

11:05.2022

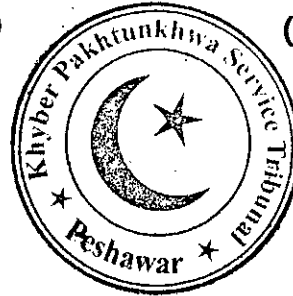
Learned counsel for the appellant present. Mr. Muhammad Rasheed, Deputy District Attorney for the respondents present.


Learned counsel for the appellant at the very outset has not pressed the application for amendment of appeal saying that being a fresh cause of action, he will approach the concerned authority for redressal of his grievances. Till then, he requested that this appeal may be adjourned sine-die with further submission that it may be ^{got} restored and decided in accordance with law at appropriate time.

Application stands dismissed as withdrawn. The appeal is accordingly adjourned sine-die. Consign.

Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal, this 11th day of May, 2022.


(Fareeha Paul)
Member (E)



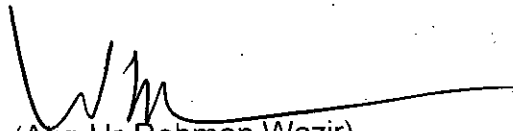

(Kaleem Arshad Khan)
Chairman


18.10.2021

Appellant present through representative.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Muneeb Khan S.D.O for respondents present.

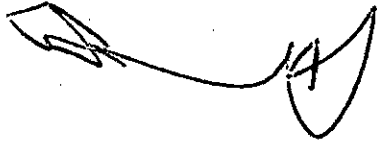
Lawyers are on general strike, therefore, case is adjourned to 13.01.2022 for arguments, before D.B.


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


(Rozina Rehman)
Member (J)

15-12-21

DB is on Tour case to come up?
For the same on Dated. 30-3-22



Reader

30.03.2022

Appellant alongwith his counsel present.

Mr. Asif Masood Ali Shah, learned Deputy District Attorney for the respondents present.


Learned counsel for the appellant requested for adjournment in order to prepare the brief. Adjourned. To come up for arguments before the D.B on 11.05.2022.


(Rozina Rehman)
Member (J)


(Salah-Ud-Din)
Member (J)

22.2.2021

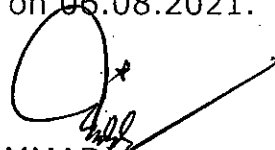
Due to COVID-19, the matter is adjourned to 28.05.2021 for the same.


Reader

28.05.2021

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Former request for adjournment on the ground that he is not prepared for arguments. Adjourned. To come up for arguments on application for amendment in service appeal before the D.B. on 06.08.2021.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



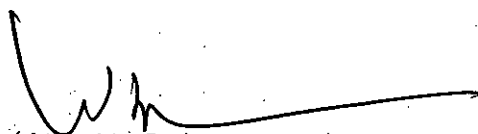
(SALAH-UD-DIN)
MEMBER (JUDICIAL)

06.08.2021

Clerk to counsel for appellant present.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 15.12.2021 before D.B.




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


(Rozina Rehman)
Member (J)

30.09.2020

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General, is also present.

Time was sought for submission of reply. Time given. Adjourned. To come up for reply and arguments on application for amendment on 11.11.2020 before D.B.


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

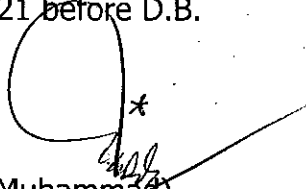

(Muhammad Jamal Khan)
Member (J)

11.11.2020

Nemo for appellant.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mumtaz Alam SDO for respondents present.

Representative of respondents submitted reply on application for amendment. Lawyers are on general strike, therefore, case is adjourned. To come up for arguments on 20.01.2021 before D.B.


(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

20.01.2021

Counsel for the appellant and Mr. Asif Masood, DDA for the respondents present.

Copy of parawise comments/reply by respondents No. 1 to 6 in respect of application for amendment of appeal is provided today to the learned counsel for the appellant. To come up for arguments on 22.02.2021 before the

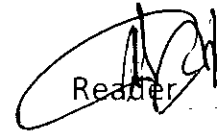

(Mian Muhammad)
Member(E)

C

13.5.2020

Due to COVID19, the case is adjourned to

17/7/2020 for the same as before.


Reader

17.07.2020

Due to COVID-19, the case is adjourned to 14.09.2020
for the same.


Reader

14.09.2020

Counsel for appellat present.

Mr. Kabirullah Khattak learned Additional Advocate
General for respondents present.

As per order sheet dated 12.03.2020, an application
seeking amendment in service appeal had been filed but
till today, reply to the said application has not been filed.
A request was made for adjournment by learned
Additional Advocate General in order to submit reply;
adjourned. To come up for reply and arguments on
application seeking amendment in service appeal on
30.09.2020 before D.B.



(Atiq ur Rehman)
Member (E)



(Rozina Rehman)
Member (J)

mt.
D.B.

Chairman

08.01.2020

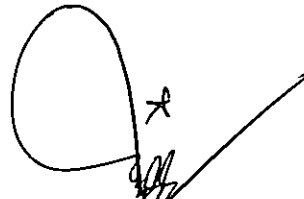
Lawyers are on strike as per the decision of Peshawar Bar Association. Adjourn. To come up for further proceedings/arguments on 12.03.2020 before D.B.


Member


Member

12.03.2020

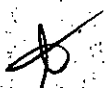
Counsel for the appellant present. Addl: AG for respondents present. Learned counsel for the appellant submitted an application for amendments in the instant service appeal on the ground mentioned therein, which is placed on file. A copy of the same is also handed over to the learned AAG for reply. Adjourned. To come up for reply on application/ arguments on 13.05.2020 before D.B.

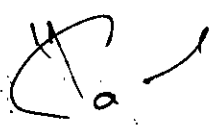

Member


Member

08.10.2019


Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Arguments of learned AAG heard at his request. Main contention of learned AAG was that the appellant has not challenged the basic order dated 26.12.2013 whereby he ceased to be a government employee. Learned counsel for the appellant sought adjournment for proper assistance. Adjourn. To come up for arguments on 15.10.2019 before D.B.



Member


Member

15.10.2019

Appellant alongwith his counsel and Mr. Kabirullah Khattak, Additional AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 13.11.2019 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

13.11.2019

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned to 08.01.2020 for arguments before D.B.


(Ahmad Hassan)
Member


(M. Amin Khan Kundi)
Member

31.07.2019

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Kamal, XEN(C&W), Malakand for respondents present.

The representative of respondents No.1 to 5 has deposited the cost of Rs.1000/- and stated that the requisite reply has been prepared and also vetted but is yet to be signed by the concerned respondents. The matter is therefore, adjourned to 09.08.2019, failing which the appeal would be proceeded with on the available record.

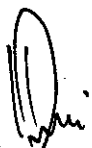


Chairman

09.08.2019

Counsel for the ~~respondents~~^{appellant} and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Izharul Haq, AD for the respondents present.

Representative of respondents has submitted parawise comments on behalf of respondents No. 1 to 6 which are placed on record. To come up for arguments before D.B on 08.10.2019. The appellant may submit rejoinder, within one month, if so advised.



Chairman

17.04.2019

Clerk to counsel for the appellant present. Written reply not submitted. Zafar ul Haq AD representative of the respondents absent. He be summoned with the direction to furnish written reply/comments. Another last opportunity is granted. To come up for written reply/comments on 17.05.2019 before S.B.


Member


17.05.2019

Petitioner present. Written reply still awaited. Zafar Ul Haq AD representative of respondents who was absent on the previous date, is still absent. Warrant of attachment of salary be issued against the absent representative. Respondents as well as the representative be put to notice for reply/comments on 02.07.2019 before S.B.


Member

02.07.2019

Appellant in person present. Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Representative of the respondent department is not present nor written reply submitted therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Last opportunity is extended subject to the cost of Rs. 1000. Granted. To come up for written reply/comments on 31.07.2019 before S.B.



Member

15.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 03.01.2019. Written reply not received. Mr. Ali Rehman SDO representative of respondents absent.


Reader

03.01.2019

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Representative of the department is not present nor written reply submitted therefore, notice be issued to the respondents with the direction to direct the representative to attend the court and submit written reply on the next date positively. Adjourned. To come up for written reply/comments on 14.03.2019 before S.B.


Muhammad Amin Khan Kundi
Member

14.03.2019

Learned counsel for the appellant present.. Mr. Zafar Ul Haq representative of the respondents department present. Written reply not submitted. Representative of the respondents department seeks time to file written reply/comments. Last opportunity is granted. Adjourn. To come up for written reply/comments on 17.04.2019 before S.B


Member

06.06.2018

Learned counsel for the appellant present. Preliminary arguments heard.


In the present service appeal the appellant has prayed for the release of salaries. During the course of arguments it transpired that the respondent department (respondent No.4) has issued order dated 26.12.2013 whereby the appellant ceased to be a government employee due to long absence and going abroad without permission of the competent authority/leave sanction.


Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections including the issue of limitation. The appellant is directed to deposit security and process fee within 10 days, thereafter notices be issued to the respondents for written reply/comments. To come up for written reply/comments on 08.08.2018 before S.B


Member

08.08.2018

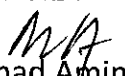
Counsel for the appellant and Mr. Kabirullah Khattak, AAG for the respondents present. Security and process fee not deposited. Appellant is directed to deposit security and process fee within seven (7) days, thereafter notices be issued to the respondents for written reply/comments on 04.10.2018 before S.B.

Appellant Deposited
Security & Process Fee



Muhammad Amin Khan Kundi
Member

04.10.2018

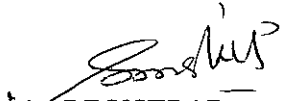

Appellant in person and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Ali Rehman, SDO (C&W) for the respondents present. Written reply not submitted. Learned Deputy District Attorney requested for time to file written reply. Adjourned. To come up for written reply/comments on 15.11.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 701/2018


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	22/05/2018 th	<p>The appeal of Mr. Rehmat Gul resubmitted today by Mr. Jehanzeb Khan Afridi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	28/05/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06/06/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Rehmat Gul son of Said Gul r/o Banjaw Banda Raqaba Dheri Distt. Malakand received today i.e. on 18.05.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of post up-gradation letter and order dated 26.12.2013 mentioned in para-2 & 4 of the memo of appeal respectively are not attached with the appeal which may be placed on it.
- 3- Copy of impugned order and departmental appeal are not attached with the appeal which may be placed on it.
- 4- Annexures of the appeal may be attested.

No. 1066 /S.T,


Dt. 21/05 /2018.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Jehanzeb Khan Afridi Adv. Pesh.

1. Memorandum of appeal signed by the Appellant.
2. Copy of post up-gradation letter is already attached on pages-8-9.
3. The departmental controller has not issued any kind of order on my departmental appeal on a stipulated time.
4. Annexures are attested.

Re-submitted with correction
to be placed before Honorable bench.


Jehanzeb Khan Afridi
Advocate High Court.

Dated: 22/05/2018

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Service Appeal No 701 /2018

Rehmat Gul S/O Said Gul R/O Banjaw Banda Raqba Dheri District Malakand.

V erses.

Secretary C&W Khyber Pakhtunkhwa Peshawar and others.

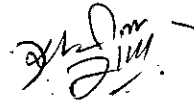
INDEX

S.No	Description	Annexure	Page No.
1	Appeal		1-5
2.	Affidavit		6
3.	Copy of the Appointment Letter	"A"	7
4.	Copy of the post upgraded letter	"B"	8-9
5.	Copy of the application	"C"	10
6.	Copy of the Transferred order	"D"	11
7.	Copy of the List of Officials	"E"	12
8.	Wakalatnama.		13

Dated;15-05-2018

Appellant

Through


Jehanzeb khan Afridi

Advocate high court, Peshawar.

Mobile: +92 300 5940011.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 735

Service Appeal No 701 /2018

Dated 18-5-2018

Rehmat Gul S/O Said Gul R/O Banjaw Banda Raqba Dheri District Malakand.

Verses

1. Secretary C&W Khyber Pakhtunkhwa Peshawar.
2. chief Engineer C&W Khyber Pakhtunkhwa Peshawar.
3. SDO C&W Malakand at Batkhela District Malakand.
4. Supraindent Engineer C&W Saidu Sharif District Swat.
5. XEN, C&W Malakand at Batkhela District Malakand
6. Deputy Commissioner Malakand at Batkhela District Malakand

Appeal Under section # 4 of the Khyber Pakhtunkhwa Services Tribunal Act 1974 against the illegal/unlawful Action/Act of the Respondents, Where by the Respondents have withheld the salary of the Appellant after joining his service as DRR cleaner in the Respondents Department.

Re-submitted 19-day
and filed.

8/15/18
22/5/18
Registrar

Filed on 18/5/18
Registrar

Prayer:

On acceptance of the instant service appeal in hand the illegal/unlawful Action/Act of the Respondents may please be set aside and release the withheld salaries of the Appellant by the Respondents with all the back benefits.

Respectfully Sheweth:

The Appellant humbly submit as under;

ON FACTS:

1. That the appellant was appointed as DRR Cleaner in BPS-02 by the Superintendent Engineer C&W Circle office Swat vide office Order No.438/4-E dated 26/09/2012. (Copy of the Appointment Letter is attached as annexure "A").
2. That the appellant after appointing as a DRR cleaner was performing his duty with great honesty and was latter on promoted to BPS-04 by the Finance department vide office order No. KC/FD/SO FR/7-20/2015, Dated 17/08-2015. (Copy of the post upgraded letter is attached as annexure "B").
3. That the appellant time and again approached the respondents and submitted application to the respondents to pay his pending salaries but all in vain. (Copy of the application is attached as Annexure "C").

4. That on dated 26/12/2103 the respondents issued a fake letter against the appellant in which the appellant was ceased to be a Govt. servant while on other side the appellant was transferred to the office of the Respondent No.6 vide office order No.240/3-E, Dated 08/12/2014. (Copy of the Transferred order is attached as annexure "D").
5. That the name of the appellant was in the list of officials who were proposed for Dengue prevention & control Programmed for the year 2014, in District Malakand vide Office Order No. ___3-E, Dated 04/2014. (Copy of the List of Officials is attached as Annexure "E")
6. That being aggrieved of the illegal/unlawful act of the respondents the appellant approached to this service tribunal on inter alia, grounds.

GROUND:

- A. That the illegal/unlawful Action/Act of the respondents by not paying salaries to the plaintiff is against the law, natural justice and Rules of the services Act, and therefore liable to be vacated.
- B. That the respondents got no jurisdiction to deprive the petitioner from his legal right to pay him all his salaries and benefits as a civil servant.
- C. That as per Article 25 of the constitution of 1973 of Islamic republic of Pakistan, there shall be no discrimination in between the citizen of Pakistan.
- D. That the appellant is performing his duty as DRR cleaner from almost seven years then how could appellant be deprived from paying his salaries and all back benefits without prescribed procedure.

- 4
- E. That no charge sheet and statement of allegation and final show cause notice was issued to the appellant.
 - F. That respondents have not treated appellant in accordance with Law, rules, and policy on subject and acted in violation of the article 4 of the constitution of 1973 of the Islamic republic of Pakistan.
 - G. That the Honorable Supreme Court of Pakistan in thousands of cases held, that no major punishment could be imposed without regular inquiry, and the subject illegal/unlawful Act of the respondents against the appellant is based on malafidy intention which is against the decisions of the apex court , hence liable to be turndown.
 - H. That a well settled principle of law "Audialtram Partem" has been violated, this principle of law was always deemed to have embodied in every statute even though there was no express or specific provision in this regard. an adverse order passed against a person without affording him an opportunity of personal hearing was to be treated as void order reliance is placed on 2006 PLC (CS) 1140. As no proper hearing has been afforded to the appellant before committing the illegal/unlawful Act by the respondents therefore on this score the Act of withholding the salaries of the appellant by the respondents be consider null and void.
 - I. That the appellant would like to seek the permission of the honorable Tribunal to add more grounds at the time of arguments.

5
While considering the above submission the appeal in hand may please be accepted/allowed and the Respondents may kindly be directed to release the salaries of the Appellant with all back benefits.

Dated;15-05-2018

Appellant


Rehamt Gul

Through


Jehanzeb Khan Afridi

Advocate high court, Peshawar.

Mobile: +92 300 5940011.

6.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Service Appeal No _____/2018

Rehmat Gul S/O Said Gul R/O Banjaw Banda Raqba Dheri District Malakand.

V erses

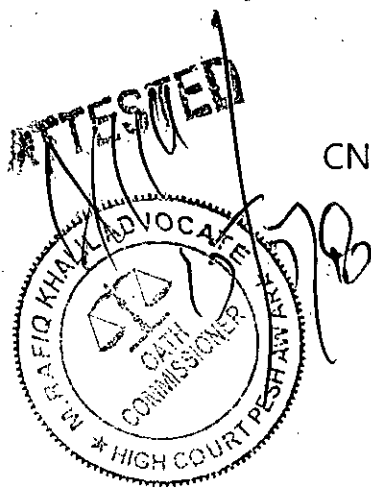
Secretary C&W Khyber Pakhtunkhwa Peshawar and others.

Affidavit

I Rehmat Gul S/O Said Gul R/O Banjaw Banda Raqba Dheri District Malakand.

do heré by solemnly affirm on oath, that the contents of this service appeal is correct to the best of my knowledge and belief and nothing has been concealed from this honorable Service Tribunal.

Dated; 12-05-2018



[Signature]
Deponent;

CNIC: 15402-2442270-5



2

**OFFICE OF THE SUPERINTENDING ENGINEER
C&W CIRCLE SWAT**

(Phone & Fax No. 0946-9240114)

NO. 438 /4-E,

Dated: 26 /09 /2012.

OFFICE ORDER.

Under the provision of Rules-6 (b) of the District Government Rules of Business 2001, as per recommendation of Departmental Selection Committee in its meeting held on 30/08/2012, the Superintending Engineer C&W Circle Swat/Chairman DPC/DSC Malakand (Appointing Authority) vide Government of NWFP (Now KPK) Establishment & Administrative Department, Peshawar Notification No. 6/ E&AD/ 1-3/ 2007, dated 22.03.2007 is pleased to appoint Mr. Rahmat Gul S/o Said Gul R/O Banj Banda Malakand Tehsil Batkhela District Malakand (Ex-Employee Son) as DRR-Cleaner (BPS-02) (viz Rs.4900-170-10000) plus usual allowances as admissible under the rules, on the following terms and conditions:-

- 1) You will get pay at the minimum of BPS-02 (Rs.4900-170-10000) plus usual allowances as admissible under the Rules. You will also be entitled to the annual increment as per existing policy.
- 2) You shall, be governed by the Khyber Pakhtunkhwa Civil Servant Act-1973 and the laws applicable to the Civil Servants and made there under.
- 3) You shall, for all intents and purposes, be a Civil Servant, except for purpose of pension or gratuity, you will be entitled to receive such as amount contributed by you towards contributory provident Fund (C.P.F) along with the contributions made by the Government to your account in the said fund, in the prescribed manner and rates, fixed by the Government from time to time.
- 4) Your Employment in the Communication & Works Department is temporary and your services are liable to be terminated without assigning any reason at fourteen (14) days prior notice or on the payment of 14- days salary in lieu thereof 14- days pay will be forfeited.
- 5) You will, initially be on probation for period of Two years extendable up-to 3- years.
- 6) To produce a Medical Certificate fitness from Medical Superintendent Distt Head Quarter Hospital Batkhela, before reporting for duty as required under the rules.
- 7) You should to join duty at your own expenses.
- 8) You will have to serve any where in Khyber Pakhtunkhwa Province.

If you accept the post on the above terms and conditions you should report to Executive Engineer C&W Division Malakand within 14- days of the receipt of this offer and produce original Certificates in support of your qualification, domicile and health/age etc.

SUPERINTENDING ENGINEER,

Copy forwarded to the: -

1. District Coordination Officer, Malakand.
2. Executive District Officer, (Health) DHQ Hospital Malakand.
- ✓ 3. Executive Engineer C&W Division, Malakand.
4. Agency Account Officer, Malakand.
5. Official concerned.

For information and necessary action please.

SUPERINTENDING ENGINEER,

ATTESTED

Recd

1	2	3	4	5	6	7	8
Name of Post	Substantive Whether Substantive or officiating and whether permanent or temporary.	If officiating state (i) substantive appointment, or (ii) Whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional pay for officiating	Other emolument falling under the term "pay"	Day of Appointment	Signature of Government servant
DRR Cleaner BB-02 (4900-170-10000)				4900		10 01/2012	(F.N) [Signature]
No				5070		12 1/13	[Signature]
No				5240		7 2/14	[Signature]
BPS-02 6330-220-12938	Pay Revised			6995		7 2/18	[Signature]
BPS-04 6730-300-15730	Post Upgraded	B-2	LB-04	7030 300		7 1/18	[Signature]
		Next stage P.M.					
				7330			

ATTESTED

9	10	11	12	13		14	15
Signature and Designation of the head of the officer or other attesting officer in attesting of columns 1 to 8	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer.	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
				Period	Government to which debitable		
/							
/							
/							
/							

Appointed as DPA Cleaner in BS-02 (4900-170-10000) vide Superintending Engineer's CW circle Surat office Order No. 438/4-E, dated 26-9-2012. The official has reported Arrival for duty on 01-10-2012 (Fore Noon).

[Signature]
 Executive Engineer
 CBW Division
 Malakand

[Signature]
 Executive Engineer
 CBW Division
 Malakand

[Signature]
 Executive Engineer
 CBW Division
 Malakand

post upgraded from P-2 WB-4 vide Finance Deptt no. FC/ED/50/ER/7-20/2015 dt 17-8-2015

بخدمت جناب A/C صاحب سی اینڈ ڈبلیو ڈی پارٹمنٹ گل کدہ ضلع سوات

(10)

عنوان: وائز کلینر کی بند تنخواہیں و انگریز کرنے کا حکم جاری کریں

جناب عالی! حسب ذیل عرض ہے کہ۔۔

- (۱) یہ کہ سائل رحمت گل کو بحوالہ حکم نمبر 438 مورخہ 26/9/2012 کو نکثیت کلینر DDR اپیلیا سز سن کوٹہ میں بھرتی ہوا تھا۔
- (۲) یہ کہ سائل رحمت گل آج بھی DC روڈ ملاکنڈ اپنی ڈیوٹی پوری ایمانداری سے سرانجام دے رہا ہے۔
- (۳) یہ کہ آپ صاحبان جناب XEN صاحب ہدایت جاری کریں۔ کہ وہ کلرک C&W کو بذریعہ بل مسمی نصیب گل کے طما تیار کریں۔ تو محکمہ خزانہ کو کسی قسم کی رکاوٹ نہیں ڈالے گا۔
- (۴) یہ جناب چیف انجینئر صاحب کی چھٹی جو کہ نصف ہذا اس کی روشنی میں سائل کی تنخواہیں ادا کریں۔ اور جناب XEN صاحب مطلع کریں۔ کہ وہ آپ صاحبان کی رپورٹ کریں تاکہ سائل رحمت گل کے ساتھ ایسا بنیاد جاری کریں۔
- (۵) یہ کہ گل آمین صدر PWD بیر یونین کا کنٹریکٹ ڈویژن خیبر پختونخواہ نے اس نسبت جناب کو کوئی درخواست دی ہے۔
- (۶) یہ کہ جناب ہیڈ کلرک کو جناب ایکسی این صاحب نے حکم دیا کہ تین دن کے اندر اندر رپورٹ تیار کریں مگر ہیڈ کلرک نے کوئی کارروائی نہیں کی ہے۔

لہذا آپ صاحبان سے درخواست ہذا عرض رساں ہے کہ سائل رحمت گل کی تنخواہ ادا کریں۔

العبد

رحمت گل

رحمت گل ولد سید گل

03429640498

موبائل نمبر۔

کارڈ نمبر۔ 15402-244 2270

XEN C&W
to resolve the issue as requested.
by the applicant in view of previous
record. I am
Superintending Engineer,
C&W Circle Swat.

xen sahib
re helpind

H.C
XEN Swat
to look into the
matter and process
according to rules
26/2

ATTESTED

(11)

OFFICE OF THE SUB DIVISIONAL OFFICER C&W SUB DIVN:NO.1 MALAKAND

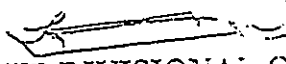
NO. 340 B-E

Dated Malakand the 8 / 12 / 2014

OFFICE ORDER.

The following person is hereby transferred to following place within premisses Malakand Division in the best interest of public.

S/No.	Name	Transferred to
1	Mr.Rehmat Gul (R/Conductor)	Deputy Commissioner Office Malakand


SUB DIVISIONAL OFFICER
C&W SUB DIVISION NO. 1 MALAKAND

Copy forwarded to Executive Engineer C&W Division Malakand for information please.

SUB DIVISIONAL OFFICER
C&W SUB DIVISION NO. 1 MALAKAND

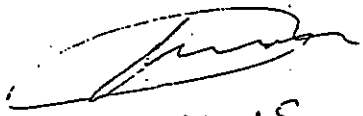

ATTESTED

سے اجتناب اور نڈر جو کہ اس کا علاج ہے۔

فوری حساب دے کر اس کے اور دیگر ڈیویڈنڈ کے اہتمام کے بارے میں

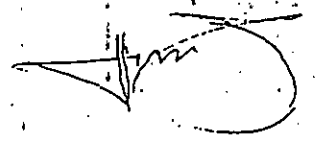
اپنا رد عمل ہے۔

ایئر بیورو ڈی سی سی



13-3-2015

The report of
DC operator is
based on fact



AS to DC

13/3/15

RESERVED

12

LIST OF OFFICIALS PROPOSED FOR DENGUE PREVENTATION & CONTROL PROGRAMME FOR THE YEAR 2014 IN DISTRICT MALAKAND



NO 13-E

Dated Malakand the 11/04/2014

S/No	Name	Designation	Area	Focal Person
1	Mr. Gul Zamin	Road Inspector	C&W Colony	Gul Zamin
2	Mr. Siraj Mohammad	Painter	--do--	
3	Mr. Zarif Khan	Mate	Akhtar Ghundai	
4	Mr. Iqbal Zaman	Wall Man	Kandako	
5	Mr. Zahid Ali	Coolly	Batkhela	
6	Mr. Bakht Faqir	-do-	Akhtar Ghundai	
7	Mr. Asad Khan	N/Qaisd	Batkhela	
8	Mr. Khasif Khan	N/Qaisd	Batkhela	
9	Mr. Faqir Shah	N/Qaisd	Batkhela	
10	Mr. Subhan-o-Din	R/Inspector	Batkhela	
11	Mr. Abid Din	Driver	Batkhela	
12	Mr. Monin Khan	Pipe Peter	Sangina Batkhela	
13	Mr. Noor Talab	Comp:Driver	C&W Colony	
14	Mr. Rashid Khan	Work Manshi	C&W Colony	
15	Mr. Bakht Zami	N/Qaisd	C&W Colony	
16	Mr. Gul Mohammad	Coolly	Batkhela	
17	Mr. Alam Zeb	Mate	C&W Colony	
18	Mr. Usman Khan	Mali	Akhtar Ghundai	
19	Mr. Qadar Khan	Coolly	Malakand	Zoo: Zamin
20	Mr. Rehmat Gul	Roller Conductor	Malakand	
21	Mr. Sher Zaman	Pump Operater	Rang Mala	
22	Mr. Qamar Ali	Driver	Piran	
23	Mr. Taza Gul	Mate	Piran	
24	Mr. Sher Alam	Mate	Malakand	
25	Mr. Nowreen Bibi	Sweeper	Malakand	
26	Mr. Darawadan-II	Coolly	Thana	Darawadan-II
27	Mr. Fazal Mohammad	Coolly	Thana	
28	Mr. Mohammad Hussan	Coolly	Thana	
29	Mr. Fazal Sattar	Coolly	Thana	
30	Mr. Mohammad Sattar	Coolly	Thana	
31	Mr. Darawadan-I	Coolly	Thana	
32	Mr. Fazli Wadood	Coolly	Thana	
33	Mr. Mansoob Ali	Coolly	Thana	
34	Mr. Akbar Khan	B/Kandaz	Thana	
35	Mr. Ghulam Haidar	B/Kandaz	Thana	
36	Mr. Nazar Hussan	Sweeper	Thana	

[Signature]
ATTESTED

AN
ion
CE
AL

50 روپے ایدو کیٹ: چنانز بیب خان آفری بی بار کونسل ایسوسی ایشن نمبر: bc-11-1856 رابطہ نمبر: 0355 5940011	  38572 پشاور بار ایسوسی ایشن، خیبر پختونخواہ
--	---

بعدالت جناب:

منجانب: رحمت گل بنام سیکریٹری KPICSA پشاور	دعوی: _____ علت نمبر: _____ مورخہ: _____ جرم: _____ تھانہ: _____
---	--

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام کسٹاور کیلئے چنانز بیب خان آفری بی لیا میں اعلیٰ چیف جج کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے 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 مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ 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

المرقوم: 15/05/2017

مقام کسٹاور
 العبد العبد واہ شد العبد
 کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Accepted & Accepted

MUB

رحمت گل (وکیل سیکریٹری) کے پاس باجوہ ہاؤس آف لاء لاہور



OFFICE OF THE SUPERINTENDING ENGINEER
C&W CIRCLE SWAT

(Phone & Fax No. 0946-9240114)

17

NO. 1396 /4-E, Dated: 25 / 12 / 2013.

To:

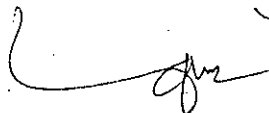
The Executive Engineer,
C&W Division, Malakand. ✓

Subject: APPOINTMENT OF DRR CLEANER (BPS-02).

Ref: Your letter No.150/5-E, dated 05-12-2013.

It is very much disappointing to note that after appointment on 26-09-2013 the Cleaner Mr. Rehmat Gul was proceeded abroad on 01-10-2012 and remained absent upto 06-09-2013 about more than 11 (Eleven Months) during the probation period without any permission of the competent authority / Leave sanction. Nor any action has been taken by your office neither the case about his long absence during the probation period reported to this office.

Therefore due to long absence and going abroad without permission of the competent authority / Leave sanction, he ceases to be in Govt: employee.


SUPERINTENDING ENGINEER,

Discuss

9145/5-E

9/11/2014

9/11/14

AK

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1017 /ST

Dated 23-5- /2019

To


Mr. Zafar Ul Haq Assistant Director Office of the Secretary C&W Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

ORDER IN APPEAL NO. 701/2018, MR. REHMAT GUL.

I am directed to forward herewith a certified copy of Judgement dated
17.05.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

No. 1017 /ST

Dated 23-5- /2019

To


Mr. Zafar Ul Haq Assistant Director Office of the Secretary C&W Department,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

ORDER IN APPEAL NO. 701/2018, MR. REHMAT GUL.

I am directed to forward herewith a certified copy of Judgement dated
17.05.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No 701 /2018



Khyber Pakhtunkhwa
Service Tribunal

Diary No. 735

Date 18-5-2018

Rehmat Gul S/O Said Gul R/O Banjaw Banda Raqba Dheri District Malakand.

V
erses

1. Secretary C&W Khyber Pakhtunkhwa Peshawar.
2. chief Engineer C&W Khyber Pakhtunkhwa Peshawar.
3. SDO C&W Malakand at Batkhela District Malakand.
4. Supraindent Engineer C&W Saidu Sharif District Swat.
5. XEN, C&W Malakand at Batkhela District Malakand
6. Deputy Commissioner Malakand at Batkhela District Malakand

Appeal Under section # 4 of the Khyber Pakhtunkhwa Services Tribunal Act 1974 against the illegal/unlawful Action/Act of the Respondents. Where by the Respondents have withheld the salary of the Appellant after joining his service as DRR cleaner in the Respondents Department.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar



17.04.2019

Clerk to counsel for the appellant present. Written reply not submitted. Zafar ul Haq AD representative of the respondents absent. He be summoned with the direction to furnish written reply/comments. Another last opportunity is granted. To come up for written reply/comments on 17.05.2019 before S.B.

Member

17.05.2019

Petitioner present. Written reply still awaited. Zafar Ul Haq AD representative of respondents who was absent on the previous date, is still absent. Warrant of attachment of salary be issued against the absent representative. Respondents as well as the representative be put to notice for reply/comments on 02.07.2019 before S.B.

Member

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.701/2018

**Rehmat Gul S/O Said Gul
R/O Banjaw Banda Raqba dheri District Malakand**

(Appellant)....

V/s

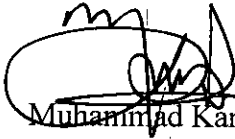
**Secretary Communication & Works Department
Peshawar & others**

(Respondents)....

INDEX

S.NO.	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1	Parawise Comments on behalf of Respondent No.1 to 6	-	1-2
2	Affidavit	-	3
3	Executive Engineer C&W Division Malakand letter No.8045-E dated 20-11-2012 & letter No.895/5-E dated 11-12-2012	I & II	4-5
4	Shaheen Air E-Ticket	III	6
5	Superintending Engineer C&W Circle Swat letter No.13964-E dated 26-12-2013	IV	8
6	Sub Divisional Officer letter No.349/3-E dated 09-12-2014	V	9

Deponent


Muhammad Kamal,
Executive Engineer,
C&W Division Malakand

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.701/2018

**Rehmat Gul S/O Said Gul
R/O Banjaw Banda Raqba dheri District Malakand**

(Appellant)....

V/s

**Secretary Communication & Works Department
Peshawar & others**

(Respondents)....

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.1 TO 6

Respectfully Sheweth,

Preliminary Objections:-

1. That the appeal is not maintainable in the present form.
2. That the appellant has no cause of action and locus standi.
3. That the appeal is time barred.
4. The appellant has deliberately concealed the important material and rules in this case from this Hon'able Tribunal.
5. That the appellant is estopped by his own conduct to file the instant appeal.

FACTS:-

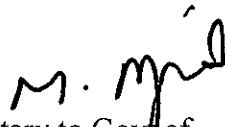
1. Pertains to record, needs no comments.
2. Incorrect, the appellant submitted his arrival report but physically did not obey the orders and remained absent from official duty. The appellant was directed to attend the office / duty immediately vide Executive Engineer C&W Division Malakand letter No.8045-E dated 20-11-2012 & letter No.895/5-E dated 11-12-2012 (**Annex I & II**). However, after investigation through reliable source, the appellant was found that he has gone abroad (**Annex-III**). So far the promotion of the appellant is concerned, in this regard it is clarified that the Department has never recommended him for promotion nor issued his promotion Notification as attached with Service Appeal, hence the same found fake and bogus.
3. Incorrect, as explained in Para-2 above. Moreover the appellant has not submitted any medical certificate at the time of his arrival report, rather the concerned office processed the pay of the appellant.


4. Incorrect, the appellant was proceed under Rule-9 of (E&D Rules) 2011 and after fulfillment of all codal formalities the termination order of appellant issued by the Department (**Annex-IV**). Moreover the office order No. 240/3-E dated 08-12-2014 erroneously issued and immediately the same was withdrawn vide Sub Divisional Officer letter No.349/3-E dated 09-12-2017 (**Annex-V**).
5. Pertains to record, hence no comments.
6. The respondents treated with the appellant in accordance with law / rules / policy interalia with the following grounds:-

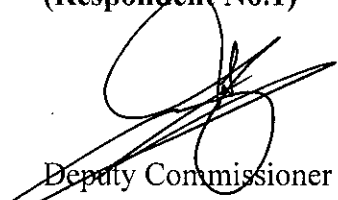
GROUND:-


- A. Incorrect. The appellant was processed purely in light of the rules/ law.
- B. Incorrect, as explained in Para-3 of the Facts above.
- C. Incorrect. There is no discrimination and no violation of rights of the appellant was done.
- D. Incorrect. As expressed in preceding Para-2 of the facts, the appellant was treated within the prescribed procedure.
- E. Incorrect, as explained in Para-2 of facts.
- F. Incorrect, no violation of constitution of Islamic Republic of Pakistan 1973 was made.
- G. Incorrect, as explained in Para-4 of the facts.
- H. Incorrect, as explained in Para-4 of the facts.
- I. The respondents seek permissions of this Hon'able Tribunal to rely additional grounds at the time of arguments.

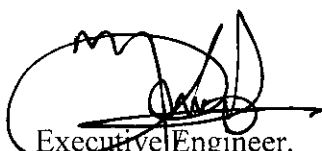
In view of the above, it is humbly prayed that the instant Service Appeal which is not based on facts may please be dismissed with cost.



 Secretary to Govt of
 Khyber Pakhtunkhwa
 C&W Department
(Respondent No.1)


 Chief Engineer (North)
 C&W Department
(Respondent No.2)


 Deputy Commissioner
 Malakand
(Respondent No.6)


 Superintending Engineer
 C&W Circle Swat
(Respondent No.4)


 Executive Engineer,
 C&W Division Malakand.
(Respondent No.5)


 Sub Divisional Office
 C&W Division Malakand
(Respondent No.3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.701/2018

**Rehmat Gul S/O Said Gul
R/O Banjaw Banda Raqba dheri District Malakand**

(Appellant)....

V/s

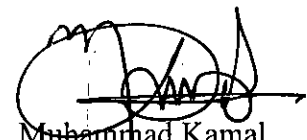
**Secretary Communication & Works Department
Peshawar & others**

(Respondents)....

AFFIDAVIT

I, Muhammad Kamal Executive Engineer C&W Division Malakand do hereby affirm and declare that all the contents of the reply / comments are correct to the best of my knowledge and belief and nothing has been concealed.

Deponent



Muhammad Kamal,
Executive Engineer,
C&W Division Malakand

OFFICE OF THE EXECUTIVE ENGINEER,
COMMUNICATION & WORKS DIVISION MALAKAND.
Ph# 0932-412486, Fax# 0932-411905 Email: cwmkd 2010@gmail.com.

No. 804 15-15

Dated Malakand the 20 11 / 03 / 2012.

To,

Rahmat Said
Mr. ~~Mohammad~~ Gul
Cleaner office of Sub Divisional Office
C&W Sub Division No.I Malakand.

Subject:- ABSENCE FROM GOVT:DUTY.

It has been come to the notice of the undersigned that you ^{are} have absent from your duty from last several days without any permission / intimation from this office as well as from your Sub-Divisional Officer incharge.

You are hereby directed with this notice to attend your duty within 3-days of the receipt of this notice and also explain your position for willful absence from Govt: duty, otherwise action will be taken against you under E&D Rules 2011.

Copy forwarded for information to: -

1. The Sub Divisional Officer C&W Sub Division No.I Malakand for information and he is directed to watch the activities of the official concerned.
2. The Divisional Accounts Officer (Local) for information and he is directed to stop the pay of the above named official.

[Signature]
EXECUTIVE ENGINEER

EXECUTIVE ENGINEER

OFFICE OF THE EXECUTIVE ENGINEER,
COMMUNICATION & WORKS DIVISION MALAKAND.
Ph# 0932-412486, Fax# 0932-411905 Email: cwmkd2010@gmail.com.

895 15-E

Dated Malakand the 11/12/2012.

Mr. Rehmat Gul Cleaner,
S/O Said Gul, Village Bunj Banda,
Rangmala District Malakand.

Subject: - ABSENCE FROM GOVT DUTY

Reference:- This office letter No.804/5-E, dated 20/11/2012.

You are still continuously absent from your duty inspite of laps of 15- days
of from the date of issue of letter vide reference quoted above.

You are therefore directed again to attend the duty forthwith and explain
the reason for your willful absence otherwise disciplinary action would be taken against
you E&D Rules 2011.


EXECUTIVE ENGINEER

Copy forwarded to :-

1. The Sub Divisional Officer C&W Sub Division Malakand No-1. He is directed to report this office from further progress of the case.
2. The Divisional Accounts Officer (Local) for information and necessary action.

EXECUTIVE ENGINEER

6

SHAHEEN AIR INTERNATIONAL

ECONOMY CONFIRM E-TICKET

PNR: 3CLCAD



DATE OF ISSUE : 30-AUG-13
PLACE OF ISSUE : E-BIN GHAITH TRAVELS (RUH)
PRINTED AT : 30-Aug-2013
20:03:22

SHAHEEN AIR
Change is in the air

OUTBOUND FLIGHT DETAIL

FLIGHT	ORIGIN/DESTINATION	DATE	TIME	CLASS	FARE	STATUS	Extra Bagg.
NL724	RUH / PEW	06-SEP-13	07:00 AM	Economy	SAR 689	CONFIRM	
CURRENT TICKET VALUE					SAR 689		
TICKET NO	PASSENGER NAME	PP# / NIC	ALLOW BAG.	FARE	COUPON 1		
7404209731073	GUL RAHMAT / MR	pk	refer below	SAR 689	CONFIRM		

PASSENGER CONTACT NO. : Origin: +966553378518 , Destination: +920

REMARKS :

E-Booking by E-BIN GHAITH TRAVELS (RUH) (ebngraithtruh4) on 30-aug-2013 19:51

E-Ticket Created at : 30-08-2013 07:57 PM

Total Amount : SAR 689

Agent Name : E-BIN GHAITH TRAVELS (RUH) Address : PRINCE SULTAN STREET, RIYADH. SAUDI ARABIA.
Phone : 4640011 Contact Person : MR. RAISUR RAHMAN

Thank you for your payment. You can contact E-BIN GHAITH TRAVELS (RUH) (MR. RAISUR) at 4640011 for modifications and refund.

Terms & Conditions of Carriage

Passengers must check-in 3:00 Hours before scheduled flight departure time to avoid inconvenience. Check-in counter close before 1:30 Hours of flight departure.

All passengers are required to show their Passport at check-in and boarding.

Tickets are non-transferable and non-endorsable, and are subject to the following terms and limits:

All tickets expire 30 days after flight date. Expired tickets have no value whatsoever and cannot be refunded, cancelled or changed.

If outbound segment is not traveled for international travel, the return segment will be cancelled.

Shaheen Air International(SAI) assumes no liability for valuable items in the checked and unchecked baggage of the passenger.

Flight duration or flight times shown in the ticket or elsewhere or making connections are not guaranteed

For denied or delayed boarding or cancelled or delayed flight, SAI can be obligated to pay compensation only as per Conditions of Carriage.

I (passenger) hereby indemnify and hold harmless SAI from any claim beyond the limits provided in the Conditions of Carriage.

I (passenger) have read and accept the Conditions of Carriage available on SAI website <http://www.shaheenair.com> or on request from SAI city offices. These Conditions also give notice about the limit of liability of SAI. I understand that purchase of the ticket forms a contract with SAI as per the terms herein and the Conditions of Carriage.

Additional non-refundable amount equivalent to 2.2% of the Fare (i.e. SAR 15.00) will be charged for tickets purchased through credit/debit card.

Refund will be processed at the place of issuance of ticket on production of the original ticket with the necessary endorsement of SAI.

All known taxes are collected at the time of reservation, however there may be some taxes which are collected at Airport on departure.

Prior to Ticket Expiration, tickets may be changed or refunded with the following fees applied:

Ticket Refund & Change Policy	Refunds	Modifications
Within 6 Hours of flight departure, and after the flight departure upto 29 days.	86.79	86.79
After 6 Hours to 48 Hours before flight departure.	60.38	60.38
More than 48 hours before flight departure.	30.19	30.19
30 days after flight departure	NO REFUNDS	NO CHANGES

BAGGAGE WEIGHT LIMITATION
» RIYADH / PESHAWAR - 55KG (02 Piece(s))
» Additional fees apply for all excess baggage.
- Baggage size limit L+W+H=62 inches per piece
- Baggage must not contain prohibited /dangerous articles
- Carry on baggage L+H+W=45 inches. Max weight 7 Kg.

Fees apply for each passenger. For change or refunds, NIC / Passport must be provided by all passengers. All charges applicable on gross fare.

Original Passport is required for refund of International Ticket(s).

For ticket changes, passengers pay the change fee PLUS the difference in the fare. Some fare is not guaranteed.

Any E-ticket can not be refunded or changed 3 hours before and 7 hours after the departure of flight.

DAMAGED / MISSING BAGGAGE CLAIM :

Claim is to be submitted on "Baggage Claim Form-Revised" as under or else it will be inadmissible;

Damage: Within 3 days(for domestic flight) or within 7 days(for international flight) from the receipt of baggage.

Missing/Delayed: within 14 days(for domestic flight) and within 21 days (for international flight) from the date baggage ought to have arrived.

Compenstation will be paid as per the Conditions of Carriage.

LC

THANK YOU FOR TRAVELING WITH SHAHEEN AIR +92-21-111808080

②

③ 7

**OFFICE OF THE EXECUTIVE ENGINEER,
COMMUNICATION & WORKS DIVISION MALAKAND.**
Ph# 0932-412486, Fax# 0932-411905 Email: cwmkd2013@gmail.com.

Dated Malakand the, 05/12/2013

250 15-E

The Superintending Engineer,
C&W Circle Swat at Saidu Sharif.

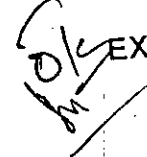
Subject:- APPOINTMENT OF DRR CLEANER (BPS-02)

Mr. Rehmat Gul S/O Said Gul Resident of Bunj Banda Malakand, Tehsil Batkhela District Malakand was appointed by your office as DRR Cleaner (BPS-02) vide Office Order No.438/4-E, dated 26/9/2012 as per recommendation of Departmental Selection Committee held on 30/8/2012 (copy attached).

But it has come to the notice of the undersigned that the official was abroad and remained absent w.e.f 1/10/2012 to 6/9/2013.

It is worth mentioning that no salary to the official has been paid during the period mentioned above. Now the official resumes his duties on 7/9/2013 and demanding for his salaries etc.

It is requested to kindly issue fresh appointment order of the official so as to regularize the issue or advise the undersigned in this respect.


EXECUTIVE ENGINEER



**OFFICE OF THE SUPERINTENDING ENGINEER
C&W CIRCLE SWAT**

(Phone & Fax No. 0946-9240114)

NO. 1396 /4-E,

Dated: 26/12/2013.

To,

The Executive Engineer,
C&W Division, Malakand. ✓

Subject: APPOINTMENT OF DRR CLEANER (BPS-02).

Ref: Your letter No.150/5-E, dated 05-12-2013.

It is very much disappointing to note that after appointment on 26-09-2013 the Cleaner Mr. Rehmat Gul was proceeded abroad on 01-10-2012 and remained absent upto 06-09-2013 about more than 11 (Eleven Months) during the probation period without any permission of the competent authority / Leave sanction. Nor any action has been taken by your office neither the case about his long absence during the probation period reported to this office.

Therefore due to long absence and going abroad without permission of the competent authority / Leave sanction, he ceases to be in Govt: employee.

HC
Discuss
27/12

9145/5-E
9/11/2014

AK

[Signature]
SUPERINTENDING ENGINEER,

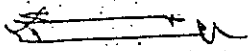
OFFICE OF THE SUB-DIVISIONAL OFFICER C&W SUB DIVN: NO. 1 MALAKAND

NO. 349 /3-E

Dated Malakand the 09 /12/2014

OFFICE ORDER.

The office order issued vide this office letter No.340/3-E dated:-08-12-2014 is hereby withdrawn.


SUB-DIVISIONAL OFFICER
C&W SUB DIVISION NO. 1 MALAKAND

Copy forwarded to Executive Engineer C&W Division Malakand for information please.

SUB-DIVISIONAL OFFICER
C&W SUB DIVISION NO. 1 MALAKAND

PRICE : RS. 50/-

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Rehmat Gul S/O Said Gul R/O Banjaw Banda Raqba Dheri District Malakand.

Verses

1. Secretary C&W Khyber Pakhtunkhwa Peshawar.
2. chief Engineer C&W Khyber Pakhtunkhwa Peshawar.
3. SDO C&W Malakand at Batkhela District Malakand.
4. Supraindent Engineer C&W Saidu Sharif District Swat.
5. XEN, C&W Malakand at Batkhela District Malakand
6. Deputy Commissioner Malakand at Batkhela District Malakand

**APPLICATION FOR AMENDMENT IN THE SERVICES APPEAL NO. 701/2018
AS THE DEFENDANTS HAVE ANNEXED THE REMOVAL/TERMINATION
ORDER DATED: 26-12-2013. IN THE REPLY OF THE APPEAL MENTIONED
ABOVE AGAINST THE RELEASE OF SALARIES OF THE APPELLANT.**

Respectfully Sheweth,

1. That the above-mentioned services Appeal is pending for adjudication before this honorable tribunal and is fixed for Dated: 12 -03-2020.
2. That the Appellant filed the above mentioned Service Appeal , against the Respondents regarding the release of the withheld salaries of the appellant.
3. That astonishingly in the Reply/Comments the respondents have annexed an illegal order of Removal/Termination from services against the appellant and such order have never been communicated

to the appellant and through the instant reply got knowledge of the same. (Removal/ Termination Order is attached ~~as annexure "A"~~ with Reply)

4. That no charge sheet and statement of allegation and final show cause notice was issued to the appellant.
5. That no fair and impartial inquiry was constituted against the appellant in order to substantiate the guilt or otherwise regarding the allegations leveled against him
6. That due to the reasons stated above, amendment of plaint by challenging the said order dated: 23-12-2013 of the Respondents in the Appeal titled above is much necessary, which has badly prejudice the cause of action of the appellant.
7. That there is no legal bar in amendment of plaint as the defendants with ulterior motive want to remove/terminate the appellant from his services and the amendment is necessary in the appeal titled above.

It is therefore requested that by acceptance of this application, the Appellant be permitted to file an amended plaint by challenging the impugned order dated: 23-12-2013 of the Respondents.

Dated: 12-03-2020

Appellant

Through



Jehanzeb Khan Afridi

Advocate

High Court, Peshawar.

Cell no. 03005940011

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.701/2018

Rehmat Gul S/O Said Gul
R/O Banjaw Banda Raqba dheri District MalakandAppellant

VERSUS

Secretary Communication & Works Department
Peshawar & othersRespondents

PARAWISE REPLY ON BEHALF OF RESPONDENT NO.1 TO 6

Respectfully Sheweth,

Preliminary Objections:-

1. That the appeal / application is badly time barred and based on concocted and after thoughts malafide.
2. That the appeal / application is not maintainable under the law.
3. That the vary application will change the object of the appeal.
4. That the main appeal has been filed for arrears, for release of alleged salary after join his services.
5. That his services has already been ceased / removed by the competent authority on 26-12-2013.
6. That the main appeal do not carry lawful force to the adjudicated being infructuous one, hence the instant application for filing of amended appeal is not maintainable.
7. That this Hon'ble Tribunal has got no jurisdiction to entertain/ adjudicate the instant application.


FACTS:-

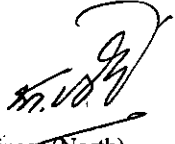
1. No Comments.
2. No Comments.
3. Incorrect, after submission of arrival report the appellant remained absent from official duty for a long period, therefore the department initiated action against him under (E&D) Rules 2011 and the appellant was directed to attend the office / duty vide Executive Engineer C&W Division Malakand letter No.8045-E dated 20-11-2012 & letter No.895/5-E dated 11-12-2012, but the appellant badly failed and remained absent from official duty. Therefore the termination order of the appellant was issued by the Department.

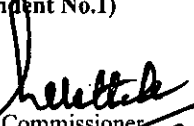
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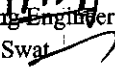
4. Incorrect, the department initiated action against him under (E&D) Rules 2011.
5. Incorrect, as explained in Para-3 above.
6. Incorrect: the appellatant has no cause of action to file the instant application.
7. That the appeal is not maintainable under the prevailing law and rules.

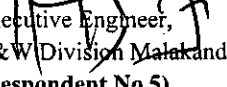
In view of the above, it is humbly prayed that the application for amendment, which is not based on facts may please be dismissed with cost.



Secretary to Govt of
Khyber Pakhtunkhwa
C&W Department
(Respondent No.1)


Chief Engineer (North)
C&W Department
(Respondent No.2)


Deputy Commissioner
Malakand
(Respondent No.6)


Superintending Engineer
C&W Circle Swat
(Respondent No.4)


Executive Engineer,
C&W Division Malakand
(Respondent No.5)


Sub Divisional Office
C&W Division Malakand
(Respondent No.3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.701/2018

Rehmat Gul S/O Said Gul
R/O Banjaw Banda Raqba dheri District MalakandAppellant

VERSUS

Secretary Communication & Works Department
Peshawar & othersRespondents

PARAWISE REPLY ON BEHALF OF RESPONDENT NO.1 TO 6

Respectfully Sheweth,

Preliminary Objections:-

1. That the appeal / application is badly time barred and based on concocted and after thoughts malafide.
2. That the appeal / application is not maintainable under the law.
3. That the vary application will change the object of the appeal.
4. That the main appeal has been filed for arrears, for release of alleged salary after join his services.
5. That his services has already been ceased / removed by the competent authority on 26-12-2013.
6. That the main appeal do not carry lawful force to the adjudicated being infructuous one, hence the instant application for filing of amended appeal is not maintainable.
7. That this Hon'ble Tribunal has got no jurisdiction to entertain/ adjudicate the instant application.


FACTS:-

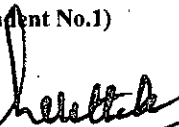
1. No Comments.
2. No Comments.
3. Incorrect, after submission of arrival report the appellant remained absent from official duty for a long period, therefore the department initiated action against him under (E&D) Rules 2011 and the appellant was directed to attend the office / duty vide Executive Engineer C&W Division Malakand letter No.8045-E dated 20-11-2012 & letter No.895/5-E dated 11-12-2012, but the appellant badly failed and remained absent from official duty. Therefore the termination order of the appellant was issued by the Department.

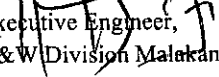
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4. Incorrect, the department initiated action against him under (E&D) Rules 2011.
5. Incorrect, as explained in Para-3 above.
6. Incorrect: the appellant has no cause of action to file the instant application.
7. That the appeal is not maintainable under the prevailing law and rules.


In view of the above, it is humbly prayed that the application for amendment, which is not based on facts may please be dismissed with cost.



Secretary to Govt of
Khyber Pakhtunkhwa
C&W Department
(Respondent No.1)


Deputy Commissioner
Malakand
(Respondent No.6)


Executive Engineer,
C&W Division Malakand
(Respondent No.5)


Chief Engineer (North)
C&W Department
(Respondent No.2)


Superintending Engineer
C&W Circle Swgt
(Respondent No.4)

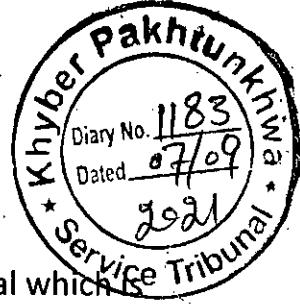

Sub Divisional Office
C&W Division Malakand
(Respondent No.3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Rehmat Gul 701/18 VS

Secretary C&WKP and Others.

Subject: Application For Early Hearing in the Case/Appeal Titled Above:




Respectfully sheweath:

- That the case titled above id pending before this Hon'able Tribunal which fixed for 15-12-2021.
- That the titled case/appeal is an old one which was filed in the year 2018.
- That the next date fixed by the office is 15-12-2021 which is very late and the appellat want to fix the same in any early possible date.


It is therefore kindly requested to fix the titles case/appeal in any early possible date by this Hon'ble Tribunal.

Put up to the worthy chair-man
with relevant apperel.

Reader


10/9/2021


Applicant
Through


Jehanzeb Khan Afridi
Advocate High Court.

Dated: 07-09-2021

Fix in october, 2021.

18.10.21


10/9/2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Rehmat Gul

VS

Secretary C&WKP and Others.

Subject: Application For Early Hearing in the Case/Appeal Titled Above:

Respectfully sheweath:

- That the case titled above id pending before this Hon'able Tribunal which is fixed for 15-12-2021.
- That the titled case/appeal is an old one which was filed in the year 2018.
- That the next date fixed by the office is 15-12-2021 which is very late and the appellat want to fix the same in any early possible date.

It is therefore kindly requested to fix the titles case/appeal in any early possible date by this Hon'ble Tribunal.

Applicant
Through

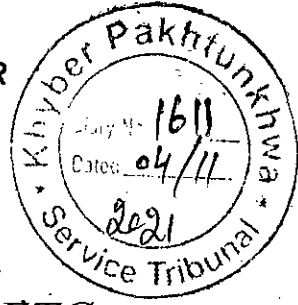


Jehanzeb Khan Afridi
Advocate High Court.

Dated: 07-09-2021

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BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR



REHMAT GUL
(Petitioner)

Versus SECRETARY C&W ETC.
(Respondents)

*Put up to the court
subject to appeal on
05/11/21*

APPLICATION FOR EARLY HEARING IN THE APPEAL TITLED ABOVE

*Fix in December 2021
i.e. 15/12/21*

11/11/2021

Respectfully sheweth,

Recd

The Applicant submits as under

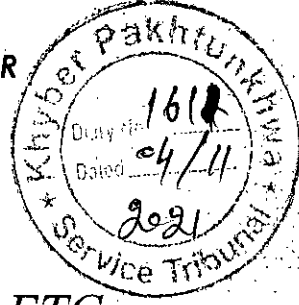
1. That the above title case is pending adjudication before this August tribunal in which next date fixed for 13/01/2022.
2. That the titled appeal is an old one which was filed in the year 2018.
3. That the next date fixed by the office is 13-01-2022 which is very late and the applicant wants to fix the same in any early possible date.

It is therefore, prayed that the titled above may kindly be fixed in any early possible date by this Honourable tribunal.

Applicant
Through
Jehanzeb Khan Afridi
Advocate

Dated 04/11/2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR



REHMAT GUL
(Petitioner)

Versus SECRETARY C&W ETC.
(Respondents)

APPLICATION FOR EARLY HEARING IN THE APPEAL TITLED ABOVE

Respectfully sheweth,

The Applicant submits as under

1. That the above title case is pending adjudication before this August tribunal in which next date fixed for 13/01/2022.
2. That the titled appeal is an old one which was filed in the year 2018 .
3. That the next date fixed by the office is 13-01-2022 which is very late and the applicant wants to fix the same in any early possible date.

It is therefore, prayed that the titled above may kindly be fixed in any early possible date by this Honourable tribunal.

Applicant
Through
Jehanzeb Khan Afridi
Advocate

Dated 04/11/2021