٹن پر بانی بیان کرنے کی تیار ہوئی تھی۔

شیو کار اوٹسٹن وٹنری اینڈ سٹاک ڈسٹری بیوٹرز ایسوسی ایشن، ماڈرن وٹنری ہاٹ
ذرائع شیو کار اوٹسٹن 25 - 24.7.08 قطعہ 4 - 1113
بتاریخ 2008ء اور قطعہ 10 - 12.09.08 بتاریخ 10.4.08 اور قطعہ آئیے تمام
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کے حقوق اور حقوق و جوہات شیو کار اوٹسٹن پر بانی بیان کرنے کی تیار ہوئی تھی۔

Answered

شیو کار اوٹسٹن
ذرائع شیو کار اوٹسٹن 25 - 24.7.08 قطعہ 4 - 1113
بتاریخ 2008ء اور قطعہ 10 - 12.09.08 بتاریخ 10.4.08 اور قطعہ آئیے تمام
کی کوئی اور کمرے پر بھیجے گئے۔ شیو کار اوٹسٹن پر حاضر نہیں ہوئے اور شیو کار اوٹسٹن
کے حقوق اور حقوق و جوہات شیو کار اوٹسٹن پر بانی بیان کرنے کی تیار ہوئی تھی۔

شیو کار اوٹسٹن
ذرائع شیو کار اوٹسٹن 25 - 24.7.08 قطعہ 4 - 1113
بتاریخ 2008ء اور قطعہ 10 - 12.09.08 بتاریخ 10.4.08 اور قطعہ آئیے تمام
کی کوئی اور کمرے پر بھیجے گئے۔ شیو کار اوٹسٹن پر حاضر نہیں ہوئے اور شیو کار اوٹسٹن
کے حقوق اور حقوق و جوہات شیو کار اوٹسٹن پر بانی بیان کرنے کی تیار ہوئی تھی۔

کتابیں نوے روپے 162



بحوالہ اشتہار
میں شایع ہوا ہے
کمپونڈ وال پڑ جا

اگر کسی شخص کو
دوڑھان سے متعلق

awa
Peshawar.

...

...

...

ice



گلیمرگ اسلام آباد
گلیمرگ اسلام آباد
0301-8502836
20541685

دعا نام گزرد گائیں حق
0301-8502836
20541685

از دفتر تحصیل بیرونی ایڈمنسٹریشن خزانہ سوات
تعمیر

روزانہ فیکسپور میں پشاور محو فہم شائع شدہ لٹلر نمبر INF(P)7622
مورہ 26/12/2016 کو ایسے اور شکار تحصیل ADP کے لیے سالہ 2016-
2015 کی تاریخ 11 جنوری 2016 کو شائع ہوا ہے لہذا مذکورہ لٹلر منسوخ
تصور کیا جیسے گونگہ اسمبل کچھ منگوا کر مکمل ہے اسکو کو مکمل
کر کے منجھ لو پلو و شہر کرے گا۔

INF(P) 7622
"SAY NO TO CORRUPTION"
ایڈمنسٹریشن خزانہ سوات
گلیمرگ اسلام آباد

از دفتر پتہ جنرل (آرمی)
ٹاچنگ سٹاک اینڈ ڈپازٹری آف ایڈمنسٹریشن سوات
شوکار پوٹو

آپ سوات ایڈمنسٹریشن سوات کے دفتر میں آج کے تاریخ 29.06.2008 سے شکار
شوکار پوٹو کے بارے میں کسی بھی قسم کی شکایت یا درخواست کے بارے میں
24.07.2008 تا 14.11.2008 اور 18.08.2008 تا 10.09.2008 کے
بارے میں کسی بھی قسم کی شکایت یا درخواست کے بارے میں
پوٹو کے بارے میں
کے بارے میں
کے بارے میں

INF(P) 7893
ڈاکٹر شبیر محمد
ڈائریکٹر جنرل
"SAY NO TO CORRUPTION"

ایڈمنسٹریشن خزانہ سوات
0301-8502836
20541685

رہنما
0301-8502836
20541685

0301-84536
30549101

0301-84536
30549101

Amir

(Annexure-I) 12



DIRECTORATE GENERAL (EXTENSION)

LIVESTOCK & DAIRY DEVELOPMENT KHYBER PAKHTUNKHWA

Bacha Khan Chowk, Charsadda Road Peshawar. Email: dglddext@yahoo.com Tel: 091-9210276, 9210249, Fax: 091 9210210

No: 620-23 / DG L&DD (E) Dated Peshawar the 25/01/2017

ORDER.

Whereas Mr. Zahid Wali, Veterinary Assistant (B-06), Civil Veterinary Dispensary, Malgeen, District Kohat (office of District Director Livestock, Kohat) remained willfully absent from his duty with effect from 29.06.2008, after availing 120-days earned leave.

AND WHEREAS, Executive District Officer (Agriculture) Kohat has served show cause notice upon the above named accused official through District Director Livestock, Kohat, which was sent to him on his place of posting as well as at his home address. conducted inquiry through Dr. Muhammad Asad, Veterinary Officer (H), CVH, D.I.Khan.

AND WHEREAS, Show cause notice was issued to him through press, published in Daily Express dated 01.01.2017, whereby he was directed to assume his official duty and explain the reasons of his absence within 15-days.

AND WHEREAS, he failed to report for duty and did not respond to the absentee notice within the stipulated period of 15-days.

NOW THEREFORE, in exercise of the powers conferred under section 9 of Khyber Pakhtunkhwa, Government Servants (Efficiency and Discipline) Rules, 2011, the undersigned in the capacity of competent authority is pleased to impose major penalty of Removal from Service upon Mr. Zahid Wali, Veterinary Assistant (B-06) of the office of District Director Livestock, Kohat with effect from 29.06.2008.

Amir
[Signature]

sd/
(Dr. SHER MUHAMMAD)
DIRECTOR GENERAL

Copy of the above is forwarded to the:

1. District Director Livestock, Kohat with reference to his letter No. 2145 dated 14.12.2016, with the request to recover / refund the outstanding dues, if any pending against above named official. He is further requested to deliver the order to the concerned official through reliable source/special messenger.
2. District Accounts Officer, Kohat.
3. Mr. Zahid Wali, Veterinary Assistant R/O Lakki, PO Jehangiri, Tehsil Takhti Nasrati, District Karak for Information.

[Signature]
(Dr. ALAM ZEB)
DIRECTOR Headquarters

Amended T(3)

T-13

**Government of Pakistan
National Identity Card
Overseas Pakistanis**



142038-049135-1

Name: Zahid Wali
Father's Name: Muhammad Wali Khan
Gender: Male
Date of Birth: 28/01/1978
Country of Stay: United Arab Emirates

Zahid Wali
Signature of Card Holder

Muhammad Wali Khan
Registrar General of Pakistan

Amended
[Signature]

EGD Rules

Efficiency & Discipline
Rules
(Annexure-K)
14

**GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT.**

NOTIFICATION

Peshawar dated the 16th September, 2011.

No. SO (REG-VJE&AD/2-6/2010) -In exercise of the powers conferred by section 26 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973), the Chief Minister of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

1. **Short title, application and commencement.**---(1) These rules may be called the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

(2) These shall apply to every person who is a member of the civil service of the Province or is the holder of a civil post in connection with the affairs of the Province and shall also apply to or in relation to a person in temporary employment in the civil service or post in connection with affairs of the Province.

(3) These shall come into force at once.

2. **Definitions.**---(1) In these rules, unless the context otherwise requires, the following expressions shall have the meanings hereby respectively assigned to them, that is to say-

- Approved*
- (a) "accused" means a person in Government service against whom action is initiated under these rules;
 - (b) "appellate authority" means the authority next above the competent authority to which an appeal lies against the orders of the competent authority;
 - (c) "appointing authority" means an authority declared or notified as such by an order of Government under the Khyber Pakhtunkhwa Civil Servants Act, 1973 (Khyber Pakhtunkhwa Act No. XVIII of 1973) and the rules made thereunder or an authority as notified under the specific laws/rules of Government;
 - (d) "charges" means allegations framed against the accused pertaining to acts of omission or commission cognizable under these rules;

(b) proceed against the Government servant under rule 5, where he has been convicted of charges other than corruption or moral turpitude.

✓

9. Procedure in case of wilful absence.—Notwithstanding anything to the contrary contained in these rules, in case of wilful absence from duty by a Government servant for seven or more days, a notice shall be issued by the competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within stipulated time, a notice shall be published in at least two leading newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an ex-parte decision shall be taken against the absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such Government servant.

10. Procedure to be followed by competent authority where inquiry is necessary.—(1) If the competent authority decides that it is necessary to hold an inquiry against the accused under rule 5, it shall pass an order of inquiry in writing, which shall include-

- (a) appointment of an inquiry officer or an inquiry committee, provided that the inquiry officer or the inquiry committee, as the case may be, shall be of a rank senior to the accused and where two or more accused are proceeded against jointly, the inquiry officer or the convener of the inquiry committee shall be of a rank senior to the senior most accused;
- (b) the grounds for proceeding, clearly specifying the charges along with apportionment of responsibility;
- (c) appointment of the departmental representative by designation; and
- (d) direction to the accused to submit written defense to the inquiry officer or the inquiry committee, as the case may be, within reasonable time which shall not be less than seven days and more than fifteen days of the date of receipt of orders.

Amerson
[Signature]

(2) The record of the case and the list of witnesses, if any, shall be communicated to the inquiry officer or the inquiry committee, as the case may be, along with the orders of inquiry.

(3) In a case where preliminary or fact finding inquiry was conducted, and the competent authority decides to hold formal inquiry, the inquiry officer or the inquiry committee for the purpose of conducting formal inquiry shall be different from the inquiry officer or the inquiry committee which conducted the preliminary inquiry.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Zahid Wali

Appellant

VERSUS

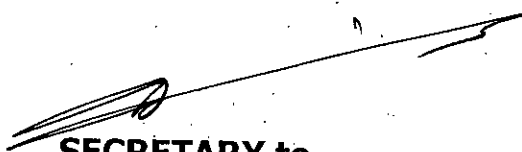
Secretary Agriculture Government of KPK & Others

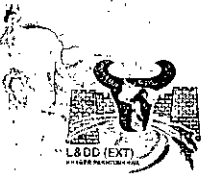
Respondents

.....

AUTHORITY LETTER

I, hereby authorize Dr. Noor Badshah Veterinary Officer, (H) (BPS-17), Office of the Director General (Extension), Livestock & Dairy Development Khyber Pakhtunkhwa, Peshawar to attend the Khyber Pakhtunkhwa Service Tribunal Peshawar in the subject case on behalf Secretary to Government of Khyber Pakhtunkhwa, Agriculture, Livestock, Fisheries & Cooperative Department, Peshawar till the decision of the case.


SECRETARY to
Government of Khyber Pakhtunkhwa,
Agriculture, Livestock, Fisheries & Coop;
Department, Peshawar.
(Respondent No.01)



**DIRECTORATE GENERAL (EXTENSION)
LIVESTOCK & DAIRY DEVELOPMENT, KHYBER PAKHTUNKHWA,
PESHAWAR**

Tel: 091-9210249/9210276, Fax: 091-9210285, E-mail: dglddext@yahoo.com


Web: www.livestockextkp.gov.pk

No 10718

Dated Peshawar, the 27 09/2021

✓ **AUTHORITY LETTER**

Dr. Noor Badshah Khattak, Veterinary Officer (H), office of Director General(Ext), Livestock & Dairy Development Department, Peshawar is hereby authorized to submit/pursue the Service Appeal No. 4519/2021, filed by Zahid Wali Versus The Secretary Agriculture, Livestock, Government of Khyber Pakhtunkhwa & Others, in the Khyber Pakhtunkhwa Service Tribunal, Peshawar, on behalf of Director General Livestock & Dairy Development Department Khyber Pakhtunkhwa (Respondent No.02) and District Director Livestock Kohat (Respondent No. 03).


(DR. ALAMZEB)
DIRECTOR GENERAL