### FORM OF ORDER SHEET

Court of

S.No. Date of order proceedings with signature of judge proceedings

1 2 3

1- 04/07/2023 The appeal of Mr. Rehmat Gul presented today by Mr. Said Muhammad Durrani Advocate. It is fixed for preliminary hearing before touring Single Benet: at Swat on REGISTRAR

# BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR

Appeal No 1424 of 2023

| Rahmat Gul              |         |        | (Appe   | ellant) |
|-------------------------|---------|--------|---------|---------|
|                         | VERSŲS  |        |         |         |
| Superintendent Engineer | C&W and | others | (Respon | dents)  |
|                         | INDEX   |        |         | •       |

| S  | Description                               | Annexure | Pages # |
|----|---|----------|---------|
| #  |   |          | 1       |
| 1  | Appeal with certificate                   |          | 1-7     |
| 2. | Addresses of the parties & Affidavit      |          | 8-9     |
| 3. | Application for condonation of delay with |          | 10-11   |
|    | affidavit                                 |          |         |
| 4. | Copies of relevant record                 | Α.       | 12-22   |
| 5. | Copies of application, suit etc           | В        | 23 - 33 |
| 6. | Copies of appeal, comments & impugned     | C        | 34-79   |
|    | order dated 26-12-2013                    |          | . 37    |
| 7. | Copy of appeal with relevant documents    | D        | 40-44   |
| 8. | Copies of applications                    | E ·      | 45-48   |
| 9. | Wakalatnama                               |          | 49      |

Appellant

Rahmat Gul Through Counsel

SAID MUHAMMAD DURRANI Advocate, High Court

> Office: Azim Khan Plaza, Makanbagh, Mingora, Swat Cell No. 0333-9483696



# BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR

## Appeal No 1484 of 2023

Rahmat Gul son of Said Gul resident of Banjo Banda, Dherai, District Malakand.

.....Appellant

#### **VERSUS**

- 1. Superintendent Engineer C&W Saidu Sharif, District Swat.
- 2. Govt. of Khyber Pakhtunkhwa through Secretary C&W at Peshawar.
- 3. Chief Engineer (North) C&W Khyber Pakhtunkhwa at Peshawar.
- 4. Deputy Commissioner Malakand at Batkhela, Malakand
- 5. XEN, C&W Malakand at Batkhela, Malakand
- 6. SDO C&W Malakand at Batkhela, District Malakand.

.....Respondents

SERVICE APPEAL UNDER SECTION 4,
OF THE KPK SERVICE TRIBUNAL ACT,
1974, AGAINST THE ORDER DATED 2612-2013, WHEREBY THE APPELLANT
WAS TERMINCATE FROM SERVICE.

#### PRAYER IN APPEAL

On acceptance of this appeal the orders passed by the respondent department be declared as illegal, discriminatory, against law, void ab-initio and may graciously be set aside the same and the appellant may be reinstated on service with all back benefits.

Any other reliefs which are proper in the instant circumstances of the may also be granted though not specifically asked for.

#### Respectfully Sheweth,

- That the appellant was appointed as Class-IV in the respondents department on the retired son-quota. (Copies of relevant record are attached as annexure "A")
- That due to not paying the salaries to the appellant, the appellant submitted applications for releasing of salaries and also filed suit against the respondents in the Court of Senior Civil Judge Malakand, which was dismissed on 16-04-2018 due to non-jurisdiction. (Copies of application, suit etc are attached as annexure "B")
- 3) That the appellant then filed service appeal No. 701 of 2018 before this honorable tribunal regarding the releasing of his salaries, wherein the respondents

appeared and submitted their comments and took the stance regarding the dismissal of the appellant from service on 26-12-2013 and annexed the termination order in the said comments. (Copies of appeal, comments & impugned order dated 26-12-2013 are attached as annexure "C")

- 4) That the appellant submitted departmental appeal before the respondent No. 3. (Copy of appeal with relevant documents are attached as annexure "D")
- 5) That the appellant also submitted different application before the competent authority for his grievances, but not paid any heat. (Copies of applications are attached as annexure "E")
- 6) That extremely aggrieved from the orders, the appellant has no other remedy except to file instant appeal before this Honorable Tribunal on the following grounds.

#### GROUNDS:-

a. That the order of dismissal of the respondents department are illegal, against the rules & regulation and exercised their power not vested to them.

- b. That in case of imposing major penalty principle of natural justice requires that a regular inquiry was to be conducted in the matter and opportunity of defense of personal hearing was to be provided to the civil servant proceeded against him otherwise the procedure against him without following the rules would be amount to condemned unheard. So, on this ground to the impugned orders regarding dismissal / removal is liable to be struck down on this score alone.
  - c. That the penalty of dismissal / removal from service imposed upon appellant for absence from service is illegal being violative of section 7 (a).
  - d. That the appellant were illegally treated & dismissal/ removal from service is too harsh so, the impugned order is not maintainable in the eye of law.
  - e. That in service law concept of penalty was to make an attempt to reform the individual wrong doer but such penalty deprived the appellant from the right of earning, which defeat the reformatory concept of punishment in administration of justice so, the orders of dismissal is not sustainable on this ground too.

- f. That the inaction of respondent department is against the law, rules, because the appellant was ill and unable to perform his duty, but the respondent department is against the law & rules not reinstate the appellant.
- g. That the apprehended forceful premature termination of appellant is unjustified illegal. The said act of the respondents is be clear & sheer violation of the Fundamental Rights of the appellant which are envisaged and guaranteed by the Constitution of the Islamic Republic of Pakistan, 1973.
- h. That no show cause notice, charge sheet, personal hearing and no explanation been conducted / served against appellant, which is against the laid down rules and regulations and thus this act of the respondents is amounts to abuse of law.
- i. That the appellant has performing his duties with great zeal, zest, devotion & dedication at his best level to the entire satisfaction of his senior officials, but this aspect of the case was also over looked by the respondent department.
- j. That it is very much astonishing that the appellant was transferred on 08-12-2014 to the office of Deputy Commissioner Malakand while the other hand the respondents illegally

(6)

annexed the termination order with their comments, furthermore the department/ respondents promoted the appellant to the scale IV vide order dated 17-08-2015. In this situation there is no legal effect of the fake & illegal termination order issued by the respondent No. 1, hence liable to be set at naught.

- k. That the appellant regularly performing his duties with respondents and for the releasing of salary so many applications were submitted to the respondents, but even then the respondents did not say about the termination of appellant.
- 1. That due to the impugned order the respondents violated the constitutional & shariah rights of the appellant, respondents also violated services law & rules and passed the bogus and illegal order on back date, which show clear mala-fide & political influence, hence liable to be set aside.
- m. That further grounds, with leave of this

  Honorable Court, would be raised at the time of
  arguments before this Honorable Court.



#### Prayer:-

view the above Therefore in of submissions, it is most humbly prayed that on acceptance of this appeal the order dated 26-12-2013 passed by the respondent department be declared as illegal, discriminatory, against law, void ab-initio and may graciously be set aside the same and the appellant may be reinstated on service with all back benefits. Any other relief which are proper in the instant circumstances of the may also be granted though not specifically asked for.

Appellant

Rahmat Gul Through Counsel

> Said Muhammad Durrani Advocate, High Court

Jus.

#### CERTIFICATE:

(As per directions of my client) No such like Appeal earlier has been filed by the appellant on the subject matter before this Honorable Court.

ADVOCATE.



## BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR

|                   | Appeal No      | of 2023                                 | . *      | • .    |
|-------------------|----------------|---|----------|--------|
|                   |                |   | *        |        |
| Rahmat Gul        |                | • | (Appel   | llant) |
|                   | VERSUS         |   |          |        |
| Superintendent En | gineer C&W and | others                                  | (Respond | ents)  |

### ADDRESSES OF THE PARTIES

#### <u>APPELLANT</u>

Rahmat Gul son of Said Gul resident of Banjo Banda, Dherai, District Malakand.

CNIC No:15402-2442270-5

Cell No: 0342-9640498

#### RESPONDENTS

- 1. Superintendent Engineer C&W Saidu Sharif, District Swat.
- 2. Govt. of Khyber Pakhtunkhwa through Secretary C&W at Peshawar.
- 3. Chief Engineer (North) C&W Khyber Pakhtunkhwa at Peshawar.
- 4. Deputy Commissioner Malakand at Batkhela, Malakand.
- 5. XEN, C&W Malakand at Batkhela, Malakand
- 6. SDO C&W Malakand at Batkhela, District Malakand.

Appellant Rahmat Gul

<u>Through</u> Counsel

Said Mahammad Durrani Advocate, High Court

م المالي

(9)

# BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR

|                  | Appeal No       | of 2023 |         |        |       |
|------------------|-----------------|---------|---------|--------|-------|
| Rahmat Gul       |                 |         | ſΑı     | onella | ntì   |
| railinat Gai     | VERSUS          |         | (21)    | o pond | .110, |
| Superintendent E | ngineer C&W and | others  | . (Resp | ondei  | nts)  |
|                  | <u>AFFIDA</u>   | VIT     |         |        |       |

I, Rahmat Gul (appellant), do hereby solemnly affirm and declare on oath that the contents of the above titled Appeal is true and correct to the best of my knowledge and belief.

DEPONENT

CNIC: 18402-29422705

Favor Hussain Advocate
Digital Commissioner
Digital County Selfinds Event
No. 13



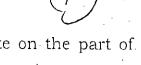
## BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR

|                    | Appeal No      | of 2023 | ŗ  | ,      | •      |
|--------------------|----------------|---------|----|--------|--------|
|                    |                |         | ,  |        | , ,    |
| Rahmat Gul         |                |         |    | (Appel | lant)  |
|                    | VERSUS         |         |    |        | • • •  |
| Superintendent Eng | gineer C&W and | others  | (R | espond | lents) |

#### APPLICATION FOR THE CONDONATION OF DELAY (IF ANY).

#### Respectfully Sheweth:-

- 1) That the applicant is filing the above mentioned appeal before this Hon'ble court.
- 2) That the appellant was transferred on 08-12-2014 to the office of Deputy Commissioner Malakand while the other hand the respondents illegally annexed the termination order with their comments, furthermore the department/ respondents promoted the appellant to the scale IV vide order dated 17-08-2015. In this situation there is no legal effect of the fake & illegal termination order issued by the respondent No. 1, and the appellant regularly performing his duties with respondents and for the releasing of salary so many applications were submitted to the respondents, but even then the respondents did not say about the termination of appellant.



- 3) That the delay is not willful and deliberate on the part of applicant, hence liable to be condoned.
- 4) That valuable rights of the present application / appellant is involved in the instant matter and if the delay to file the instant appeal is not condone then the application / appellant shall suffer irreparable loss.

It is, therefore, humbly prayed, that by acceptance of this application this Hon'ble court may be please to condone the delay if any accrued in filling the reference petition.

Applicant / appellant

Rahmat Gul Through counsel

SAID MUHAMMAD DURRANI Advocate, High Court

#### AFFIDAVIT

I, Rahmat Gul (appellant), do hereby solemnly affirm and declare on oath that the contents of the above titled applicant is true and correct to the best of my knowledge and belief.

DEPONENT



## 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:-

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.

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.

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.

To produce a Medical Certificate fitness from Medical Superintendent Disti 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: -

1:2 District Coordination Officer, Malakand.

Executive District Officer, (Health) DHQ Hospital Malakand.

Executive Engineer C&W Division, Malakand.

Agency Account Officer, Malakand.

Official concerned.

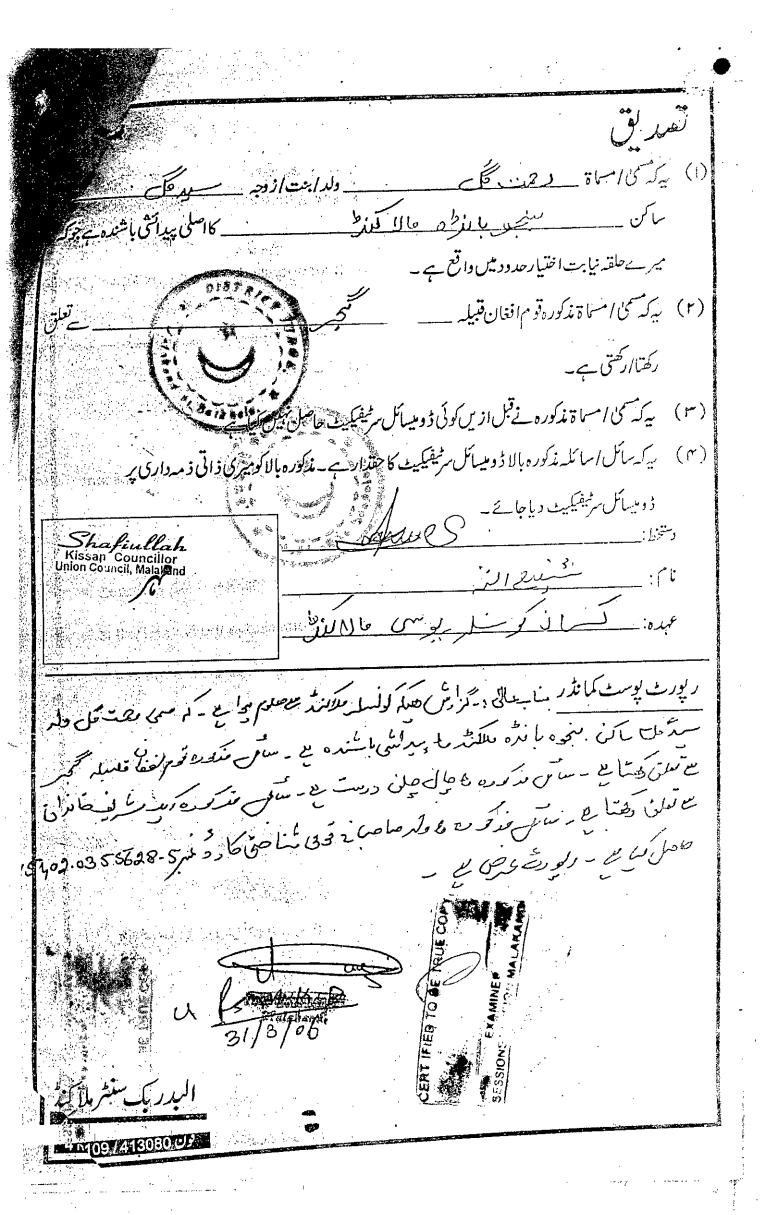
For information and necessary action please.

SUPERINTENDING ENGINEER,

A Burrents

KPK, Med: No.4 Name of Official Father's Name. Caste or Race. Residence. Date of birth. 03/01/1985 24 Exact height by measurement · Personal mark identification. Signature of the official Signature of head of office. Seal of office I do hereby certify that I have examined \ Candidate for employment in the office of the can not discover that he / she had any disease communicable or other constitutional effection or bodily infirmity except\_ NiL. I do not consider this as disqualifications for employments in the office of \_ his/her age:according to his/her own sta Years, and by appearance/ general development is about \_\_\_\_ Impressions Thumb. Ring Fig: Middle Fig: Index Fig: Small Fig: Dated: DHO Hospital Bat

DOMICILE CERTIFICAT I declare that I was born of parents who are permanently domiciled in N.W.F Having belonged to it by birth/settled in it. I belong by birth to Village /Mohallah Pursuance to the declaration datedson/derighter of\_\_\_\_ domiciled in the N.W.F.P., It is hereby certified that the said\_ is born of parents who are permanent residents of the N.W.F.P.: Having belonged to it by birth/settled in it. I have satisfied myself from personal/my knowledge verification that the above declaration is true and certify.



| <b>(</b> •                          |   |  |   | •                              |         | Mah.                     |              |                      |
|-------------------------------------|---|--|---|--------------------------------|---------|--------------------------|--------------|----------------------|
|                                     | :   | •  | (1)   | 1                              | •       | ( . !                    | · · ·        |                      |
|                                     | 1 2   | T  | T   |                                |         |                          | رگ ا         |                      |
|                                     | 2   | 3:   | 4   | 5                              | 6       | 7                        | 8            | 7                    |
| Name of Post.                       | Substantive Whether Substantive or officialting 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 | 6-117-  | Day<br>cf<br>Appointment | Signature of |                      |
| DRR Clear                           | بدف   | •  |   |                                | 1       |                          |              |                      |
| DRR Clear<br>B8-02<br>(4900-170-10) | 200)  |  |   | 4900                           |         | 01-                      | 16 18 - 22   |                      |
|                                     |   |  |   |                                | ,       | 70()                     | (F.N) = 16)  | 4                    |
| -10-                                |   |  | •   | 5070                           | • ••    | 12                       |              |                      |
|                                     |   |  |   | 1                              | 3       | 13                       | السيانات فكل |                      |
| -                                   |   |  |   | 1 2                            | * 2 * 1 | 1,91<br>2                | ,            |                      |
|                                     |   |  |   | ;                              | · ·     | ,                        |              | <del>-   -  </del> - |
| - cla                               |   |  |   | 5240                           |         | · ,Z                     |              |                      |
|                                     | · \   |  |   |                                |         | 20/1                     | 18 cm        | 4                    |
|                                     |   |  |   |                                |         |                          |              |                      |
|                                     |   |  |   | 1770                           | STED    |                          | . 1          |                      |
|                                     |   |  |   |                                |         |                          |              |                      |
| . ,                                 |   |  |   |                                |         |                          |              |                      |
| 100                                 |   |  | _   | 5410                           |         | 1-12                     |              |                      |
|                                     |   |  |   |                                |         | 3                        | ر کورے کی و  | . :                  |
|                                     |   |  |   |                                | *       |                          |              |                      |
| 23PS-02                             | Pay (   | evised   |   |                                |         | -                        | 2.5%         |                      |
| 6330-220-                           | 129-21  | ,d   |   | ·                              | 3995    | 12                       | 10 100       |                      |
|                                     | ( / / )   |  |   |                                |         | 204                      | J. J. J.     |                      |
|                                     |   |  | (1)<br>(1)<br>(2)<br>(3)<br>(4)<br>(4)<br>(4) |                                |         |                          | •            |                      |
|                                     | , T. h.   |  |   |                                |         |                          |              |                      |
| BPS-04 P                            | 081 4/18  | alid B.  | -2 4  | SB-0                           | 4       |                          | 1            |                      |
| 6730-300-157                        | 3v  | . Next o   | Tale  |                                | 030     |                          |              |                      |
|                                     |   |  | M  -  |                                | 50      | .7                       | ر المحات على |                      |
|                                     |   |  | 9   | ~~                             |         | 1-1-                     | CF CFED      | -                    |

|   |   |  |   |   |   | 7  |  |   | (78)   |  |       |
|---|---|--|---|---|---|--|--|---|--|--|-------|
| • | 9   | 10                                       | 11/   | 12  | 1 62  |  | 13 and 13  | 144   | 1  | 1 相談   |       |
|   | Manuff and Dalgontian of the bred of the officer or other sizating officer in a mesting of columns 1 to 8 | Date of<br>fermination or<br>appointment | Reason of fermination (such as promotion transfer, dismissal, etc.) | Signiture of the head of the office or other, sitesiling of the office. | Nature<br>and<br>dura-<br>tion<br>of leave<br>token | Alle<br>lea<br>up  | cave  cation of period of  ve on everage psy  to four months for  itch leave salary is  blighte to another  Government | Signature of their head of the office or other etterning to office. | Helerence to<br>punishment<br>cesure, or rew<br>or praise of a<br>Covernmen<br>Servant | or ard   |       |
| 7 |   |  | Αρρού   | LeQ as  | 201P.I  | The state of the s | which debitable  | ii oc   | 2  |  |       |
|   |   | (1900-<br>Clw ci<br>dated<br>Assiva      | 70 6<br>26 9<br>26 9  | 500) Vide<br>wax off<br>-3012   | Su<br>e C   | 24<br>24<br>14   | erdande<br>es No.  | ng Bigo<br>1884-E<br>1888-18  | ees.   |  |       |
|   |   |  | 9   | m   |   | O THE STATE OF THE | D Core   | 2000  |  |  |       |
|   | 7 V   |  |   |   |   | が最初を   |  | sinedi<br>is siony)<br>isend  | *  |  | 100 m |
| . |   |  |   |   |   |  | P  |   |  | and the state of t |       |
|   |   |  |   |   |   | the second second second   |  |   |  |  |       |
|   |   |  |   |   |   |  | 32   | 9   |  |  |       |
|   | W. Martin   | Juriana<br>Juriana                       | 7   |   |   |  |  |   | a constant   |  |       |
|   | Sall divides  |  | · · · · · · · · · · · · · · · · · · ·                               |   |   |  |  |   |  |  |       |
|   |   | ar .                                     |   |   | pos   | Tu   | ognate   | 14  | 10 - W   | i  |       |
|   |   |  |   | V   | 7-7   | Fr   |  | epli 200.   | KC (PD)  | So F   |       |
|   |   |  |   |   | /   | i.   | v wids   | 17-8-   | 2019   |  |       |
| - |   |  |   |   |   | 1  |  |   | · · · · · · · · · · · · · · · · · · ·  |  |       |

|          | A CHARLES   |   |  |     |          |
|----------|-------------|---|--|-----|----------|
|          |             | gnature of oment servant  |  |     |          |
|          | <del></del> | Gove  | (F- H) J   | ber | Wa.      |
| <b>p</b> | ·           | Day<br>of<br>pointment  | 10 70(7)   |     |          |
| X        |             | er<br>nent<br>ig<br>the App   |  | 12  | 12       |
|          | 6           | Othe<br>emolum<br>fallin<br>under t   |  |     | 5        |
|          | 5           | Hional<br>P for<br>iating   | 70   |     | 699      |
|          |             | Da-   | 50.  | 910 |          |
| (X       | 4           | Pay in<br>substantive<br>Post   |  | S   |          |
|          | 3.          | ent, or<br>r service<br>pension<br>t. 371   |  |     |          |
|          | 3           | If officiati<br>(I) substantian<br>appointm<br>(Ii) Whether<br>counts for<br>under As<br>C.S. |  |     |          |
|          | 2           | tantive Substan- flicialting thether nent or  | The Manual Control of the Control of |     |          |
|          | <del></del> | tive or o and w perma tempi   | snar   |     | Pay 293x |
| 1        | <u></u>     |   | Clean 2  |     | 20-1     |
| <u> </u> |             | Name o  | 100-17   | No  | -04      |
| STATE.   | , r *       | •   | \<br>\\  |     | 633      |
| 76       | مسيد        | <b>r</b>  | Advoored In the International Inc.   |     |          |
|          |             | -   |  |     |          |

j =7



| Sequence and Prolessing of the bread of the effect of the thread of the effect |
|--|
| Signature and Preligention Control of the Control o |
| Signature and Designation of the field of the officer or the first of the field of the officer or the first of the field of the officer or the first of the officer of the first of the first of the first of the officer of the first of the officer of the first of the first of the officer of the officer of the first of the officer of  |
| Appendix to a second product of strength of the strength of th |
| tolumns I to 8 applicitions:    Commission of promotion transfer, dismission of columns I to 8   Period Commission of the stering of the color of the stering of the color of  |
| tec)  of law of  |
| Period Comments which destroy with BS-02  (4900-170-1000) vide Superior tending Engineer  Clw cycle suar office coder No. 428/4/E  Arrival for duty on of 10-120/2 (Free Neon)  Malakend  Malakend  Malakend  Period Conversion  Algorithms  Period Conversion  Reported  Cav History  Malakend  Malakend  Malakend  Malakend  |
| C/W cycle guart office Cooler No. 438/4-Ez  dated 26-9-2012. The official has naported:  Arrival for duty on at 10-2012 (Fore Neon).  Ombo  Executive Drinedi C & V. Drivision )  Malakend'  |
| C/W chicle Quart office Cooler No. 438/4-Es  dated 26-9-2012 The official has reported.  Arrival for auty on at 10 2012 (Fore Neon).  Malakend  Malakend  Malakend   |
| C/W chicle Quart office Cooler No. 438/4-Es  dated 26-9-2012 The official has reported:  Arrival for auty on at 1012 (Fore Neon).  Malakend  Malakend  |
| Exacutive Delnedic Caw livision Malakand   |
| max max Exacutive Defined Cavitivision Malakand  |
| max  |
| Executive Engined, Cary livision Malakand  |
| Executive Engined, Cary livision Malakand  |
| Malakand Malakand  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
| Una Millioura  |
| Muhante His  |
| SACONO   |
|  |
|  |
|  |
| Postupgrated from P-2 W B-4  |
| velle Finance noot   |
| 7-20/2015 JAN 20 FC FD SO FOX  |
| 7-20/2025 de 17-8-2010   |
|  |
|  |

(19)

WEICE OF THE SUB DIVISIONAL OFFICER CAW SUB DIVN: NO.1 MAL. KAND

NO. 340 B-E

Dated Malakand the 8 1322014

#### OFFICE ORDER.

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

|                    |            | · · · · · · · · · · · · · · · · · · · | Carrie annul to        |
|--------------------|------------|---------------------------------------|------------------------|
| S/No               | Name       |                                       | Transferred to         |
| 3/1\0;             | Condictor) | Deputy Commiss                        | ioner Office Malakand! |
| 1 Mr.Rehmat Gul (R | Condictor  |                                       |                        |

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. I MALAKAND

THE MAN THE STREET COURT

المراجع ما ولا رم حيد. اع برود بیر در دوسی ایام در ب المربير و > « نودير.» 13-3:-2 ol S In month of De openation i Juses on Forcet NADO

NO: 340 BE The following person is hereby transferred to industring place within previsees Malakand Division in the best interest of public. C&W SUB DIVISION NO. I MALAKAND Copy Awarded to Executive Engineer C&W Division Malakand for information please. من ردين من رور نظر المرسمالي ما مداري ه ا مرمورہ جا۔ عد باکسے ہے مور پر دا فرقے ایا رے راج ہے۔ المواث الموس الع البرير وفي والالرام 13-3-2015 The report of De operator is based on Fact alseary ferfried lis Anties with housely at pa adony how Mkd over





### LIST OF OFFICIALS PROPOSED FOR DENGUE PREVENTATIO PROGRAMME FOR THE YEAR 2014 IN DISTRICT MALAKAND

Dated Malakand the \_\_/04/2014

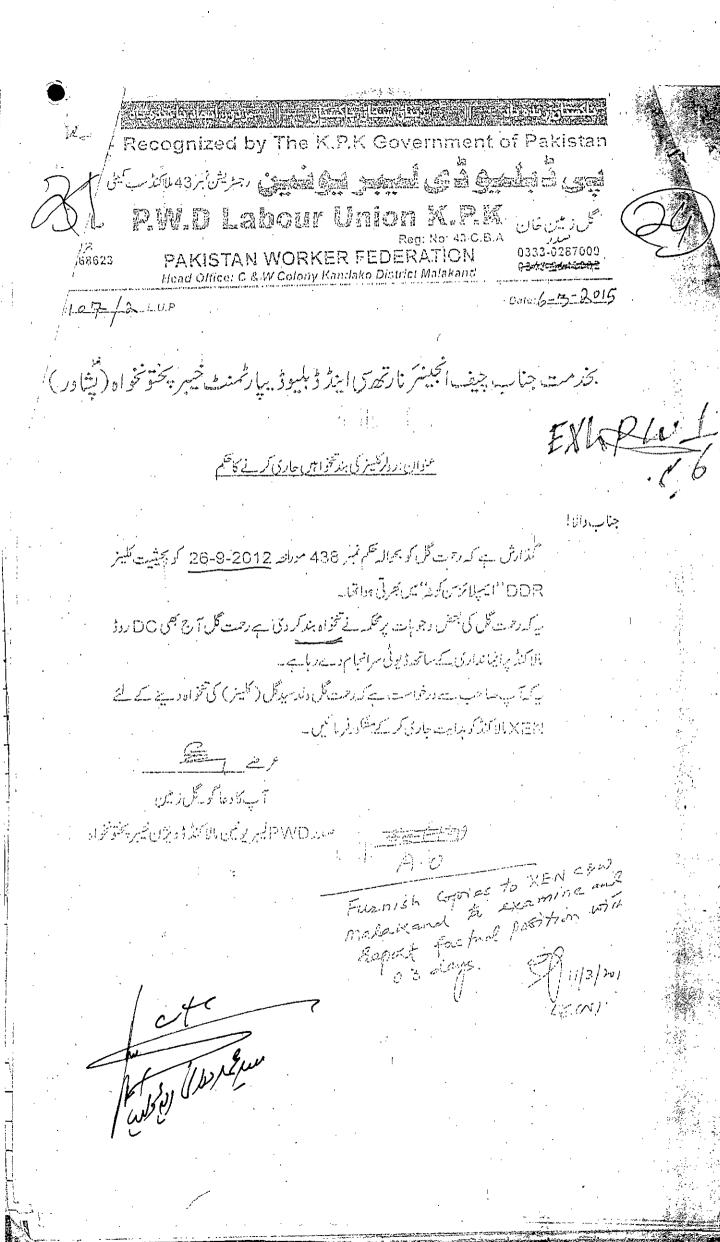
|      |                     | 4                 | all the second second |               |
|------|---------------------|-------------------|-----------------------|---------------|
| S/No | Name .              | Designation       | Arcu                  | Foc : Person  |
| 1    | Mr. Gul Zamin       | Road<br>Inspector | C&W Colony            | Gul Zamin     |
| 2    | Mr. Siraj Mohammad  | Painter ,         | do* 🐉 🕍               |               |
| 3    | Mr. Zarif Khan      | Mate 🔞            | *Akhtar Ghundai實      |               |
| 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              | 1             |
| 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            |               |
| 31   | Mr. Usman Khan      | Mali≰             | Akhtar Ghundai        |               |
| 19   | Mr. Qadar Khan      | Coollys           | Malakand              | Zoc.: Zamin   |
| 20 / | Mr. Rehmat Gul L    | Roller            | Malakand              |               |
|      |                     | Conductor         |                       |               |
| 21   | Mr. Sher Zaman      | Pump              | Rang Mala             |               |
|      |                     | Operator          |                       |               |
| 22   | Mr. Qamar Ali       | Driver            | Piran                 | <u> </u>      |
| 23   | Mr. Taza Gul        | Mate              | Piran                 |               |
| 24   | Mr. Sher Alam       | Mate              | Malakand              |               |
| 25   | Mr. Nowreen Bibi    | Sweeper           | Malakand              |               |
| 26   | Mr. Darawadan-II    | Coolly            | Thana                 | Darg\vadan-11 |
| 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-1     | 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                 | M             |
| 36   | Mr. Nazar Hussan    | Sweeper           | Thana                 |               |

Said Multannad Burrant

Jan

CF $\lambda L$ 

مرشندون الجد ما سي سيد ولوسوا تركيم عالم من المال الدوم 14 و 4 ورايم درفواست لسلسه نولی د نام می سے الفراست كنيزة ول مراعت كل ولا سركل كنية بيم بالره له إيوال نست اساله حوق معلوباتی دوره مالرند میم ا نیا شیا ب مع قربری تبوت فره اردُر مالا مع كثر ما 2012 مع استان ما ، في ترق ر سے ارزا فاعرہ دوں مے سن اس کے ارزار سنوانی ملا ہے معر - فوراسفاف کرس کولول و فعالے فیمی رر ہے وی مرد ما فراد نسب رختی به اس کی فرخ کان سال ملک مدین ارتبیات نفروض سر مناید ایران سسلی سی وفری سنوان مناس 



بخدمت جناب سير شند تك أنجيتر صاحب وابيد وبليود ببار ممنت سيدوشر بف سوات عنوان: درخواست برائے ادا بھی بزنٹخواہیں رور کلینز بمقام ڈی می اورلاکنز جناب عالی! مودبانه گزارش ہے کہ (۱) ماکل رحمت کل 2012ء سے بحثیت ڈی آر آر کلیز کام کردہا ہے (٢)۔ سائل آج كل ڈپٹى كىشىز باؤس روؤ ملاكنڈ ئاپ پراپنى ۋىدنى كرر باہے۔ گزارش بے کدمائل کی تخواہیں عرصہ دراز سے بند ہیں۔اسلئے آپ مہریانی کرکے ایکسین صاحب ملاکنڈ کو احکامات جاری کریں کہ میری تنخوا ہوں کی ادا لیگی کابند دیست کریں۔ العارش رحمت گل ولدسپایگل DRR كلينزى ايند ذبليوملاكند with and the outland xxii selib

and mornari

مت دنا بر رئیسی ماصب که میراث مارسان Olive My رسر ما ما ما من من منوره معنی وجو است در محلے نے منخورہ D.c. - 10 7.1 pm/ / 200 سرم کن ی تنوره رس من ر در از الله المرسم من مان بنجو مامرس cherzinolge coling the die 12 مند منا ایک ایک ساله سال کا تو کافی ا می در دنواست م - کر سائل کی تخوا ما ری کردین علاق الراق مران دول - دسر آنت مومسر لوش كوسل مل سر

lier lie willo me 9 8,9/ ho ? Jour 5 in indeed الانظروب سيرا سان بنجو باندار فتير و فعيرى صلوط الله ... دفيدى JAP HAR Mound of Sold of Sold of Still on of the Color of the of the MEDOR DOLD JOE JOE MONE JOE ON SERVING SOLD COM SERVING S KHALITJUDGO III
Malakand ii rayhtii acijam glir ioji sen CAM mio, iisisi 1 1 244/1)
Malakand ii rayhtii acijam glir ioji sen CAM SDO (1)

Nely Guelyc Villaglie, stilw liosi liasis 1/10 CAM SDO (1)

Nillaglie, stilw liosi liasis 1/10 CAM SDO (1) will the less live to the contraction of the state of the Chesicions is the suison species of paisses its My son side of the sold with a sold of ing ing the sold of the sol 1800 / July July of selection o 2 me par con 191 / 101/16 or 18/16 or 18/10 10 10/10 10 10/10 10 10/10 10 10/10 10 10/10 10 10/10 10 10/10 10 10/10 10 10/10 1 و کا ورکی سے ارومنے رہیں . Enjoyeten id of our Entrology of the constitution of out & out with Ell from two some

رفع مرعاعلم من مرح الا الرس. culloool= - quo elistificato lue 10 mis in initiale in initia ماست مناهد مورث مسيود و مناور مناور مناور و من من و عود کار فالون و سام و عاداد می اس می و در سالی بر ما در فرون ما د فیل المعدد ا ما تر المعالم BPS-2, il DRR -in Col W Mes Soll Bry Laidin 138-4-E right o ding of 4-E 438-4-864 will CAM resident out in the Camp of the C Ossaletanona co-viel, White En bountine bie l'és Cil Jew 2 (EX-EmployaeSon) No Collie & the 28 will (19)

فورعد ، منورو مل كرك عار المستقال هيد . رور ننا دول روا م 26 الم ما عوا ا کا نوری اور افسی ملے سے ا کام دے رہا ہے۔ اور انیا دلول مولول کولی ما مرا مدی عزب فا مزن سے لفاق دیمنا ہے۔ ما مدی دوالرین فرق کی گھر ہے ، فری کے اللہ عار بچے اور سوی زند صاریس اور تھے کا سالا کو تھ مدی کا ندھوں کر سے . فریس کے عارج سيالن من ورود على السي للرنا منور من أسلام معن الما المور من المور معدى سر مصلى ناسامنا بع . اور عد الور ما ورما ي اور سو دا ساف يورسل منخواد أى عوض د كا مداروں كا در كور روب كا صفر و فرسو كا مع . ما قدعى قديما عليم س 2018 6 mil 6 mon 6 103 de mont ou 1/18/18 milud, 15/6/69 6 milud, 15/6/6 6 mil خننا محورع بنتائع ، في الماس سالم الله في اوركن في المركن في المركن في المركز ا . eg su og pei jøgt. BPS2 ( Postuppetacly in / ) were Illis in Col Ware و اوروع به اوروع بوست ر مرسترس و کا متواد کو زمان به ¿ Lie Cocid elu (fis) e les عا سام طامری کو وکی ساب ے نزالو از سوں اور کر ای کا کا کو سب دو مرز العمر کا کا کو سب دو مرز العمر علائد عن المعلى منوالم عظ على منز في الله المنز في المنزر المراكم مناوم معن Su is de wind for sold a distribution of the sun of the sold of و الله الموري ما معد المري الله و المري الله و المري الله و المري الله و المام در رام مر رودر ال مولو سلط کال نودی به به برای و در و در در الم أُنُو فَرُلُقُ مَقْدُ كُرُورُ لِمُن لَي . لا فحر لف ع 1 200 2017 20 5 month of by company of 500 100 00 100 00 100 000 100 000 1000 000 1000 000 1000 000 1000 0 Wisker 16 ... Starton

PHE EN De grape do . à la EAN. C que le 0 150 in 191019 cut ماعوات نن تورن نرسا (معرف موض الله وراد وراسلولا في المرمام كان من من من الله الله من المرار من وفينا لوفينا دفوا سي من المرار من المرار من المرار المرفينا وفينا المرفيا المرار ال wings, 06 103 Sie leie judy din 13 ph 30, 12/2 0 10 - 100) - 11/9 1/6 1/16 1/16 1/1/9 SEXW. CANGO 3/20 1/1/9 و ١٥ زرز رئ في الفين د على الوعد ك في - قور مقرار معرفي على مع و مد رمسوم رازی مرسی سخوایم معاطای ماوجود لعتین دیا مور وین زر راسی کے ۱۹۱۰ مرجود کا LID MANSOOB / Duty Tings والم مع المعامل سيرو موسركرد و تحفيان من دورما مركونو ومود المعامل المورما والمراد المرتوره عام والمرزراس كرك . برين وجمع ا منا كروري Cyw is it was in hour in the state of the bold of the state of the bold of the state of the stat निर्मित के के कि का कार्य के के कि का का कार्य के कि का का का कि If I will find the find of the series of all the file of the file of the series of the file of the series of the file of the file of the series of the file of the series of the file of the file of the series of the serie where is to this dies of jes in it is in the conferment معال المرعام برم مراور و موانوانور و مس والمعادة المان المنافع the my soldier con could be hat

### بعدالت رابعه عباسي سول جح / علاقه قاضي - 1 ملاكند بمقام بث منيله

مقدمنبر 54/1 سال 2017، تاریخ رجوعه 2017-03-24

تاريخ فيصله 2018-04-16

رنام



- سيكرثري ځايند زبليو، خيبر پختونخواه بمقام پښادر، صوبه خيبر پختونخواه

2- چيف انجنير تل ايندُ وْ بليو، خيبر پختونخوا دبمقام پشادر، صوبه خيبر پختونخواه

3- سېرننندن انجنير تايند دېلييسيدونرين بنلع سوات۔

4 الين ڈی او، تی اینڈ ڈبلیو ماا کنڈ برقام مینڈ ارضلع ماا کنڈ۔

5- ایکسنین ق ایند زبایوملاکند بمقام برهام بیند ارضلع ملاکند

. 6 . أو في مُشتر ما كند بمقام ملاكند بنسلع ملاكند .

....(بدعاعليهم)

### دعوى استقرارحق وغيره

RAPI6-04-2018

الكطرفه فيصله

16-04-2018

مختسر حالات مقدمہ کچھ یوں ہیں کیدوعویٰ ہذا منجانب مدی برخلاف مدعاعلیہم برائے استقر ارحق ہدیں مراددائر کی کہ مدی بمطابق دستاویز ات احکامات بمور نہ 26/09/2012 سیر بل حکم نمبر 438 محکمہ ہی اینڈ ڈبلیو میں قانونی ملازم ہے اور سرکاری نوکری کے جملہ مراعات کا حقدار ہے اور مدعاعلیہم پابند ہیں کہ وہ جملہ مراعات استمول تخواہ جات مدی کوادا کریں اور اس میں ہرتسم کی رکاؤٹ لیت ولی سے باز ومنع رہیں۔اس طرح مدی نے بشمول تخواہ جات مدی کوادا کریں اور اس میں ہرتسم کی رکاؤٹ لیت ولی سے باز ومنع رہیں۔اس طرح مدی نے برخلاف مدعاعلیہم وعویٰ ہذا کے جز"ب" میں صدور حکم اشاعی دوامی و تاکیدی جبکہ جز"د" میں دعویٰ دلا پانے کی بھی

ERT FIED TO BE

استدعا کی۔

24

مد مناعلیهم کو حسب ضابطه من کیا گیا جن کیخلاف مورخه 26/04/2017 کو بود به غیر حاضری کیطرفه کاروائی عمل میں لائی گئی۔ بعدہ مقدمہ میں کیطرفہ شہادت قلمبند ہو کر کیطرفہ بحث ساعت شداور مسل ملاحظہ شد۔

دریں حالات دعویٰ بدی بوجہ عدم اختیار ساعت خارج کیا جاتا ہے۔ مٰدی کو چاہئیے کہ وہ اس نسبت مجاز ا فورم بعنی سروس ٹریزل سے رجوع کریں۔خرچہ بذیمہ مدی رکھا جاتا ہے۔

مسل بعداز بحميل وترتيب داخل دفتر مود \_\_

<u> حم سایا گیا</u> 16-04-2018

ر المعلمات مستحمد المعلمات ال

سر میفیکیٹ تصدیق طور پر ثبت ہے۔

Civil has justique of

Misk amount out, and a

EXAMINER EXAMINER

Ŧ

33)

مدعی حاضر\_

کام نمبر---21 در

16-04-2018

بروئے تفصیلی بیطرفه فیصله امروز ، مشتل بردو (2) صفحات دعویٰ مدی خارج شد یخرچه بذمه مدی رکھا جا تا ہے۔

مسل بعداز تکیل وترتیب داخل دنتر مودے۔

(Strain)

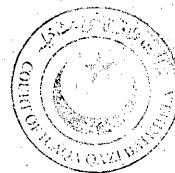
تحكم سُنايا گيا 16-04-2018

. سول جح /علاقه قاضی-۱، بث حیله

| رتح | خرچيدرناعاييه | نبرثار | رتم   | خرچە بدعى    | نبرثار |
|-----|---------------|--------|-------|--------------|--------|
|     | جواب دعویٰ    | 1      | -     | عرضيدعوى     | 1      |
|     | طلبانه        | . 2    | ,     | طلبانه       | 2      |
|     | مخة يارنامه   | 3      |       | مختيارنامه   | 3      |
| _   | وكالت نامه    | 4      |       | وكالت نامه   | . 4    |
|     | مختانه وكيل   | 5      | _     | محنتانه وكيل | 5      |
|     | كورث فيس      | 6      |       | كورث فيس     | 6      |
| _   | دیگر متفرق    | 7      | 135/= | متفرق        | 7      |
|     | ٹوٹل          |        | 135/  | ٹوٹل         | -      |

OIST NICE

آج بتاريخ 2018-04-16 كوبه ثبت وتتخط مير ، ومهر عدالت ب جاري شد



| £ 1                      |                               |
|--------------------------|-------------------------------|
| RT JETED TO BE TRUE COPY | ¥                             |
|                          | EXAMINER SIONS DIVISION MALAK |
| 图 / /                    | EXAMINER DIVISION M           |
| [p] /                    | XAM                           |
|                          | N S                           |
|                          | 0.5                           |
| <u>a</u>                 | 200                           |

|   | No. 10 April 1997  |   |
|---|--|---|
|   | NO OF APPLICATION. 1539  |   |
|   | DATE OF APPLICATION. 18-4-18   |   |
|   | ADVANCE FEE.   |   |
| 1 | DATE OF COMPLETION. 27-4-18  |   |
| Í | NU OF PAGES  | ٠ |
|   | COURT FEE  |   |
|   | URGENT PEE   |   |
| 2 | MANNE OF COPYIST Pida Huer   | ħ |
|   | WEST OF DELINERY 27-4-68   | , |
|   | the same of the sa |   |

34)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

Service Appeal No 701 \_\_\_/2018

Khyber Pakhtukhwa Service Telbunut Dlary No. 735

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

Regustrate

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

me-submitted.





#### Praver:

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 Superindent 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").

ATTESTED

Short Short



- 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.

#### **GROUNDS:**

- 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 repúblic 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.

Khyberd Parkers R. Service Parkers R. Parker

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

Muhadinad Burtal





Said Withauthung Durram.

- 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:-

#### **GROUNDS:-**

- 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 Gov of Khyber Pakhtunkhwa

C&W Department

(Respondent No.1)

Depaty Commissioner

Malakand

(Respondent No.6)

Superintending Engineer
C&W Circle Swat

Chief Engineer (North)

C&W Department

(Respondent No.2)

(Respondent No.4)

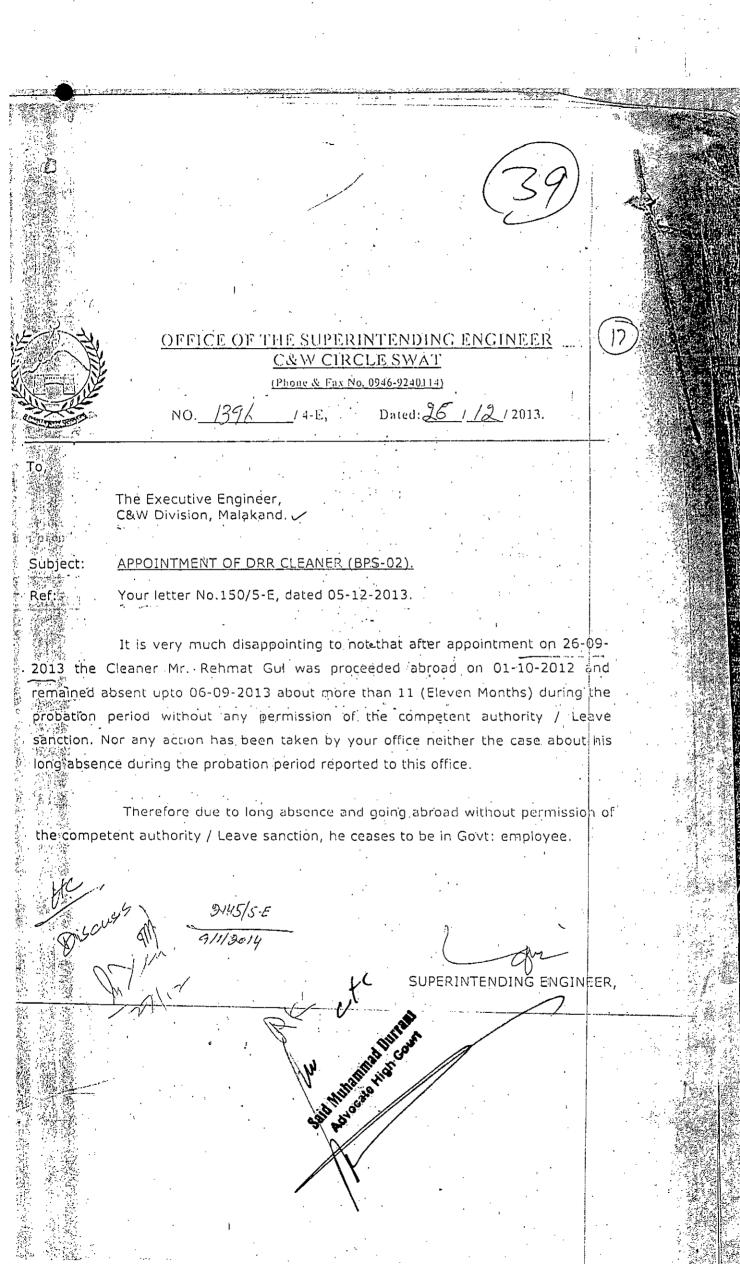
Sub Devisional Office

C&W Division Malakand

(Respondent No.3)

Executive|Engineer, C&W Division Malakand - \*

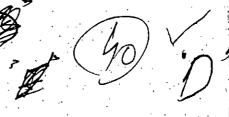
(Respondent No.5)







C & W. North KPK.



AGAINST THE REMOVAL ORDER NO. 1396/4-E. DATED: 26-12-2013 FROM SERVICES AS DRR CLEANER.

Respected Sir,

Τo,

- 1. That I filed a Service Appeal No. 701+P/2018, before the services Tribunal Peshawar regarding the release of the withheld salaries against the department.
- 2. That astonishingly in the Reply/Comments the respondents have annexed an illegal order of Removal/Termination from services against me and such order has never been communicated to me and through the instant replay got knowledge of the same. (Removal/ Termination Order is attached)
- 3. That the fake order of termination on dated 26/12/2103 against me in which I was ceased to be a Govt. servant while on another side I. was transferred to the office of the Deputy Commissioner Malakand vide office order No.240/3-E, Dated 08/12/2014.
- 4. That after appointing as a DRR cleaner I was performing my duty with. great honesty and was later 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).
- 5. That no charge sheet and statement of allegations or final show: cause notice was issued against me.

6. That no fair and impartial inquiry was constituted against me in order to substantiate the guilt or otherwise regarding the allegations léveled against me.

Said Muhammad Durrant





Prayer:

It is therefore requested that by acceptance of this Departmental Appeal an appropriate order may please be issued declaring the office order No.1396/4-E, Dated: 26/12/2014 whereby a major penalty of Removal/Termination from services was issued is illegal, unlawful without lawful authority, and of no legal effect and the same is liable to strike down and kindly Re instant me in services with all arrears and back benefits or any other remedy deemed proper may also be allowed in my favor.

Dated: 01/06/2022

Appellant

Rehmat Gul S/O Said Gul

Mobile: 03423589256

03429640498

Said Muhanmad Durtant





# OFFICE OF THE SUPERINTENDING ENGINEER C&W CIRCLE MALAKAND AT BATKHELA

E-Mail: secirclemkd@gmail.com,

| NO. 1(8) | _12-KE, | Dated: <u>,39</u> | / 07 /2022 |
|----------|---------|-------------------|------------|
|          |         |                   |            |

To,

The Executive Engineer, C&W Division, Malakand.

Subject: <u>DEPARTMENTAL APPEAL AGAINST THE REMOVAL</u>

ORDER NO.1396/4-E DATED 26/12/2013 FROM

SERVICE AS DRR CLEANER.

\*\*\*\*\*

With reference to the Chief Engineer North C&W Department at Saidu Sharif Swat letter No.160/4-E, dated: 20/07/2022 on the captioned subject which is already addressed to you, to do the needful at your end at earliest.

it is further added that you were already directed vide this office letter No.820/ 2-KE, dated 10.06.2022 to provide a detailed report and relevant record but despite of lapse of time you did not submit any reply to this office.

SUPERINTENDINGENGINEER

Copy forwarded for information to Chief Engineer (North) C&W Department at saidu Sharif Swat with reference to his letter No. quoted above.

SUPERINTENDING ENGINEER

And Muhammad Burrant



OFFICE OF THE CHIEF ENGINEER (NORTH), ( C&W DEPARTMENT SWAT AT SAIDU SHARIF

Ph# 0946-920006.

No. 160 14-E Dated. 20 107/2022.

To

The Executive Engineer, C&W Division Malakand.

SUBJECT:-

DEPARTMENTAL APPEAL AGAINST THE REMOVAL ORDER NO.1396/4-E DATED 26/12/2013 FROM SERVICE AS DRR CLEANER

The subject Departmental Appeal submitted by Mr.Rehmat Gul S/O Said Gul Resident of Banjo Banda Tehsil Batkhela District Malakand is sent herewith, with the direction to submit para-wise replies of the appeal to this office within a week time positively in order to proceed further in the matter. Moreover, original Service Book alongwith arrival report may also be furnished to this office for scrutiny/ perusal.

DA/As above.

(Engr. Muhammad Tarig) CHIEF ENGINEER (NORTH)

Copy forwarded to:-

1. The Superintending Engineer C&W Circle Malakand for information and necessary action.

DNO-968 2-4E

Said Muhammad Jurram M Hangian High Cont



OFFICE OF THE CHIEF ENGINEER (NORTH), C&W DEPARTMENT SWAT AT SAIDU SHARIF.

Ph# 0946-920006,

No. 160 14-E

Dated. 20 / 07 / 2022.

Τo

The Executive Engineer, C&W Division Malakand.

SUBJECT:-

DEPARTMENTAL APPEAL AGAINST THE REMOVAL ORDER NO.1396/4-E DATED 26/12/2013 FROM SERVICE AS DRR CLEANER

The subject Departmental Appeal submitted by Mr.Rehmat Gul S/O Said Gul Resident of Banjo Banda Tehsil Batkhela District Malakand is sent herewith, with the direction to submit para-wise replies of the appeal to this office within a week time positively in order to proceed further in the matter. Moreover, original Service Book alongwith arrival report may also be furnished to this office for scrutiny/ perusal.

DA/As above.

(Engr. Muhammad Tariq) CHIEF ENGINEER (NORTH)

Copy forwarded to:-

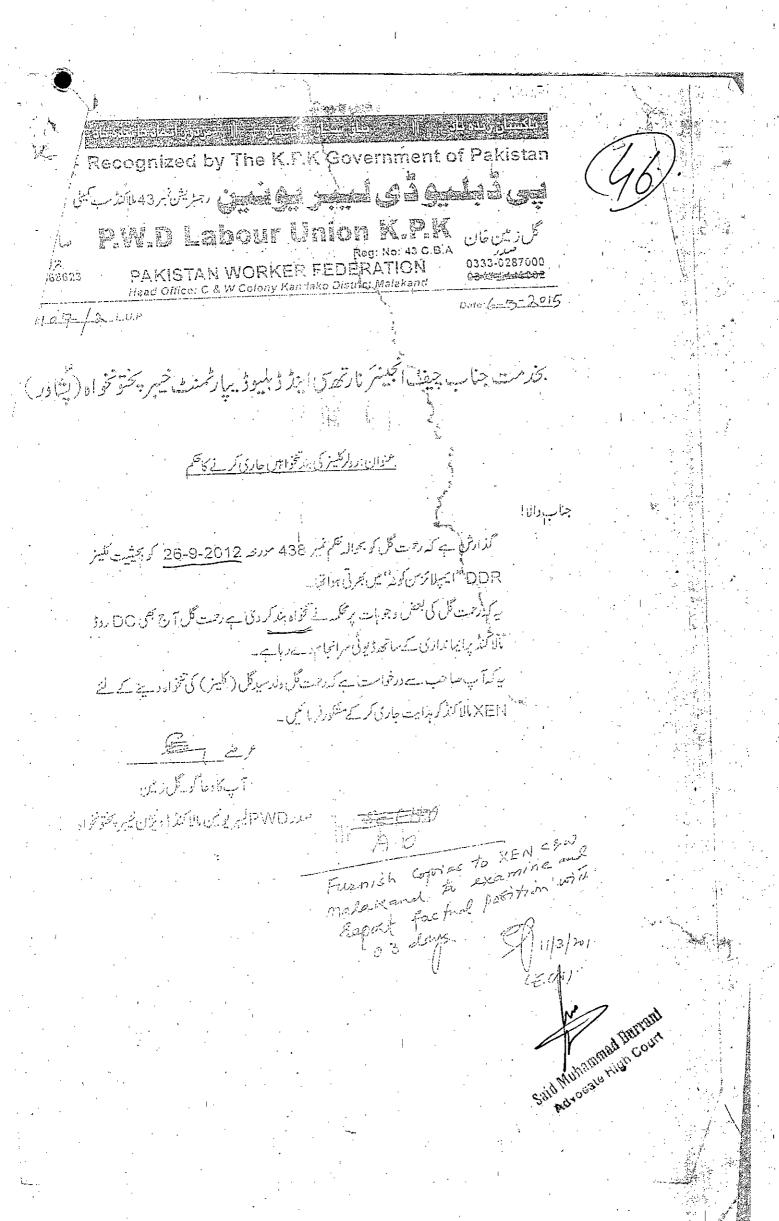
The Superintending Engineer C&W Circle Malakand for information and necessary action.

CHIEF ENGINEER (NORTH)

Said Millianta High Court

فوساز (رس ع - از سان طی دسارلی کی سازلی کی سان کنست سرزم ع . دو الله على الأصل ولا ي روز عرفی در ای مرحد رسی بھے۔ Jense pied in a realistiche et a mining كا سكول، منه له مع المسكية مزدوم در دواست مر من رأي بون م می و فریسے 3 معرف رادہ را میں اور ما سی اور دینے کا ملے مادر اور Behuty Commission 21 XEN CEW:

A CONTRACTOR OF THE PROPERTY O



بخدمت جنا بـ A/C بساحب بي ايند ذيليون ذيبيار ثمنت گل كده نسلغ سوات واٹرکلینز کی بند تنخوا ہیں واگز ارکر نے کا تنکم جاری کریں ، جناب عالى! · حسب ذيل عرض بي كد\_ بيركة سائل رحمت گل كوبخواله حكم نمبر 438 مورخه 26/9/2012 كونخسيثيت كلينر DDR - پليلا سزي كونه يس مجرتي مواقعا یے کہ مائل رحت گل آج بھی DC روڈ ملا کنڈ آئی ڈیوٹی بوری ایما نداری سے سرانجام دے رہا ہے۔ سی که آپ صافح بات جناب XEN صاحب بدایت جاری کریں۔کدوہ کلرک C&W کو بذریعہ بل سمی نصیب گل کے طما تیار کریں۔ تومحكمة خزانه كوكسي شم كى ركاوت نہيں ڈالے گا۔ ۲۶۰) . . انيه جناب جيف الجيئر صاحب كي چھڻى جو كەنصف ھذااس كى روشن مين سائل كى تنخوائىم بى اداكرىي -ادر جناب XEN صاحب مطلع کریں۔ کدوہ آپ صاحبان کی ریورٹ کریں تا کہ مائل رحمت گل کے ساتھ اینا بٹیر جاری کریں۔ سیکے گل آمین صدر PWD میریونین کا کنٹریکٹر ڈویژن خیبر پختونخواہ نے اس نسبت جناب کوکوئی درخواہات دی ہے۔ یے کہ جناب ھیڈ کلرک کو جناب ایکسی این صاحب نے حکم دیا کہ تین دن کے اندراندرر پورٹ تیار کریں مگرھیڈ کلرک نے کوئی کاروائی Said Muhammad Durr Williaminen with contr ا کی سے ا آپ صاحبان ہے درخواست بھذاعرض رساں ہے کہ سائل رحمت گل کی تخواہ ادا کریں۔ الرح شدة الحل رحمت گل ولدسيدگل 03429640498 مویائیل نمبر\_ 15402-244 2270- 1- -7.53/6 Early Chirche Brings of Real inte off or and process CLE N SWEA nul so xu sahib pe helphin.



# CHIEF ENGINEER (NORTH) COMMUNICATION & WORKS DEPARTMENT SAIDU SHARIF SWAT

No. ZSZ /4-E

Dated: 23 / 06 /2022.



То

The Superintending Engineer, : C&W Circle Malakand.

Subject:

APPLICATION.

I am directed to refer and enclosed an application received from Mr. Rahmat Gul S/O Said Gul resident of Malakand Division Class-IV Cleaner requesting therein for issuance of his pay and allowances, which is self-explanatory. It is submitted that an appropriate action may be taken as per rules/policy under intimation to this office.

Administrative Officer

## Copy is forwarded to the:-

- Executive Engineer C&W Division Malakand for information and similar necessary action please.
- 2. PA to Chief Engineer (North) Local.

Administrative Officer

ot e

مقام ندکورہ بالاسے باہر ہو، تو وکیل صاحب بیروی مقدمہ کرنے کے پابند نہ ہوں گے، مقدمہ کی عدالت میں بعدم
پیروی خارج ہونے یا ڈگری میکطرفہ ہونے کے صورت میں وکیل صاحب ذمندار نہیں ہوں گے،
لہذا و کالت نامہ کھو دیا کہ سندر ہے

تقام مرین نے ممارک مال

الرقع: 25-10- 3-07

Said Muhammad Burrant
Advocate High Court