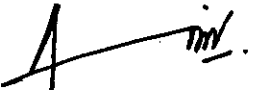


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No. 1413/2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/06/2023	<p>The appeal of Sheikh Uzair Ali received today by TCS through Mr. Ahmad Ali Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

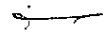
Service Appeal No. 1413 of 2023

**Sheikh Uzair Ali Vs. Govt. of Khyber Pakhtunkhwa etc  
Service Appeal**

**Index:**

S#	Description of Documents	Annexure	Page Numbers
1.	Service appeal with Application for condonation of Delay	---	1-10
2.	Copy of appointment order of petitioner	A	11-12
3.	Copy of charge sheet	B	13-14
4.	Copy of statement of allegations	C	15
5.	Copy of the Show Cause Notice	D	16-
6.	Copies of the written defence of appellant to charge sheet and show cause notice	E	17-25
7.	Copy of order bearing Endst. No.6-8/L/C/DIK/2023 dated 04.01.2023 of respondent No.3	F	26-29
8.	Copy of representation to the departmental appellate authority	G	30-33
9.	Copy of letter dated 13.02.2023 of respondent No.2	H	34-
10	Copy of letter dated 08.03.2023 of respondent No.2 for personal hearing	I	35
11	Copies of the printout of WhatsApp message containing decision dated	J	36-37


b.

	31.03.2023 with the illegible print		
12	Copy of the decision dated 31.03.2023, officially received to appellant on 06.06.2023	K	38-40
13	Vakalatnama	--	41-42

Yours Humble Appellant

  
(Sheikh Uzair Ali)  
Through Counsel

Dt. 16.06.2023

  
AHMAD ALI  
Advocate Supreme Court

  
KHALID MAHMOOD  
Advocate High Court, D.I.Khan.

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

Service Appeal No. 1413 of 2023

Sheikh Uzair Ali son of Muhammad Alamgir, residing near Margala Marriage Hall, Opposite Awan Chow, D.I.Khan.

**APPELLANT**

**VERSUS**

1. Govt. of Khyber Pakhtunkhwa, through Secretary Labour Department, Khyber Pakhtunkhwa, Peshawar.
2. Secretary to Govt. of Khyber Pakhtunkhwa Labour Department, Peshawar.
3. Presiding Officer, Labour Court, D.I.Khan.

**RESPONDENTS**

**SERVICE APPEAL UNDER SECTION 4 OF THE  
K.P. SERVICE TRIBUNALS ACT, 1974,  
AGAINST ORDER BEARING ENDST. NO.6-8/  
L/C/DIK/2023 DATED 04.01.2023 OF THE  
RESPONDENT NO.3 WHEREBY PETITIONER  
WAS DISMISSED FROM SERVICE, AND ALSO  
AGAINST THE DECISION DATED 31.03.2023  
OF THE RESPONDENT NO.2 (COMMUNICATED  
TO APPELLANT THROUGH WHATSAPP ON  
31.05.2023 AND OFFICIALLY ON  
06.06.2023) VIDE WHICH THE SERVICE  
APPEAL OF PETITIONER WAS DISMISSED.**

**PRAYER:**

On acceptance of present Service Appeal and by setting aside the Order bearing Endst. No.6-8/L/C/DIK/2023 dated 04.01.2023 of the Respondent No.3 and decision dated 31.03.2023 of the respondent No.2, the appellant may graciously be reinstated into service with all back benefits.

Any other appropriate remedy which this Honourable Tribunal may deems proper, in the circumstances of case, may also be granted to the appellant.

**Respectfully Sheweth,**

1. That the appellant was appointed as Bailiff/Attendant in the Labour Court, D.I.Khan and he used to perform his duties as attendant in the Court. However, during the performance of his duties the respondent No.3 issued charge sheet and statement of allegations to the appellant on the following allegations:

- i. *Embezzled/misappropriated money out of fine amount collected by this Court and entrusted to you for deposit in account head CO-2905 of National Bank Main Branch, D.I.Khan.*
- ii. *Affixed fake signatures on Presiding Officer of this Court on vouchers, tampered/made overwriting on vouchers and either affixed fake and forged signatures and stamps of Bank officials or enroped them to work in callus on with you.*
- iii. *Affixed fake and forged signatures and stamps of officers/officials of District Accounts Office, D.I.Khan, on Monthly Reconciliation Statements or enroped them to work in collusion with your*

Copies of appointment order charge sheet and statement of allegations respectively are enclosed as **Annexure A, B & C.**

2. That on the same day of issuing charge sheet and statement of allegations, the appellant was also served with a show cause notice to which he submitted his reply/defence and also filed defence to charge sheet and statement of allegations. Copy of the Show Cause Notice is enclosed as Annexure D, Copies of the written defence of appellant to charge sheet and show cause notice etc are enclosed as Annexure E.
3. That without proceeding to the Charge Sheet and Statement of Allegations, the respondent No.3 directly switched to the Show Cause Notice and thereafter, dismissed the appellant from service vide order bearing Endst. No.6-8/L/C/DIK/2023 dated 04.01.2023 (Annexure F) and also sent copy of the order to the Anti-Corruption Establishment to proceed against the appellant on account of alleged financial embezzlement.
4. That the appellant preferred representation to the departmental appellate authority i.e. respondent No.2 (Annexure G), the respondent No.2 called comments of respondent No.3 vide letter dated 13.02.2023 (Annexure H) and also summoned the appellant for personal hearing vide letter dated 08.03.2023 (Annexure I). After personal hearing, the appellant was directed to wait for the outcome of departmental appeal.
5. That the appellant was waiting for the outcome of his departmental appeal and on 31.05.2023, he received illegible copy/snapshot of the decision dated 31.03.2023 through WhatsApp from the Superintendent Labour Court D.I.Khan. The appellant contacted him and requested him to officially hand over the copy of decision dated 31.03.2023 which, accordingly, was handed over to him on 06.06.2023.

Copies of the printout of WhatsApp message containing decision dated 31.03.2023 with the illegible print are enclosed as Annexure J.

Copy of the decision dated 31.03.2023, officially received to appellant on 06.06.2023, is enclosed as Annexure K.

6. That, aggrieved of the Order bearing Endst. No.6-8/ L/C/DIK/2023 dated 04.01.2023 of the Respondent No.3 and decision dated 31.03.2023 of the respondent No.2, the appellant has been left with no option but to file present service appeal before this Honourable Tribunal on, inter alia, the following grounds:

**GROUND:**

- i. That the impugned Order bearing Endst. No.6-8/ L/C/DIK/2023 dated 04.01.2023 of the Respondent No.3 and decision dated 31.03.2023 of the respondent No.2, are violative of the law, rules and procedure governing disciplinary matters, result of haste, illegal and summary in nature; and thus the same are liable to be set at naught.
- ii. That the procedure provided for disciplinary proceedings in the K.P. Government Servants (Efficiency & Discipline) Rules, 2011, has not been followed in the letter and spirit, therefore, impugned orders are ill-founded and without any legal backing. Legally, after adopting procedure laid down under Rule 5(1)(b) and issuing Charge Sheet etc under Rule 5(2), the better course was to proceed further into the matter in accordance with Rule 11. But illegally, unlawfully and by exceeding the jurisdiction, the respondent No.3 switched-back to Rule 5(1)(a) of the ibid Rules, 2011. On this legal flaw alone, the appellant is entitled to be reinstated into service.
- iii. That as per provision of the K.P. Civil Servants (Efficiency & Discipline) Rules, 2011, a show cause notice can be issued to an employee in case:
  - a. If inquiry is dispensed with by an order in writing, which is not the case, as Charge Sheet & Statement of Allegations were issued to appellant;

- b. Upon completion of inquiry proceedings where charges and allegations are proved against a civil servant; w

Undeniably, in the present case, after issuing charge sheet and statement of allegations to the appellant, no inquiry was conducted into the matter, hence a great injustice has been done to the appellant.

- iv. That respondent No.3 erred a-lot in issuing the show cause notice to appellant as the inquiry was not dispensed with and Statement of Allegation & Charge Sheet were issued to him, and therefore, inquiry into the matter was the legal requirement; and after the charge sheet etc, no jurisdiction was vested in the respondent No.3 to bypass the inquiry procedure. The appellate authority too failed to exercise its jurisdiction and therefore both the impugned orders/decision are liable to be set aside.
- v. That it is also an admitted fact on the face of record that no independent inquiry was conducted into matter and also appellant was not confronted with any evidence, on the basis whereof the respondent No.3, passed the impugned order. Hence, a great injustice has been done to the appellant.
- vi. That the respondent No.3 on the basis of alleged reports of the officials of District Accounts Office D.I.Khan as well as National Bank of Pakistan, without recording their evidence and without giving opportunity of cross examination to appellant, in a slipshod and mechanical manner passed the impugned order. The respondent No.2 also did not attend this aspect of the case.
- vii. That the show cause notice issued to the appellant did not contain the details of alleged embezzled amount nor the proofs on the basis whereof the authority presumed that the stamps



and signatures of the staff of Bank or Account Office are bogus or tempered. No Bank Officer/official or that the District Accounts Officer was examined. Similarly, there is nothing on the record on the basis whereof stamps have been presumed to be bogus or tempered.

- viii. That the respondent No.3 was not sure about involvement of the staff of Bank or Account Office or otherwise and also, she was not sure about the fact that whether it was actually the fault of appellant or any other, that's why the matter was referred to the Anti-Corruption Establishment to include the officials of Bank and Accounts Office in the sphere of doubt to sort out the actual culprit; hence, impugned dismissal cannot be sustained legally.
- ix. That, it is/was not the duty of appellant to maintain the Accounts, Accounts Registers, or statement of Accounts nor he is custodian of the record. Moreover, fine receipts too were neither prepared nor maintained by the petitioner nor any fines were received by petitioner. The appellant was neither the custodian of record nor he used to receive the fines, nor he prepare challans, rather he was only a helping a hand to the concerned accounts clerk as well as reader of the court.
- x. That a fact-finding inquiry or inquiry under E&D Rules, 2011 was unavoidable, as it was not a simple open & shut matter, rather a number of mysteries have been left unexposed. Besides, the forensic analysis of the stamps, signatures and hand writing was necessary to meet the ends of justice. But, no fair chance of defence has been afforded to the appellant.
- xi. That the appellant was waiting for the outcome of his departmental appeal and on 31.05.2023, he received illegible copy/snapshot of the decision dated 31.03.2023 through WhatsApp from the Superintendent Labour Court D.I.Khan.

The appellant contacted him and requested him to officially hand over the copy of decision dated 31.03.2023 which, accordingly, was handed over to him on 06.06.2023. Hence, from the date of communication of copy of the decision dated 31.03.2023, this service appeal is well within time, however, a separate application is also being filed in this regard.

- xii. That the counsel for appellant may be allowed to raise additional grounds at the time of arguments.

It is therefore, humbly prayed that the present service appeal may graciously be allowed as prayed for.

Yours Humble Appellant



(Sheikh Uzair Ali)  
Through Counsel



AHMAD ALI  
Advocate Supreme Court

Dt. 16.06.2023



KHALID MAHMOOD  
Advocate High Court, D.I.Khan.

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

Service Appeal No. \_\_\_\_\_ of 2023

**Sheikh Uzair Ali Vs. Govt. of Khyber Pakhtunkhwa etc  
Service Appeal**

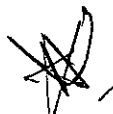
**VERIFICATION:**


I, the appellant, on this day of June-2023, herein mentioned above, do hereby verify that all the contents of this appeal are true & correct and also that it is the first appeal on the subject matter and no such appeal has earlier been filed.

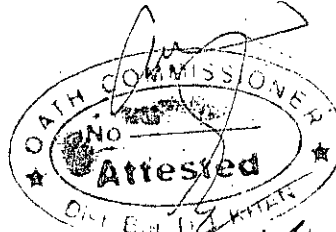
  
Appellant

**AFFIDAVIT:**

I, the appellant; do hereby solemnly affirm and declare on oath that all the Para-wise contents of above **Service Appeal** are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honourable Tribunal.

  
Identified by Counsel:  
Ahmad Ali ASC.

  
Deponent



9

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

Service Appeal No. \_\_\_\_\_ of 2023

**Sheikh Uzair Ali Vs. Govt. of Khyber Pakhtunkhwa etc**  
**Service Appeal**

APPLICATION TO PLEASE CONDONE THE  
DELAY (IF ANY) OCCURRED IN FILING OF  
ABOVE TITLED SERVICE APPEAL.

**Respectfully Sheweth,**

1. That a Service Appeal is being filed before this Honourable Tribunal and grounds of same may please be considered as an integral part of this Application.
2. That after affording opportunity of personal hearing the respondent No.2 had directed the appellant to wait for the outcome of appeal. Thus, appellant pinned hopes with his service appeal and was eagerly waiting for the outcome of his departmental appeal
3. That on 31.05.2023, appellant received illegible copy/snapshot of the decision dated 31.03.2023 through WhatsApp from the Superintendent Labour Court D.I.Khan. The appellant contacted him and requested him to officially hand over the copy of decision dated 31.03.2023 which, accordingly, was handed over to him on 06.06.2023. Hence, from the date of official communication of the decision dated 31.03.2023, the present service appeal is well within time, however, this application is being filed to condone the delay (if any) in filing of the service appeal.
4. That the facts and circumstances elucidated in this application involves the question of "substantial justice", where delay in filing

the appeal deserves to be condoned in the overall interest of justice. On the other hand, if condoning the delay being denied it would seriously undermine the cause of justice, resulting into miscarriage of justice.

It is, therefore, humbly prayed that this worthy Tribunal on scrutinizing facts & circumstances in this application may please construe the facts & circumstances as "sufficient cause" for condoning the delay and the delay in filing of Service Appeal (if any) may graciously be condoned in the interest of justice by treating the same as within time.

Yours Humble Appellant



(Sheikh Uzair Ali)  
Through Counsel



AHMAD ALI  
Advocate Supreme Court

Dt. 16.06.2023



KHALID MAHMOOD  
Advocate High Court, D.I.Khan.

**AFFIDAVIT:**

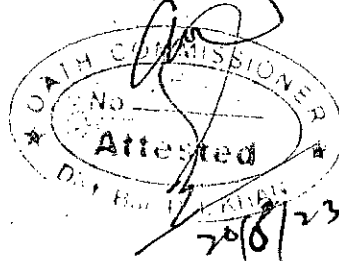
I, the applicant; do hereby solemnly affirm and declare on oath that all the Para-wise contents of above application for condonation of delay are true & correct to the best of my knowledge, belief and information; and that, nothing has been deliberately concealed from this Honourable Tribunal.



Identified by Counsel:  
Ahmad Ali ASC.



Deponent



Amm-A  
11

LABOUR COURT, DERA ISMAIL KAHN.

ORDER

Date of Dikhan: 09/04/2015

In pursuance of the recommendation of the Departmental Selection Committee held at meeting dated 29.04.2015, the following candidates are appointed against the vacant posts mentioned against each, in the Labour Court Dera Ismail Khan with immediate effect.

Sl. No.	Name with Father Name	Appointed as	
1.	Muhammad Yousof s/o Abdul Aziz	Khalifa/Clerk	(BPS-05)
2.	Shahida Uzair Ali s/o Muhammad Nasser	Entry/Attendant	(BPS-04)
3.	Sajid ur-Rahman s/o Haq Nawaz	Driver	(BPS-03)
4.	Abdullah Khan s/o Asad Ullah	Process Server	(BPS-03)
5.	Rafiq Ali s/o Ghulam Jilani	Jail Qasid	(BPS-01)
6.	Muhammad Tariq s/o Muhammad Ramzan	Chowkidar	(BPS-01)
7.	Barvha Gul s/o Allah Nawaz	Sweeper	(BPS-01)

Their appointment shall be subject to the following terms and conditions:-

1. They shall be on probation initially for a period of one year extendable up to two years.
2. They will be eligible for continuances of their services and eventual confirmation on satisfactory completion of their probation period.
3. Their services shall be liable to be dispensed with at any time without any notice and assigning any reason before the expiry of their probation/extended period of probation.
4. If their work or conduct during their period is not found satisfactory, in the event of termination from services, fourteen days notice or in lieu, therefore, fourteen days pay will be paid by the Government.
5. They will be governed by the N.W.F.P Civil Servants Act, 1973 & N.W.F.P Govt Servants (Appointments, Promotion & Transfer) Rules, 1979, N.W.F.P Govt Servants (Efficiency & Discipline) Rules, 1973, N.W.F.P Govt Servants Conduct Rules, 1987 and any other instruction which may issued by the competent authority from time to time.
6. The appointment is subject to antecedent verification of appointees.
7. The appointees shall produce Medical Fitness Certificate before the assumption of charge.
8. The appointees shall report for duty within 15 days, failing which the appointment shall stand withdrawn.

Yours Sincerely,

(LIAQAT ALI KHAN MARWAT)  
DISTRICT & SESSIONS JUDGE/  
PRESIDING OFFICER,  
LABOUR COURT, DERA ISMAIL KAHN.

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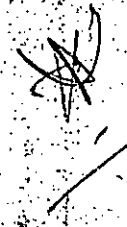
16-70  
No. 11/C/DK/2015.

Dated Dikhan the 16/9/2015.

Copy of the above forwarded to:

1. The Registrar Peshawar High Court, Peshawar.
2. The PS to Secretary Labour, Khyber Pakhtunkhwa, Peshawar.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar.
4. The Budget Officer VIII Finance Department, Civil Secretariat Peshawar.
5. The District Accounts Officer, D.I. Khan.
6. The Medical Superintendent District Head Quarter Hospital, Dera Ismail Khan.
7. Mr. Muhammad (Nominee/Member of DSC) Labour Department, Khyber Pakhtunkhwa Peshawar.
8. Mr. Sajid Sikandar (Member of DSC) /Govt. Pleader, Labour Court, D.I. Khan.
9. The Official Concerned by name.

(LIAQAT ALI KHAN MARWAT)  
 DISTRICT & SESSIONS JUDGE  
 PRESIDING OFFICER  
 LABOUR COURT, D.I. KHAN





Ann. B

13

OFFICE OF THE PRESIDING OFFICER

(DISTRICT & SESSIONS JUDGE) LABOUR COURT, D.I.KHAN.

No. 190 /L/C/DIK/2022

Dated: 26/11/2022

CHARGE SHEET

1. WHEREAS, the undersigned who is the Authority in your case is of the opinion that sufficient grounds exist to proceed against you in terms of Rules 5(a) of Government Servants (Efficiency & Discipline) Rules, 2011 and
2. WHEREAS, the undersigned considers that in the light of the facts of the case, their gravity and in the interest of justice, it is necessary to proceed against you after dispensing with inquiry, and
3. NOW, THEREFORE, you Mr. Sheikh Uzair Ali presently posted as Bailiff <sup>He is</sup> in this Court are hereby Charged as under:-
4. That while posted as Bailiff, you committed the following acts of misconduct and corruption:-
  - i. Embezzled/misappropriated money out of the fine amount collected by this Court and entrusted to you for deposit in account head CO-2905 of National Bank Main Branch D.I.Khan.
  - ii. Affixed fake signatures of Presiding Officer of this Court on vouchers, tampered/made overwriting on vouchers and either affixed fake and forged signatures and stamps of Bank officials or enroped them to work in collusion with you.
  - iii. Affixed fake and forged signatures and stamps of officers/officials of District Accounts Office D.I.Khan on Monthly Reconciliation Statements or enroped them to work in collusion with you.
5. By reason of the above you appear to be





14  
OFFICE OF THE PRESIDING OFFICER


(DISTRICT & SESSIONS JUDGE) LABOUR COURT, D.I.KHAN.

No. 190 /L/C/DIK/2022

Dated: 26/11 /2022

- a. Guilty of misconduct within the meaning of Rule 3(b) of Government Servants (E. & D) Rules, 2011.
  - b. Guilty of corruption within the meaning of Rule 3(c) of Government Servants (E & D) Rules, 2011.
6. And, Whereas, by reasons of the above read with details given in the enclosed Statement of allegations, you are liable to disciplinary action under Rule 5(a) of Government Servants (E & D) Rules, 2011 which may involve imposition of the major/minor penalty prescribed under the said rules.
7. Now, Therefore, you are hereby required to submit your written defense to the above charges within seven days of the receipt of this charge sheet, explaining as to why, major/minor penalty under the said rules should not be imposed against you.
8. Please take notice that your written defense to the above charges should reach within the aforesaid period directly to this Court, failing which it shall be presumed that either you have no defense to offer or you have declined to offer the same and accept the charges and in that case action shall be taken ex parte.

Uzair Ali (Bailiff/Attendant)  
Labour Court D.I.Khan.  
Dated: 26/11/2022

  
(Mrs. Hina Khan)  
D&SJ/Presiding Officer  
Labour Court D.I.Khan



Ann. C

15

OFFICE OF THE PRESIDING OFFICER

(DISTRICT & SESSIONS JUDGE) LABOUR COURT, D.I.KHAN.

No. 191 /L/C/DIK/2022

Dated: 26/11/2022

STATEMENT OF ALLEGATIONS

Mr. Uzair Ali

Presently posted as Bailiff of this Court


Is accused of corruption, misconduct arising out of the

Following acts of omission and commission.

That while posted as Bailiff

in this Court you:-

- i. Embezzled/Misappropriated the fine amount collected by this court which was entrusted to you for deposit in National Ghass Mandi Branch, D.I.Khan.
- ii. Tampered with, made overwriting on Vouchers.
- iii. Forged the Signatures and Stamps of the Presiding Officer/s of this Court, of National Bank and its staff/ or District Accounts Office D.I.Khan and its officers/officials or enroped them to work in collusion with you to mislead this Court and thereby caused huge financial loss to National Exchequer.

  
(Mrs. Hina Khan)  
D&SJ/Presiding Officer  
Labour Court D.I.Khan





Ann. D 16  
OFFICE OF THE PRESIDING OFFICER

(DISTRICT & SESSIONS JUDGE) LABOUR COURT, D.I.KHAN.

No. 192 /L/C/DIK/2022

Dated: 26/11/2022

To,

Uzair Ali,  
Bailiff/Attendant,  
Labour Court D.I.Khan.

Subject: - SHOW CAUSE NOTICE

That it has come to the notice of the undersigned that you have been embezzling the fine amount collected by the Court since a number of years by depositing in National Bank Account No. CO-2005 less than the amount collected and by tampering/overwriting on the vouchers for the bank or by creating fake vouchers with fake and forged signatures and by affixing either fake and forged signatures and stamps of the Bank officials or the original vouchers or enroped them to work in collusion with you before their submission in the Court. That you have also been either forging the signature and stamp of the District Accounts Office officials on the monthly reconciliation statements or enroped them to work in collusion with you.

Since the nature of the allegations against you are grave and they have been proved as per the letter of National Bank Ghass Mandi Branch D.I.Khan, verifying the embezzlement/misappropriation by you, therefore, the undersigned has decided to dispense with the inquiry under Rule 5 (a) of Government Servants Efficiency & Discipline Rules, 2011.

You are therefore asked to show cause within seven days as to why a major/minor penalty under Government Servants Efficiency & Discipline Rules, 2011, should not be imposed against you, failing which it should be presumed that you have nothing to explain and action under the concerned law shall be taken against you.

(Mrs. Hina Khan)  
D&SJ/Presiding Officer  
Labour Court D.I.Khan

To

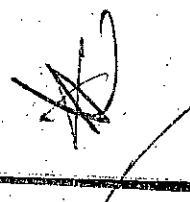
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Ann. E  
17  
The Honourable Presiding Officer,  
Labour Court D.I.Khan

Subject: REPLY TO CHARGE SHEET.

Respected Sir,

In compliance with Charge Sheet bearing No. 190/L/C/DIK/2022 dated 26.11.2022, the answering official submits the reply as under:

1. That the answering official is posted as Bailiff/ Attendant and by virtue of the nature of his job description and duties, the answering official is neither a custodian of record of Accounts of the Court, nor the answering official is an originator of issuance of bank voucher/ challan of amount or to collect/ receive cash amount to be deposited in bank but the answering official is only a carrier/messenger to deliver/handover the challans/ vouchers of amount to the bank. It is pertinent to mention here that the charge <sup>of</sup> embezzlement/misappropriation is not well-founded and ambiguous as no detail of exact amount has been ~~mentioned~~ mentioned for the embezzlement of which the answering official has been charged.
2. That similarly, the answering official has been charged for Affixing fake and forged signatures and stamps of the officials/officers of the Bank, but this charge is also without foundation and without any proof as the answering official being a carrier has under obligation to deliver and handover



the amount and challan to the bank officials, therefore fixing responsibilities upon the answering official in respect of preparation documents which are to be prepared by the bank officials is not justified but is without foundation and baseless. That although the answering official has been charged for tempering in vouchers and Affixing fake signature of the presiding officer of the Court on vouchers but in this respect neither any inquiry has been conducted nor the answering official has been confronted with bank record but the answering official has been charged-sheeted straight away without any conclusive proof.

3. That similarly, the answering official has been charged for Affixing fake and forged signatures and stamps of the officials/officers of the Accounts office D.I.Khan, but this charge is also without foundation and without any proof as the answering official being a carrier has under obligation to deliver and handover the monthly Reconciliation statements to the concerned officials of District Accounts Office D.I.Khan and it is the job description and duty of the officials of District Accounts office D.I.Khan to reconcile the monthly statement and it is not the job description of the answering official to reconcile the monthly statement, therefore fixing responsibilities upon the answering official in respect of reconciliation of monthly statement is not justified but is without foundation and baseless. That although the answering official has been charged for tempering in vouchers and



3

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Affixing fake signature of the presiding officer of the Court on vouchers but in this respect neither any inquiry has been conducted nor any report from FSL has been sought but the answering official has been charged straight away without any conclusive proof.

4. That the acts, lapses and omission, if any, for which the answering official has been charge-sheeted may not <sup>to</sup> be considered and treated as misconduct as from the date of initial appointment, the answering official has never been involved in such like matter throughout his service and it is a first time of answering official who has come across such like situation.

It is, therefore, requested that the charge sheet may please be withdrawn and the answering official may please be exonerated from all the charges leveled against him.

The answering official may please be provided an opportunity of personal hearing also.

Your Obedient Servant

Dated \_\_\_\_/12/2022

Uzair Ali,  
Bailliff Labour Court  
D.I. Khan



To

I

20

The Honourable Presiding Officer,  
Labour Court D.I.Khan

**Subject: REPLY TO SHOW CAUSE NOTICE.**

**Respected Sir,**

In compliance with Show Cause Notice bearing No. 192/L/C/DIK/ 2022 dated 26.11.2022, the answering official submits the reply as under:

1. That the answering official is posted as Bailiff/ Attendant and by virtue of the nature of his job description and duties, the answering official is neither a custodian of record of Accounts of the Court, nor the answering official is an originator of issuance of bank voucher/ challan of amount or to collect/ receive cash amount to be deposited in bank but the answering official is only a carrier/messenger to deliver/ handover the challans/ vouchers of amount to the bank. It is pertinent to mention here that the charges of embezzlement/ misappropriation is not well-founded and ambiguous as no detail of exact amount has been mentioned for the embezzlement of which the answering official has been charged.
2. That similarly, the answering official has been served with a show cause Notice for Affixing fake and forged signatures and stamps of the officials/officers of the Bank, but this show cause Notice is also without foundation and without any proof as the answering official being a carrier has under obligation to



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deliver and handover the amount and challan to the bank officials, therefore fixing responsibilities upon the answering official in respect of preparation documents which are to be prepared by the bank officials is not justified but is without foundation and baseless. That although the answering official has been served with a show cause Notice for tempering in vouchers and Affixing fake signature of the presiding officer of the Court on vouchers but in this respect neither any inquiry has been conducted nor the answering official has been confronted with bank record but the answering official has been served with a show cause Notice straight away without any conclusive proof.

3. That similarly, the answering official has been served with a show cause Notice for Affixing fake and forged signatures and stamps of the officials/officers of the Accounts office D.I.Khan, but this charge is also without foundation and without any proof as the answering official being a carrier has under obligation to deliver and handover the monthly Reconciliation statements to the concerned officials of District Accounts Office D.I.Khan and it is the job description and duty of the officials of District Accounts office D.I.Khan to reconcile the monthly statement and it is not the job description of the answering official to reconcile the monthly statement, therefore fixing responsibilities upon the answering official in respect of reconciliation of monthly statement is not justified but is without foundation and baseless. That although the answering





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official has been served with a show cause Notice for tempering in vouchers and Affixing fake signature of the presiding officer of the Court on vouchers but in this respect neither any inquiry has been conducted nor any report from FSL has been sought but the answering official has been served with a show cause Notice straight away without any conclusive proof.

4. That the acts, lapses and omission if any for which the answering official has been served with a show cause Notice may not to be considered and treated as misconduct as from the date of initial appointment, the answering official has never been involved in such like matter throughout his service and it is a first time of answering official who has come across such like situation.

It is, therefore, requested that the Show Cause Notice may please be withdrawn and the answering official may please be exonerated from all the charges leveled against him.

The answering official may please be provided an opportunity of personal hearing also.

Your Obedient Servant

Dated \_\_\_\_/12/2022

**Uzair Ali,**  
Bailiff Labour Court  
D.I. Khan



To

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The Honourable Presiding Officer,  
Labour Court D.I.Khan

**Subject: REPLY TO STATEMENT OF ALLEGATIONS.**

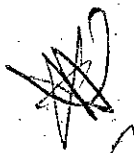
**Respected Sir,**

In compliance with statement of allegations bearing No. 191/L/C/DIK/ 2022 dated 26.11.2022, the answering official submits the reply as under:

1. That the answering official is posted as Bailiff/ Attendant and by virtue of the nature of his job description and duties, the answering official is neither a custodian of record of Accounts of the Court, nor the answering official is an originator of issuance of bank voucher/ challan of amount or to collect/ receive cash amount to be deposited in bank but the answering official is only a carrier/messenger to deliver/ handover the challans/ vouchers of amount to the bank. It is pertinent to mention here that the allegations of embezzlement/ misappropriation is not well-founded and ambiguous as no detail of exact amount has been ~~mentioned~~ mentioned for the embezzlement of which the answering official has been served with statement of allegations.
2. That similarly, the answering official has been served with statement of allegations for Affixing fake and forged signatures and stamps of the officials/officers of the Bank, but these allegations are also without foundation and without any proof as the answering official being a carrier has under obligation to

deliver and handover the amount and challan to the bank officials, therefore fixing responsibilities upon the answering official in respect of preparation documents which are to be prepared by the bank officials is not justified but is without foundation and baseless. That although the answering official has been served with statement of allegations for tempering in vouchers and Affixing fake signature of the presiding officer of the Court on vouchers but in this respect neither any inquiry has been conducted nor the answering official has been confronted with bank record but the answering official has been served with statement of allegations straight away without any conclusive proof.

3. That similarly, the answering official has been served with statement of allegations for Affixing fake and forged signatures and stamps of the officials/officers of the Accounts office D.I.Khan, but these allegations are also without foundation and without any proof as the answering official being a carrier has under obligation to deliver and handover the monthly Reconciliation statements to the concerned officials of District Accounts Office D.I.Khan and it is the job description and duty of the officials of District Accounts office D.I.Khan to reconcile the monthly statement and it is not the job description of the answering official to reconcile the monthly statement, therefore fixing responsibilities upon the answering official in respect of reconciliation of monthly statement is not justified but is without foundation and baseless. That although the answering



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official has been served with statement of allegations for tempering in vouchers and Affixing fake signature of the presiding officer of the Court on vouchers but in this respect neither any inquiry has been conducted nor any report from FSL has been sought but the answering official has been served with statement of allegations straight away without any conclusive proof.

4. That the acts, lapses and omission if any for which the answering official has been served with statement of allegations may not to be considered and treated as misconduct as from the date of initial appointment, the answering official has never been involved in such like matter throughout his service and it is a first time of answering official who has come across such like situation.

It is, therefore, requested that the statement of allegations may please be withdrawn and the answering official may please be exonerated from all the allegations leveled against him.

The answering official may please be provided an opportunity of personal hearing also.

Your Obedient Servant

Dated \_\_\_\_/12/2022

**Uzai Ali,**  
Bailiff Labour Court  
D.I.I Han





ANN. F 26

**OFFICE OF THE PRESIDING OFFICER  
(DISTRICT & SESSIONS JUDGE) LABOUR COURT, D.I.KHAN.**

Ph: & Fax No. 0966-9280093

Email:labourcourtdikhan@gmail.com

No.            /L/C/DIK/2023

Dated:     /     /2023

**ORDER**

A random inspection of the fine record of the instant Court led to revealing overwriting/tampering with the previous vouchers of this Court pertaining to the tenure of two Learned Predecessors in office. This gave rise to suspicion that fine amount had been misappropriated before deposit in Head of Account No. CO-2905 at National Bank of Pakistan Main Branch D.I.Khan. As a result, a letter was written for Reconciliation/Verification to Manager National Bank of Pakistan along with the details of some of the vouchers that were suspected to have been tampered with. As per the reply of the Manager National Bank of Pakistan Main Branch, the fine amount in some of the suspected vouchers was found to have been deposited less than the amount collected by the Court.

Mr. Sheikh Uzair Ali Bailiff/Attendant of this Court who was appointed on 30/04/2016 had been, since his initial appointment attached with the accounts branch of the instant Court by my Learned Predecessor in office and had been deputed for all matters of carrying cash and documents with the Banks and the District Accounts Office D.I.Khan. At different times he had been issued Authority Letters for matters connected with the Banks and District Accounts Office D.I.Khan by my Learned Predecessors in office (Copies available on file). During the tenure of the undersigned as well, the above mentioned Accused Official had been continuing the duty of deposit of fine amount into the designated account of National Bank of Pakistan Main Branch D.I.Khan.

Although, the vouchers for the tenure of the undersigned contained no overwriting or tampering, however, the suspicion that arose at the time was if the above mentioned accused official had been continuing to embezzle the fine amount since February 2020 then why would he discontinue the practice during the tenure of the undersigned? Therefore, to clear this suspicion, a letter was against written to Manager National Bank of Pakistan Main Branch D.I.Khan with the details of vouchers since 25/11/2016 until November 2022 and it was directed that the details of the amount of fine deposited be provided to this Court. Some of the copies of vouchers of the tenure of the undersigned (which contained no overwriting or

*Devia Dina*  
*[Signature]*

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tampering) were also annexed with the letter and it was directed that the signatures of the officials of the bank and the stamp of the bank be also verified.

As per the reply of the Managers of National Bank of Pakistan Main Branch D.I.Khan dated 06/12/2022, as suspected it was confirmed that the Accused Official had indulged in embezzlement of fine amount since 27 February 2020 initially by tampering and overwriting of Court vouchers and later on by preparing duplicate vouchers with lesser amount of fine than the amount entrusted to him for deposit. The amount in some of the vouchers had not even been deposited at all. The same reply, however, stopped short of verification of signatures of officials of the Bank and stamps of the Bank on the annexed vouchers.

Another letter was written to DAO D.I.Khan on 28/11/2022 for verification of signature and stamp of the officials of District Account Office on the Monthly Reconciliation Statements. It was also directed that the bank copies of the Court vouchers of the tenure of the undersigned be also provided. As per the reply dated 01/12/2022 of the District Comptrollers of Accounts D.I.Khan, it was stated that the signatures and stamps of verification on the Monthly Reconciliation Statements were not owned except for the months of March 2020 and August 2022. This means that fake and forged signatures and fake stamps of verification had been affixed on the Monthly Reconciliation Statements of this Court by the Accused Official. The Accused Official had been involved in embezzlement even in the months of March 2020 and August 2022, however, the verification by District Account Office D.I.Khan on the Monthly Reconciliation Statements of these two months was owned by the District Comptroller of Accounts D.I.Khan. Through the same letter the bank copies of the Court vouchers for the tenure of the undersigned were also provided according to which lesser amount of fine amount than the amount entrusted for deposit was entered in the said vouchers and a fake signature had been affixed of the Presiding Officer of Labour Court on the said vouchers.

After receipt of the reply dated 11/11/2022 of Verification/Reconciliation by the Manager National Bank Main Branch D.I.Khan, disciplinary proceedings under Government Servants (Efficiency & Discipline) Rules, 2011 were initiated against the Accused Official and in view of the presence of sufficient documentary evidence against the Accused Official, under Rule 5(a) and Rule 7 of Government Servant (Efficiency & Discipline) Rules, 2011, inquiry was dispensed with. The Accused Official was issued Charge Sheet, Statement of Allegations and Show Cause notice and was directed to submit his reply within Seven Days. As the

nature of allegations against the accused official were for Financial Misappropriation, Corruption and Misconduct he was also placed in suspension under rule 6 of Government Servant E&D Rules 2011 for a period of 90 days.

The Accused Official submitted his written replies according to which he admitted that he had been a carrier of official documents and cash to and from the Bank and the District Accounts Office D.I.Khan. The allegations against the Accused Official are also that he being a carrier of cash amount of fine and vouchers to the bank and Monthly Reconciliation Statements to the District Account office D.I.Khan had indulged in embezzlement of the cash amount of fine and had made overwriting/tampering on the vouchers of this Court and had affixed fake signature of the Presiding Officer of this Court as well as fake and forged signatures of the officials of National Bank of Pakistan and District Account Office D.I.Khan as well as had affixed their fake and forged stamps.

The accused official had admitted before the undersigned on 10/11/2022 that he had committed a mistake and he had apologized for the same. On 01/12/2022, he had appeared accompanied by his mother and his mother had pleaded for mercy for her son and had stated that her son had committed a mistake and some consideration be shown to him. On both these occasion the accused official and his mother had promised to return the embezzled amount.

On 09/12/2022, the instant file was sent to Secretary Labour Department Government of Khyber Pakhtunkhwa, being the Appointing Authority under Rule 4 (3)(b)(ii) of the Khyber Pakhtunkhwa Civil Servants Appointing, Promotion and Transfer Rules, 1989 read with Rule (2) of Khyber Pakhtunkhwa Government Rules of Business, 1985 for proceeding departmentally against the accused official under the relevant law and rules. It was also requested that criminal proceedings under the relevant law be initiated against the Accused Official. However, the instant file was returned by Section Officer (Labour) through letter dated 23/12/2022 and it was requested that necessary action be taken against the accused official by the undersigned, being the Appointing Authority under the Appointment, Promotion and Transfer Rules, 1989.

Under Rule 7(d) of Government Servant (Efficiency & Discipline) Rules, 2011 the accused official was given opportunity of personal hearing. The accused official stated that he wanted to rely on his written replies, already submitted.

The replies of the Managers of National Bank of Pakistan Main Branch D.I.Khan (Copies available on file) and of the District Comptroller of Accounts

D.I.Khan (Copy available on file) and the fact that the accused official had been deputed for carrying official documents and cash amount to and from the banks and the District Account office D.I.Khan, which has been admitted by the accused official in his written replies and the fact that since 27 February 2022, the accused official had started to embezzle the fine amount by either overwriting/tampering of Court vouchers or affixing fake signatures of the Presiding Officer of Labour Court D.I.Khan and affixing either fake and forged signatures of the officials of National Bank of Pakistan Main Branch D.I.Khan and District Account Office D.I.Khan and also affixing fake and forged stamps of these two departments or taking advantage of the carelessness of the officials of these two departments or by recruiting them for assistance in his illegal endeavor, had proved that the Accused Official was involved in corruption as defined under Rule 2 (g)(ii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, therefore, Major Penalty of dismissal from service is imposed under Rule 4(b)(iv) read with Rule 7 proviso of Government Servants (Efficiency & Discipline) Rules, 2011. Needful be done and entry in the relevant register be made and relevant quarters be informed. Under Rule 4(3) of Government Servants (Efficiency & Discipline) Rules, 2011, as the accused has committed embezzlement of Lacs of Rupees being a Government Servant, therefore, the Superintendent of this Court is directed to take up registration of case as complainant under the relevant laws against the accused for the offenses committed by him, with the Assistant Director Anticorruption Establishment D.I.Khan Circle as soon as possible.

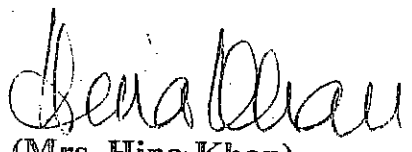
(Mrs. Hina Khan)  
 Authority/Presiding Officer  
 Labour Court D.I.Khan

Endst No. 6-8 /L/C/DIK/2023

Dated: 4/1/2023

Copy forwarded to:

1. Secretary Labour, Department of Labour, Khyber Pakhtunkhwa, Peshawar.
2. District Account Office, D.I.Khan.
- ✓ 3. Official Concerned.

  
 (Mrs. Hina Khan)  
 Authority/Presiding Officer  
 Labour Court D.I.Khan



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The Worthy Secretary,  
Labour Department, Khyber Pakhtunkhwa,  
Peshawar.

Subject: APPEAL AGAINST THE ORDER BEARING Endst. No.6-  
S/1/C/DIK/2023 DATED 04.01.2023, PASSED BY THE  
LEARNED PRESIDING OFFICE, LABOUR COURT,  
D.I.KHAN, WHEREBY MAJOR PENALTY OF DISMISSAL  
FROM SERVICE WAS AWARDED TO THE APPELLANT.

Your Excellency,

The appellant has the honour to submit the following submissions for your good-self kind considerations:

i. That the appellant had been serving as Bailiff/Attendant in the Labour Court, D.I.Khan and was charge sheeted on the following allegation:

- i. *Embezzled/misappropriated money out of fine amount collected by this Court and entrusted to you for deposit in account head CO-2905 of National Bank Main Branch, D.I.Khan.*
- ii. *Affixed fake signatures on Presiding Officer of this Court on vouchers, tempered/made overwriting on vouchers and either affixed fake and forged signatures and stamps of Bank officials or enroped them to work in collusion with you.*
- iii. *Affixed fake and forged signatures and stamps of officers/officials of District Accounts Office, D.I.Khan, on Monthly Reconciliation Statements or enroped them to work in collusion with you.*

Copies of the issuing charge sheet and statement of allegations are Flag A & Flag B respectively.



That on the same day of issuing charge sheet and statement of allegations, the appellant was also served with a show cause notice [Para 3]. Thus, the appellant submitted his reply/defence to charge sheet, statement of allegations as well as show cause notice. Finally, the learned Presiding Officer, Labour Court, D.M.Kham, the order bearing Trst. No.6-8/L/C/DIK/2023 dated 04.01.2023 [Para 4].

That order as to award of major penalty of dismissal from service, is liable to be cancelled and appellant entitled to be reinstated on the following reasons amongst others:

7. Because, the inquiry was not dispensed with as Statement of Allegation and Charge Sheet were issued to petitioner, and therefore, inquiry into the matter was the legal requirement; and after the charge sheet etc, no jurisdiction was vested in the authority to bypass the inquiry proceedings.

8. Because, under K.P. Civil Servants (Efficiency & Discipline) Rules, 2011, a show cause notice can be issued to an employee in case:

a. If inquiry is dispensed with by an order in writing, which is not the case, as Charge Sheet & Statement of Allegations were issued to appellant.

b. Upon completion of inquiry proceedings where charges and allegations are proved against a civil servant, whereas, in the present case, no inquiry was conducted into the charge etc.

iii. Because, show cause notice was issued to the appellant in a hasty & cursory manner which neither includes the details of alleged embezzled amount nor the proofs on the basis whereof the authority

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presumed that the stamps and signatures of the staff of Bank or Account Office are bogus or tampered.

Because, the authority by itself, was not sure about involvement of the staff of Bank or Account Office or otherwise.

Because, appellant was neither the custodian of record nor he used to receive the fines, nor he prepare challans, rather he was entrusted with the only job to deposit challans in the bank and then hand over the same to the concerned official to maintain the record.

Because, a fact-finding inquiry or inquiry under E&D Rules, 2011 was unavoidable as it was not a simple open & shut matter, rather a number of mysteries have been left unexposed.

Because, the authority was not sure about the fact that whether it was actually the fault of appellant or any other, that's why the matter was referred to the Anti-Corruption Establishment to include the officials of Bank and Accounts Office in the sphere of doubt to sort out the actual culprit; hence, impugned dismissal cannot be sustained legally.

Because, the forensic analysis of the stamps, signatures and hand writing was necessary to meet the ends of justice.

Because, impartial inquiry through an independent officer was a legal and constitutional right of the appellant.

Because, no fair chance of defence was afforded to the appellant.

It is further requested that the reply/defence to show cause notice, charge sheet and statement of allegation may also be

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considered as an integral part & parcel of this appeal, representation, and I may also be afforded with opportunity of personal audience.

In view of the above humane submissions, the appellant beseeches your kind honour to please cancel/set aside the dismissal from service order and appellant may please be reinstated to service with all back benefits

Yours most obedient Servant,

13 January, 2023

UZAIR ALI  
Ex-Bailiff/Attendant,  
Labour Court, D.J.Khan.

DEPOSITION:

I solemnly affirmed & declared on oath that all the para-wise contents of this appeal representation are true and correct to the best of my knowledge and belief, and nothing has been deliberately concealed.

Deponent

01-15-107



GOVERNMENT OF KHYBER PAKHTUNKHWA  
LABOUR DEPARTMENT

34

Order No. 1005/2023  
Dated Peshawar, the 13/02/2023

Presiding Officer,  
Labour Court D.I Khan.

Subject - APPEAL AGAINST THE ORDER BEARING ENDORSMENT NO 6-  
S/L C/D.I.KHAN DATED: 01.01.2023 PASSED BY PRESIDING  
OFFICER LABOUR COURT D.I.KHAN WHEREIN MAJOR PENALTY  
OF DISMISSAL FROM SERVICE WAS AWARDED TO THE  
APPEALANT.

Dear Madam

I am directed to refer to the subject noted above and to enclose herewith copy of an appeal submitted by Mr Uzair Ali Ex-Bailiff/ Attendant Labour Court D.I Khan dated 13.01.2023 with the request to tender your comments on the points raised in the appeal as required under rule 17(2) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 to proceed further in the matter, please.

Enclosed as above:-

Yours faithfully,

SECTION OFFICER (LABOUR)

Indst: No. & Date even:

1324/26

Copy of the above is forwarded to the:

- ✓ 1 Uzair Ali Ex- Bauff/ Attendant Labour Court D.I Khan C/o Superintendent Labour Court D.I Khan
- 2 PS to Secretary Labour Department Khyber Pakhtunkhwa, Peshawar

SECTION OFFICER (LABOUR)



GOVERNMENT OF KHYBER PAKHTUNKHWA  
LABOUR DEPARTMENT

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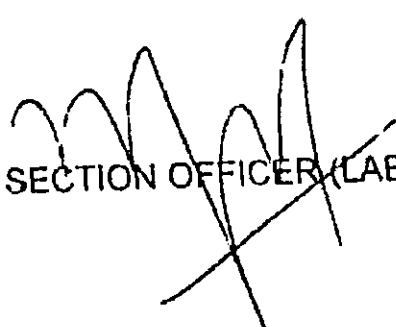
No:SOI(LO)-5-54-2022/Vol-II  
Date: Peshawar, the 08.03.2023

To

Mr. Uzair Ali  
Ex-Bailiff/ Attendant  
Labour Court D I Khan.  
C/o Superintendent, Labour Court D.I.Khan.

Subject: - PERSONAL HEARING AGAINST THE ORDER PASSED BY THE  
PRESIDING OFFICER LABOUR COURT D.I.KHAN

I am directed to refer to your appeal dated 13.01.2023 on the subject noted above and to inform to appear before the appellate authority/ Secretary to Government of Khyber Pakhtunkhwa Labour Department on Wednesday 15.03.2023 at 12:00 Noon in his office at Civil Secretariat Peshawar. You may bring any document in defence of your appeal

  
SECTION OFFICER (LABOUR)

Endst: No. & Date even:

Copy of the above is forwarded to the:

- 1 Presiding Officer Labour Court D I Khan.
- 2 PS to Secretary, Labour Department Khyber Pakhtunkhwa, Peshawar

  
SECTION OFFICER (LABOUR)



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GOVERNMENT OF KHYBER PAKHTUNKHWA  
LABOUR DEPARTMENT

No: OL(LD)/5-54/2022/Vol-II/LC D.I Khan  
Dated Peshawar, the 11.05.2023

To

1. The Presiding Officer,  
Labour Court D.I.Khan.

✓ 2. Sheikh Uzair Ali,  
Ex-Bailiff / Attendent  
Labour Court, D. I Khan.

Subject: - APPEAL AGAINST THE ORDER BEARING ENDORSMENT NO 6-8/L.C/D.I.KHAN DATED: 03.01.2023 PASSED BY PRESIDING OFFICER LABOUR COURT D.I.KHAN WHEREIN MAJOR PENALTY OF DISMISSAL FROM SERVICE WAS AWARDED TO THE APPELLANT.

I am directed to refer to the subject noted above and to enclose herewith the decision of the appellate authority in the instant appeal.

Encl as above

  
SECTION OFFICER (LABOUR)

DEPARTMENTAL APPEAL OF SHEIKH UZAIR ALI EX-BAILIFF /  
ATTENDANT LABOUR COURT D.I.KHAN

Date of decision: 31.03.2023

Accused, Sheikh Uzair Ali, ex-Bailiff / Attendant, Labour Court D.I.Khan preferred departmental appeal against the order dated 04.01.2023, passed by the learned Presiding Officer, Labour Court, D.I. Khan, whereby Major Penalty of dismissal from service was awarded to the appellant. Record of the case was requisitioned and comments on the points raised in the appeal were obtained from the Presiding Officer, Labour Court D. I.Khan. The accused official was afforded opportunity of defence which he availed through personal hearing.

2. The accused official could not substantiate the points raised in the appeal. The inquiry had been carried out strictly under the relevant provisions of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 and no procedural violation was observed. The accused official was afforded opportunity of defence by the appointing authority which he had availed through submission of his written replies and a chance of personal hearing.

3. Having considered the appeal, explanation of the accused official during personal hearing, and perusal of the case record with particular reference to observance of relevant procedure coupled with evidence on record, I am of the opinion that the accused official has not been able to prove his innocence; Whereas enough evidence regarding acts of commission and omissions ~~connect the accused with the offence~~ was available to connect the accused official with the commission of offence. Therefore, the undersigned in his capacity as appellate authority uphold the order <sup>of</sup> major penalty and reject the appeal being devoid of merit.

  
SECRETARY TO GOVT. OF KHYBER PAKHTUNKHWA  
LABOUR DEPARTMENT / APPELLATE AUTHORITY

**SECRETARY**  
to Govt. of Khyber Pakhtunkhwa  
Labour Department



خدمت جناب پیر زادہ نذیر احمد لکھنؤ ڈیرہ اکیڈمی خاں

جناب عالی سے منسلک شیخ عزیز علی ولد محمد علی صاحب خاں

لکھنؤ حافظہ اللہ بخش ڈیرہ اکیڈمی خاں آف جناب کی

خدمت میں عرض رسالہ ہوا۔

یہ کہ منسلک آف جناب کے زیر رسالہ (ایس بیلف ایڈمنٹ)

لکھنؤ تھا۔

یہ کہ ایس بیلف ایڈمنٹ 2023 کے منسلک بن کر

وائس ایس پی ہوا کیا جو کہ پیر ہونے کی وجہ سے پیر ہونے

کے قابل نہ ہے۔ ایڈمنٹ فورہ ہی ڈاکٹر محمد موبائل

وائس ایس پی نمبر 789 478 334965 نے بھیجا ہے۔

لکھنؤ ایڈمنٹ علی علی لکھنؤ کی حسب ضابطہ آفمنٹ

کاپی عنایت کر کے شکر محمود خواں مولد 2023 06

منسلک شیخ عزیز علی ولد محمد علی صاحب خاں

حافظہ اللہ بخش ڈیرہ اکیڈمی خاں

(MOB: 03406104800)

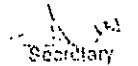
KHALID MEHMOOD

Advocate

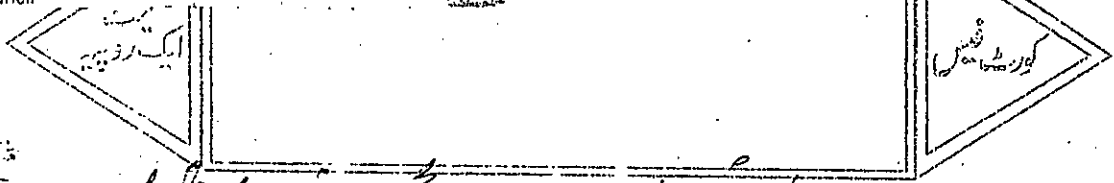
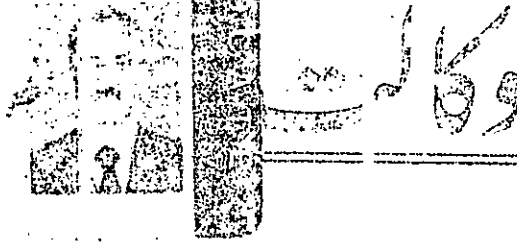
hc-15-5415

Date of issue: October 2020

Valid upto: October 2023



Secretary  
KP Bar Council



بعد الٹ چذاب  
حیدر کنویں جوان  
مشیر علی  
شاہد علی

مہر علی لیل

دعویٰ یا جرم

تفصیل دعویٰ یا جرم

باعت پر آئیکہ

مقدمہ مقدمہ بالاعتبار ان میں اپنی طرف پر ضابطہ پر درج اور جی برائے پڑھنی اور تصدیق پر یہ مقام

حاکم خود لکھ لکھنی والی طرف  
کو حسب ذیل شرائط پر لکھا ہوا ہے کہ میں ہر جہتی پر خود بخود ہاں اور وہاں حاضر ہو جائوں گا۔ ہر وقت کے لئے یہ دفعہ مکمل صاحب  
موصوف کو اطلاع دے گا۔ اگر حالت میں ہوں گا، اگر جہتی پر منظر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طرح میرے برخلاف ہو گیا تو صاحب موصوف  
ایسے کسی طرح ذمہ دار نہ ہوں گے، نیز مکمل صاحب موصوف صدر مقام کچھری کے علاوہ کسی جگہ یا کچھری کے اوقات سے پہلے یا پیچھے یا بعد از تظلیل ہجرتی کرنے کے  
ذمہ دار نہ ہوں گے۔ نیز مکمل صاحب موصوف صدر مقام کچھری کے علاوہ کسی جگہ یا کچھری کے اوقات سے پہلے یا پیچھے یا بعد از تظلیل ہجرتی کرنے کے ذمہ دار نہ  
ہوں گے اور مقدمہ صدر کچھری کے علاوہ اور جگہ سماعت ہونے یا بعد از تظلیل یا کچھری کے اوقات کے آگے پیچھے ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ  
دار یا اس کے واسطے کسی مضامینہ کے ادا کرنے یا نفاذ واپس کرنے کے کسی موصوف ذمہ دار نہ ہوں گے۔ منظر کو اپنی ساختہ پر داخلہ صاحب موصوف مل کر وہ  
ذات خود منظور قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ یا جواب دہی یا درخواست اجراء کے ذمہ دار نہ ہوگا۔ اپنی درخواست پر منظور قبول کرنے کا  
بھی اختیار ہوگا اور کسی حکم یا ذمہ دار نہ ہوگا اور ہر حکم کا روپیہ وصول کرے۔ اور رسید دینے اور دال کرنے اور ہر حکم کے بان دینے اور اس پر پٹائی یا اس نامہ نوشتہ پر  
تلف کرنے، اقبال دہنی کا بھی اختیار ہوگا۔ اور ہر وقت مقرر ہونے والی پیش کش شدہ ذمہ دار نہ ہوں اور کچھری صدر مقام کی ساختہ مذکورہ نظر ناظر داخلہ دیکھائی اور آمدنی  
مقدمہ یا عرضی ذمہ دار اور درخواست حکم امتحانی یا قرضی یا گرفتاری، عمل از فیصلہ اجراء کے ذمہ دار نہیں صاحب موصوف کو ہر کارروائی کے لئے منظر صاحب موصوف کے اختیار ہونے کا اختیار ہوگا  
اور نام ساختہ پر داخلہ صاحب موصوف مل کر وہ ذات خود منظور قبول ہوگا۔ اور ہر صورت ضرورت صاحب موصوف کو بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسے کسی جہت  
کی کارروائی یا ہجرت اور درخواست نظر ثانی اپنی یا دیکر معاملہ منظور ہو کر کسی اور سے مکمل یا ہر طرح کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے غیر قانونی کو  
بھی ہر امر میں وہی اور دینے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں اور دوران مقرر میں جو کچھ ہر ذات الزام پڑا ہے وہ صاحب  
موصوف کا حق ہوگا۔ کہ صاحب موصوف کو پوری نہیں تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا یا ہر ذمہ دار کا کہ وہ مقدمہ کی ہجرتی نہ کریں اور ایسی  
مہر نہ لیں ہر کوئی مطالبہ کسی حکم کا صاحب موصوف کے برخلاف نہیں ہے۔

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