IN THE COURT OF SERVICES TRIBUNAL GOVERNMENT OF KHYBER PAKHTUNKHWA PESHAWAR

SERVICE	APPEAL	NO: 594	/2023
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IKRAM UDDIN JUNIOR CLE	RK	·	A	(APPELLANT)
IMMAN ODDINGS. WON OIL			VERSUS	
SENIOR MEMBER BOARD	OF RE	VENUE ETC .	<u> </u>	(RESPONDENTS)

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Respondents
Through Representative

IN THE COURT OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Appeal No. 594 of 2023.

Mr. Ikram Uddin Junior Clerk (Appellant)

VERSUS

Deputy Commissioner, Dir Lower etc (Respondent)

Para wise Comments on behalf of respondents 1 to 3 are as under:-

Respectfully Sheweth:-

That the respondents submits as under:-

PRELIMINARY OBJECTION:-

- 1. That the appellant has got no cause of action to file instant appeal.
- 2. That the appellant has not come to this Honorable Tribunal with clean hands
- 3. That the Appeal is barred by law and limitation.

FACTS:

- i. Pertains to record.
- ii. Incorrect, the promotion from the post of Class-iv to the post of Junior Clerk has been made on the basis of Seniority and at the time of promotion no test/interview has been conducted in his promotion to the post of Junior Clerk.
- iii. Incorrect. A lot of allegations through social media as well as through different peoples were pouring against the appellant, therefore, in order to meet the end of justice, the appellant was suspended and ADC (General) was appointed as inquiry officer in the matter.
- iv. Incorrect. Proper inquiry through Additional Deputy Commissioner (General) Dir Lower has been conducted, wherein statement of the appellant, statement of AAC (Revenue), statements of the private individuals and statements of levy personnel have been recorded. Besides the above statements, complaint has also been received from the Barber Association coupled with Social Media Clip (Pictorial evidence already attached with the appeal). Proper Show Cause notice has been issued to the appellant and also personal hearing chance has also been given to him.
- v. Incorrect. As explained at para-iv above.

Incorrect. In light of the available record mentioned above and vi. personal hearing of the appellant, my predecessor was came to the conclusion that the appellant is involved in mal practices and activities beyond his jurisdiction/scope of work and has miss-used of power for being held a responsible government post in the District Administration. Beside the fact that the appellant is a Junior Clerk but he was acted like AAC/Magistrate and deceived public, in order to get bribe from the innocent shopkeepers etc. He also defamed District Administration and shuttered the trustof public offices in the eyes of general public.

Pertains to record. vii.

Pertains to record. viii.

Incorrect. ix.

GROUNDS:

- Incorrect: Neither any fundamental rights of the appellant have been a. infringed nor any law have been violated during the course of inquiry and other proceedings.
- Incorrect. As explained at para-IV above. b.
- Incorrect. Proper inquiry under the law has been conducted by the c. inquiry officer and personnel hearing chance was given to the appellant by the competent authority as per existing rules.
- Incorrect. d.
- Incorrect. As explained at para-IV & V above. e.
- No comments. f.

PRAYER:

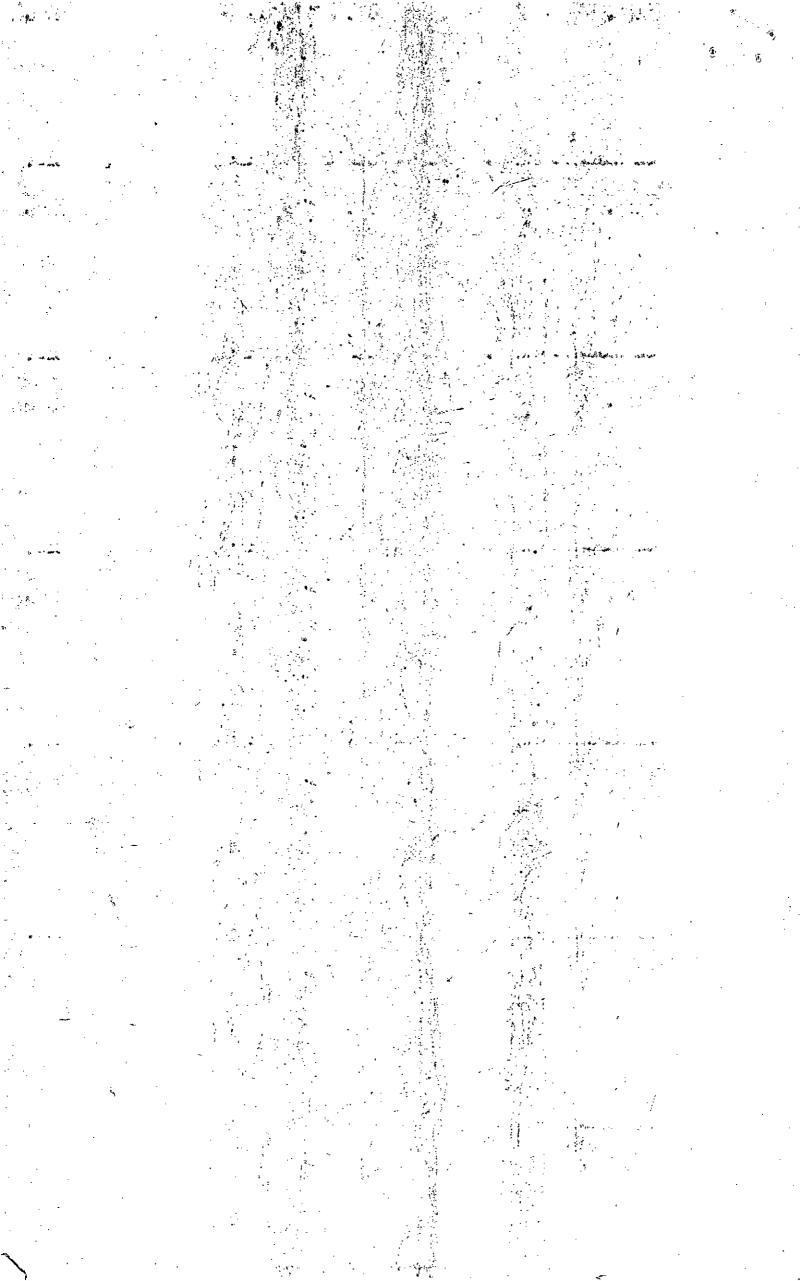
It is humbly prayed that on acceptance of the instant para wise reply, the appeal of the appellant may kindly be dismissed with cost.

ommissione

Malakand Division

ty Commissioner,

Senior Member Board of Revenue, Khyber\Pakhtunkhwa Peshawar





Minutes of the Departmental Selection / Promotion Committee Meeting Held on 29/10/2019 at 11:00 AM in the Office of the Deputy Commissioner, Dir Lower.

A meeting of the Departmental Selection/Promotion Committee was held on 29/10/2019 at 11:00 AM. The following attended the meeting:-

1. Mr. Saadat Hassan, Deputy Commissioner Dir Lower...

Chairman.

2. Mr. Ishfaq Ahmad, Add: Deputy Commissioner (Admin:) (Representative of Appointing Authority)

<u>Member.</u>

3. Mr. Aftab Ahmad, Secretary to Commissioner, /Representative of Commissioner, Malakand Division).....

<u>Member.</u>

Agenda points of the meeting was as under:-

- 1. Promotion of Three (3) NTOKs (BPS-07), as one Assistant District Kanungo (BPS-11) and twoTehsil Office Kanungos (BPS-11).
- 2. Promotion of one Reader (BPS-07) to the post of Junior Clerk (BPS-11)
- 3. Promotion of one Naib Qasid (BPS-04) to the Post of Junior Clerk (BPS-11).
- 4. Appointment of one Sweeper under deceased quota.

Item 1st;-

Seniority list, Synopisis and Non-involvement Certificates of the following Naib Tehsil Office Kanungos as well as service rules were checked. Origional ACRs of the official were also checked:-

- 1. Mr. Manzoor Ahmad,..... NTOK
- 2. Mr. Shakeel Javed..... NTOK.
- 3. Mr. Amjad Khan NTOK

The above officials are not involved in any disciplinary/judicial cases etc. Their length of service was also checked and as per service record, they have completed the qualifying service as Patwaris and passed Kanungo examination as such they are eligible for promotion as Assistant District Kanungo (BPS-11) and Tehsil Office Kanungo (BPS-11). As such they are recommended for Promotion to the post of Assistant District Kanungo (BPS-11) and Tehsil office Kanungos (BPS-11) on regular basis.

Item 2nd:-

In light of Notification bearing No. Estt: 1/II/135/SSRC/22042 dated 25/6/2019, from the Govt of Khyber Pakhtunkhwa, Baord of Revenue & Estate department wherein 10% quota for promotion of Readers (BPS-07) to the post of Junior Clerk (BPS-11), Mr. Amjad Ahmad, Reader (BPS-07) have already qualified the requisite five years length of service and deserved for promotion to the post of Junior Clerk (BPS-11) is recommended for promotion as Junior Clerk (BPS-11), however the promotion case of the remaining Readers, who have less than five years service and do not come in the 10% quota was decided to be taken up with the Provincial Govt. for advice.

Item 3rd:

[4]

Seniority list and Synopisis of the Naib Qasid namely Mr. Ikram Uddin as well as service rules were checked. Original ACRs of the official was also checked, fulfilling the required cretaria is therefore recommended for promotion as Junior Clerk (BPS-11).

Item 4th:

According to Rule 4 of Rule-10, of Khyber Pakhtunkhwa Civil Servints (Appointment, Promotion & Transfer) Rules, 1989 amended vide Govt. of Khyber Pakhtunkhwa. Establishment department Notification No. SO(R-VI)(E&AD)1-3/2015 dated 19/4/2016, Mst. Ashi Numan widow of Late Numan Ejaz Masih Ex-Sweeper of this office who died during service, applied for appointment as Sweeper against the post vacated due to the death of her husband. The case was examined by the Committee and recommended for appointment as Sweeper (BPS-03).

In the light of the above, the Committee members unanimously agreed and recommended the promotion of above three (3) NTOKS (BPS-07) one to the post of Assistant District Kanungo (BPS-11) and Two to the post of Tehsil Office Kanungos (BPS-11), promotion of one Reader (BPS-07) to the post of Junior Clerk (BPS-11), promotion of one Naib Qasid (BPS-04) to the post of Junior Clerk (BPS-11) and appointment of one Sweeper (BPS-03) on the basis of deceased quota on regular basis.

Aftab Ahmad)

Secretary to Commissioner/Representative of Malakand Division, Swat.

(Member)

(Ishfaq Ahmad)

Add: Deputy Commissioner, Adminstration Dir Lower

(Member)

APPROVED

(Saadat Hassan)

Deputy Commissioner, Dir Lower.

(Chairman)



OFFICE OF THE DEPUTY COMMISSIONER DIR LOWER

No. /// /Estt: Dated Timergara the //10/2019

dcdirlower@gmail.com

OFFICE ORDER:

On the recommendation of Departmental/Selection Promotion Committee Mr. Ikram Uddin, Naib Qasid (BPS-04) of this office is hereby promoted to the post of Junior Clerk (BPS-11) with immediate effect on the following terms and conditions:-

- He will be on probation for a period of one year in terms of Section 6(2) the Khyber Pakhtunkhwa, Civil Servants Act 1973 read with Rule-15(1) Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfe Rules, 1989.
- it: He is directed to take charge as Junior Clerk in the office of the undersigne

No. 1408-1) /Estt:

Copy forwarded to:-

- 4. The District Accounts Officer, Dir Lower.
- 5. The Accountant, Local office.
- 6. Official concerned. For information.

Deputy Commissioner,

Dir Lower

Deputy Commissioner, Dir Lower 191

OFFICE OF THE **DEPUTY COMMISSIONER DIR LOWER**

Dated Timergara the 🚁 / 🎊 /2022

dcdirlower@gmail.com

🔣 Deputy Commissioner Lower Dir 🌌 @dcdirlower

a 0945-9250001

OFFICE ORDER:

Whereas, it has come to know through reliable sources that Mr. Ikramud Din, Junior Clerk is involved in malpractices/demanding money from the drivers involved in illegal mining.

Whereas, being a Government servant in the capacity of Junior Clerk, has no jurisdiction to conduct price checking and raids on illegal mining etc.

Whereas, such like activities of the said official are illegal without authority/jurisdiction and attracts for disciplinary action under E&D Rules 2011.

Therefore, Mr. Ikramud Din, Junior Clerk of this office is hereby suspended from service with immediate effect.

The Additional Deputy Commissioner (General), is hereby appointed as Enquiry Officer to conduct a discreet inquiry entailing all aspects of the matter including authorization of the said official for conducting such like inspections and submit inquiry report/findings with recommendations/fixing of responsibility on the defaulting official to the undersigned within a week time.

> Deputy Commissioner. Dir Lower.

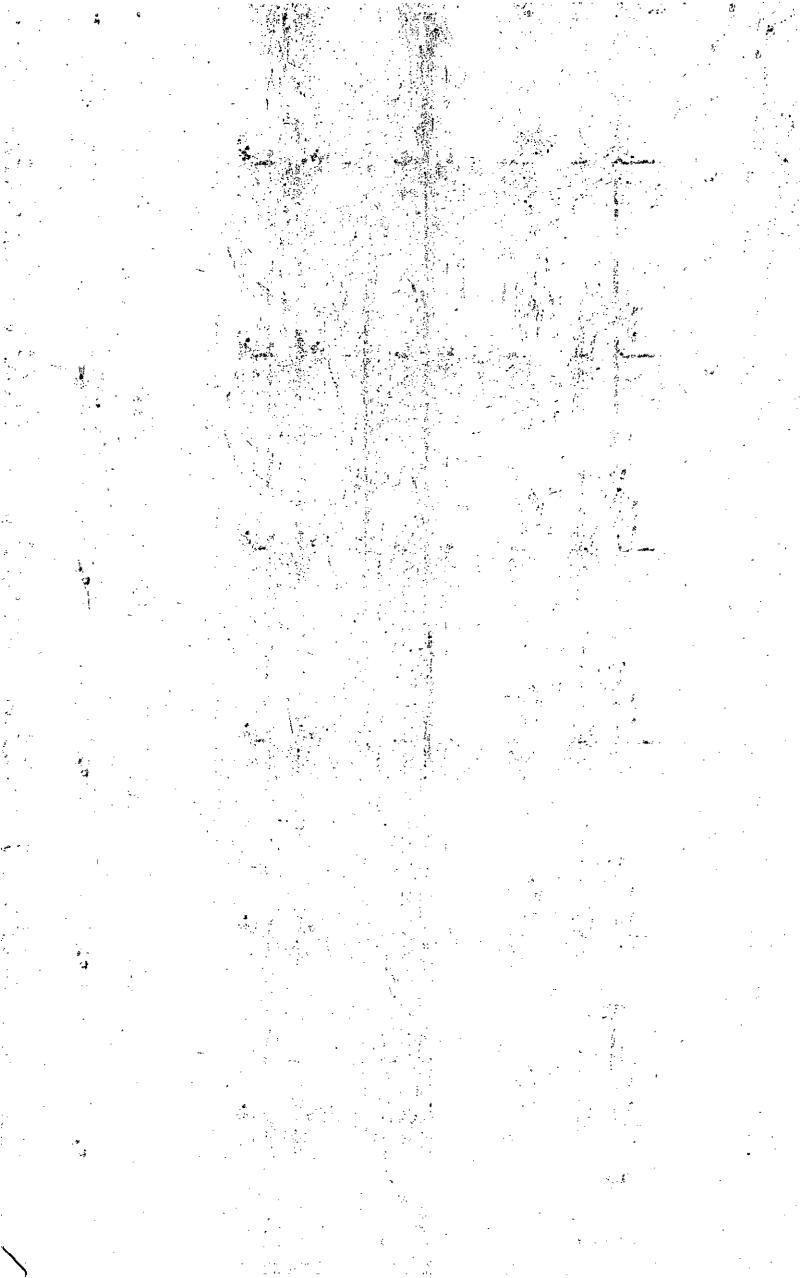
No. 154 63 12/Estt:

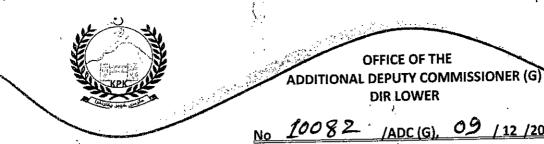
Copy forwarded to:-

- The Additional Deputy Commissioner (G), for information and to conduct 1. inquiry and submit report/recommendations to this office.
- The Additional Assistant Commissioner (Revenue), Timergara. 2.
- Mr. Ikramud Din, Junior Clerk with the directions to appear before the inquiry 3. officer on any working day as fixed by the inquiry officer.

Deputy Commissioner,

Dir Lówer.





No. 0945-920137

adcdirlower@gmail.com

0945-9250001

adcdirlower@gmail.com

To,

The Deputy Commissioner,

Dir Lower.

Subject:

OFFICE ORDER.

Memo:

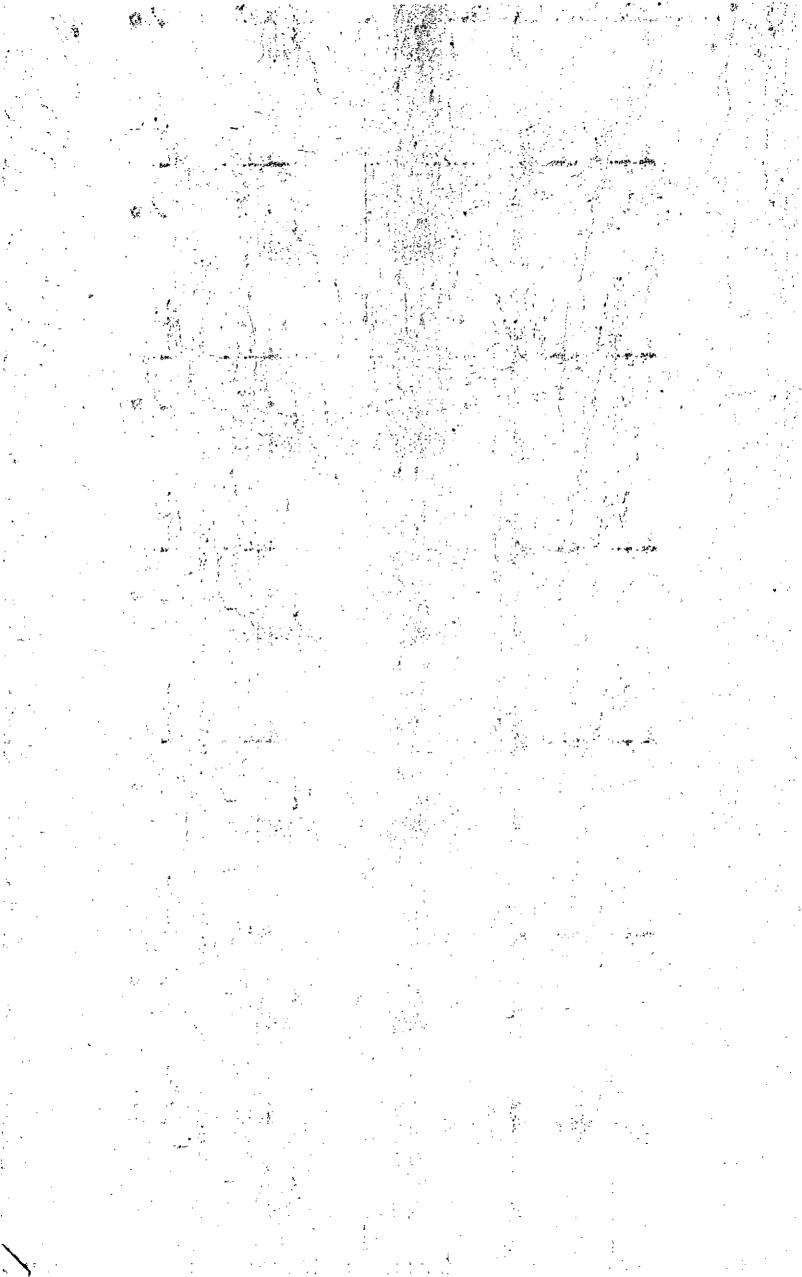
Reference your office order bearing No. 19483-85 dated 01-12-2022.

The inquiry report with attached statements (in original) containing (15) pages is sent

herewith for further necessary action as desired, please.

Additional Deputy Commissioner (G),

Dir Lower.



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ملاست بازاری جام کی هیشت سے کام کرریا ہوں ۔ مورام ہے کار کا سال سے لؤیڈ اور کا کار کار سال سے کوریا ہوں ۔ مورام ہے کار کوریا ہوں ۔ مورام ہے کار کوری کو کھیے کوریا ہوں ۔ مورام ہے کار کار کورام کی المسرکان کرتے ہوئے کھیے مہالان کمانڈلے گیا تھا ۔ اُس کے لعداسی ہی دن لَقریباً رات کے 8 بحے اکرام المین فویز کار ارجاس کا کہا ۔ میں جو ابا عرض کیا کہ میں و وابا عرض کیا کہ کار ڈوکھا نے کا کہا ۔ میں جو ابا عرض کیا کہ کار ڈوکھا نے کا کہا ۔ میں جو ابا عرض کیا کہ فوس کار ڈوکھا نے کا کہا ۔ میں جو ابا عرض کیا کہ فوت اور کیا کہا ۔ میں جو ابا عرض کیا کہ فوت اور کہا ہوں کے انہوں نے بھے بالوں کے گئے ہیں ۔ میں اُن کومان کی گئی اور کہ کے اُنہوں نے بھے بالوں کے گئی اور کیا ہو کہ کوری کی اورائی کی جو کہا ہوں کے بیاں بھ جو کہ جہرے بی کو کہا تھا کہ کہا ہوں۔ کہا ہوں۔

Athord Wight have

الفاف بيم ودار بالإملاك مردار بالم الفاف بيم ودرار بلاملاك 15302- 5874 841 - 3 0342 - 9512 101. - - بسم علاور بارمراليسوسي اليش بلاست / يتركره بازار_

> الر الله ولد علتم طال ولد علتم المحادث المادث المادث المادث المادث المادث المادث المادث المادث الما

الع باص فان ريام ولدفاليم في مهر بلاست بادار 15306-4254890-3 0346-8982854

Affected Wir 12/2021

ريان طارق فان الريس السنط لمنشر (ديوسو) سَمَركره

بيان كر مول ي مي كست الإيمن الميسن كالمستنظ كمار (راويو) عرگره عرمه ه ه ماه مه والفل مرنیام رے رما روں - روناکے سركل جوبيدركا نيا نيا تيا دلم بواع - أن كا كمبر سرح ياس بنين تھا۔ ھارا عام روس نے کے جدے بازار جملنگ وطیرہ کیلئے نگلتے ہیں لوس اپنے ريغر سے کہنا ہوں کے جو بریار مھا۔ سے کہ دو کے حوق پر ماو یا دھ سكوا و كو كر افس آجا و _ خطوك بن مركزت ذريع كروانا بدن. اس رات س نے ایک دفع جو سار جاب کو کال کی ہے جس کا کمبر س عريزالدين سياهي سے لياتھا۔ اور جوسدار ماہ كو منع كياتھا تَ آ دُن بِی کین بنی جانا ہے اور دیڈر کو بھی لیویز الحادان ہیں در الله الركس كالعلى ع لوس نے جام كى دوكان كى الله وكلى الله و عنه عنه عنه عنه عنه عنه عنه المراسكا لانكس الين سالة ليا تما - جفائي ما فقى تھى _ حبى كا لفتو مرى نبوت سر مل ج - س ندوباره اکرام الرن دیدر کو السیک نیک يمين بهجام الورن دوباره الركس كي هزور كي كرورك من على بى الريكش كردياتها. لى يى بهرا بيان يو - لله كردست الم كراً هو ب Affested !

موالنام ولديت ، سكونت وغيره - الكراح الدين ولد ربيفان طان مداك المين عمال تحرير الموالية الموالية الموالية الموالية والدين الموالية الموالية والدين الموالية الموالية والدين الموالية الموالية والموالية الموالية الموالية والموالية والموا
2-آپ کی پہلی تقرری کب اور کس آسامی پر ہوئی ہے؟ پیسری دیسے ای فیقرری مورغ کافھ دا جوارہ کو کو کے ایک ایک کا میں کا کھیے کا ان کا میں کا ایک کا ان کا ان کا ان ک ورور شیسالی لو عمر کا ان تے میں ۔ اور جوارک کی قرر کی ان کی کی ان کا ان کی ان کا ان کی کھیے کا ان کا ان کا ان ک
3-آپ موجوده کس آمیامی پرتغینات بین؟ د کو فیفر کلوکی از د فیفر د فیفر سرای کران این دان دان
4۔ آپ کے موجودہ پوسٹ کے جاب ڈسکر پیشن کیا ہیں؟ میں نیٹس کا کرکے کے فیر ترک وال کا کورا کا اور اور کی کرک کا
5۔ کس کے علم پردات کے وقت بازاراور حجام کے دوکانوں کے چیکنگ کرتے ہیں؟ میان الفزاع میں مندیادر ہے ہے۔ میان سند کی بیٹن الفاد کے ایک کا الفاد کا الفاد کا الفاد کا الفاد کا الفاد کا کی جیمیائی کرتے ہیں گئے در کا لوز ک کی جیمیائی کرتے ہیں گئے در کا لوز ک کی جیمیائی کرتے ہیں گئے در کا لوز ک کی جیمیائی کرتے ہیں گئے در کا لوز ک کی جیمیائی کرتے ہیں گئے در کا لوز ک کی جیمیائی کرتے ہیں گئے در کا لوز ک کی جیمیائی کرتے ہیں گئے در کا لوز ک کی جیمیائی کرتے ہیں گئے در کا لوز ک کو جیمیائی کرتے ہیں گئے در کا لوز ک کرتے ہیں کے در کرتے ہیں گئے در کرتے ہیں گئے در کرتے ہیں گئے در کرتے ہیں کرتے ہیں گئے در گئے در کرتے ہیں گ
6۔ کس حیثیت ہے اور کس کے تھم پرآپ سرکاری لیویز اہلکاران کوانے ساتھ لیکر بازار کی انسیکشن کرتے ہیں؟ ۔۔ عمل نے کھی کھی کے ایک کی کے ایک کی کے دیکے کی دیکے کی کے دیکے کی کارور کے دیکے کارور کی کی کارور کی کھی کے ۔ کی افسیکے کی کے کیے کے کہ کے کیا گئی کے کیا گئی کے کارور کی کارور کی کارور کی کارور کی کارور کی کارور کی کار
7-آپکس قانون کے تحت لوگوں پرجر ماندھا کدکرتے ہیں؟ میں بنے کھی بھی کھی کھی اور عرصا ہے میں اور ایس کی ہے۔ جو اس ایس ایس کھی کھی ہو گرانے ہو گرانے ہو گرانے ہو گرا میں میں میں کھی جو اس ایس ایک کرکہ ہے۔ جو میان میں اور ایس کا میں ایس کی ایس کا میں ایس کا ایس کا میں کا ایس ک
8-آپ کی بازار کی چیک کی جودیڈ یوسوشل میڈیا پروائرل ہوئی ہے۔ اس کے بارے میں آپ کی کیارائے ہیں؟ ایک سے منظم میں کی کے ویکر لو وائر کی دور کی اس کے اس کے بارے میں آپ کی کیارائے ہیں؟ ایک سے منظم کی کی جودیڈ یوسوشل میڈیا کی دور کی اس کے اور آپ کی بارے میں اور اس کے بارے میں اپ کی سے منظم کی دور جو اس کے بارے میں آپ کی دور کی اس کو بارے میں آپ کی دور کی آپ کو اس کو بارے میں آپ کی دور کی اس کی بارے میں آپ کی دور کی اس کو بارے میں آپ کی دور کی
الله علی ای الا علوم ہے لدا پ کے اس کی پوجہ سے آپ اوسر کاری تو کری سے برطری ، برخاسی ہوھتی ہے۔ اس کے بارے میں آپ لی کی بارے میں آپ لی بارے میں آپ لی کی بارے میں آپ لی بارے میں
Me per California de la company de la compan



DEPUTY COMMISSIONER DIR LOWER

Dated Timergara the 26/12/2022

dcdirlower@gmail.com Deputy Commissioner Lower Dir dcdirlowerFax: 0945-9250001

То

Mr. Ikramud Din (Junior Clerk), office of the AAC(Rev), Timergara

Subject: -

NOTICE

In order to give the opportunity of personal hearing under the E&D Rules 2011, you are hereby directed/noticed to appear before the worthy Deputy Commissioner Dir Lower on Monday 26-12-2022 for personal hearing in connection with the ongoing enquiry initiated against you.

> intendent, ommissioner Office, Deputy





Q1373

Dated Timergara the \$\infty \mathcal{B}\$ /12/2022

dcdirlower@gmail.com

OFFICE ORDER:

Whereas, an objectionable video clip was uploaded on social media followed by a protest demonstration by the office bearers of Hair Dresser Association Dir Lower complained that Mr. Ikramud Din, Junior Clerk has been found involved immoral behaviour with one of their colleague of the association.

Whereas, it was also complained that the above named is involved in Bazar checking on his own capacity as Junior Clerk without jurisdiction.

Whereas, viewing the allegations levelled against the said employee and circumstantial evidence on social media, the undersigned suspended him from service and nominated the Additional Deputy Commissioner (General), Dir Lower for conducting discreet enquiry under the E&D Rules 2011 and submission of report with recommendations.

Whereas, in compliance the Additional Deputy Commissioner (General), Dir Lower conducted enquiry in the matter which speak itself with recommendations for removal from service of the official.

Whereas, the opportunity of personal hearing was given to the official and during personal hearing he could not prove his innocence.

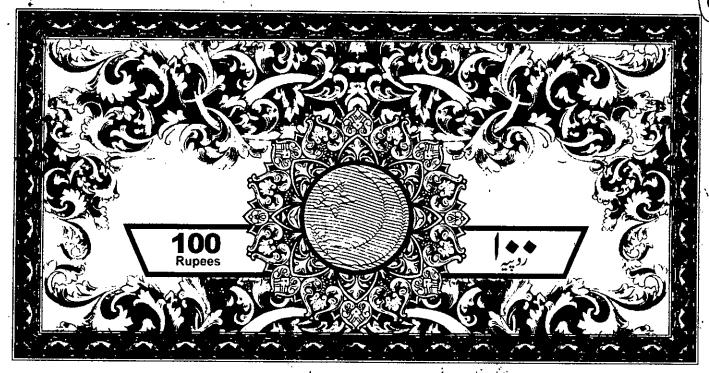
Therefore, the above name i official is hereby dismissed from service with immediate effect.

No. 9/374-97/Estt:

Copy forwarded to:-

- 1. The Additional Deputy Commissioner (General), Dir Lower.
- 2. The District Accounts Officer, Dir Lower.
- 3. The Accountant (local office).
- 4. Official concerned.

bmmissioner,



Before The Services Tribunal Peshawar Camp Court Mingora Swat

Service Appeal No: 594/2023

Titled

Vs

Senior Member Board of Revenue & Others.....respondents

<u>AFFIDAVIT</u>

I Iqbal Alam (Office Assistant) office of the Deputy Commissioner Dir Lower, (authorized representative), do hereby solemnly affirm and declare on oath that the contents of the comments /reply of the appeal are true & correct to the best of knowledge & belief and nothing has been concealed there in.



Deponent_

Iqbal Alam (Office Assistant)

CNIC No: 15302-6199133-1

Cell No: 0345-7036675

Dated: 02-06-2023



OFFICE OF THE DEPUTY COMMISSIONER DISTRICT DIR LOWER

No. 9182 /Lit

Dated Timergara the, OLIO6/2023

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AUTHORITY

Mr. Iqbal Alam Litigation Assistant of this office is hereby authorized and deputed to attend the Services Tribunal Khyber Pakhtunkhwa at camp court Swat as well as to file the comments, in case, Service Apeal No.594 of 2023 titled Ikram-Ud-Din vs Deputy Commissioner Dir Lower on 05.06.2023 on behalf of the undersigned.

DEPUTY COMMISSIONER DIR LOWER ()

No. <u>9/83–84</u> / Lit:

Copy Forwarded to:

- 1. The Registrar Services Tribunal Peshawar for information and necessary action please.
- 2. The official concerned for compliance.

DEPUTY COMMISSIONER

DIR LOWER