

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 1542/2022

Mr. Muhammad Salman Senior ClerkAppellant

Versus

The Secretary, Govt of Khyber Pakhtunkhwa Livestock, Fisheries

& Cooperative Department and othersRespondent

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DEPONENT

Mobile No: 0300 5922157

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

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Versus

The Secretary, Govt of Khyber Pakhtunkhwa Livestock, Fisheries
& Cooperative Department and othersRespondent

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No 01 to 05

PRELIMINARY OBJECTIONS:-

1. That the appellant has got no cause of action or locus standi to file the instant Service appeal.
2. That the appellant has deliberately concealed the material facts from the Honorable KP Service Tribunal Peshawar, hence liable to be dismissed.
3. That the appellant has filed the instant appeal just to pressurize the respondents.
4. That the appellant has filed the instant appeal on mala-fide motives.
5. That the instant appeal is against the prevailing Law and Rules.
6. That the appeal is not maintainable in its present form and also in the present circumstances of the case.
7. That the appellant has not come to this Honorable Court with clean hands.
8. That the appellant is bad due to non-joinder of necessary and mis-joinder of unnecessary parties.
9. That the appeal is barred by law.

RESPECTFULLY SHEWETH :

ON FACTS:

- 1- Pertains to record.
- 2- Incorrect. No bed rest is on record ever advised by the doctors to the appellant. The appellant upon transfer vide order dated 12-01-2021 remained absent for 41 days and reported delayed arrival on 24-02-2021 on the grounds of domestic problems Annex-
Page No: 1 . However, after performing duties for 04 days, the appellant then never

attended duties and upon 3rd absence notice requested for 90 days medical leave from 05-02-2021 (Prior to joining duties at D.I Khan upon transfer) due to lungs problem reported by a private medical practitioner. To ascertain the nature of claimed lungs problem and to rule out any communicable disease, the case was referred to DG Health Services for seeking 2nd opinion of medical examination under the rules **Annex- Page No: 2-4** . The Medical Board proceedings were scheduled on 01-09-2021 at 9.00 AM and despite being well aware of the schedule, the appellant intentionally did not appear before the Medical Board so that his pretending health problem is not exposed being fit. After his conditional reinstatement in service by the Appellant Authority **Annex- Page No: 5** , the case of claimed illness was referred again to the Standing Medical Board and its opinion is reproduced as “ The Standing Medical Board is of the opinion that patient is giving history of Pulmonary TB in past but **no record available**. Currently he is not-having any complications, **no signs and symptoms of any disease**. On current health status examination **he is fit**”. **Annex- Page No: 6-7**

- 3- As given in above para 2.
- 4- As given in above para 2.
- 5- The appellant was given proper “Show Cause Notice” granting an opportunity for showing cause for willful absence from govt duty but no response from the appellant. **Annex- Page No: 8-11**
- 6- Correct to the extent that the appeal was conditionally accepted by the appellant authority, linked with Medical Board report/opinion of being a patient and affected by TB/lung infection. As the appellant could not prove himself as a patient of having history of Pulmonary TB before the Standing Medical Board, therefore his absence period of 11-03-2021 to 07-03-2022 was treated as extra ordinary leave without pay. **Annex- 12**
- 7- As given in above para 6.
- 8- Incorrect. The appellant never reported for duties at VR & DIC D. I Khan even after the conditional re-instatement in service OR declared FIT by SMB. Subsequently, the appellant was proceeded under rule -9 of E& D rules 2011 for his willful absence **Annex- Page No: 13-15**. Upon publication of the absence notice in newspapers, the appellant appeared in person before the competent authority and, showing leniency, was adjusted at



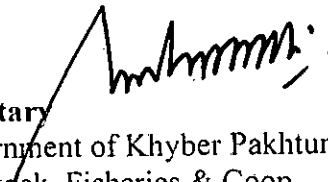
Kohat Annex- Page No: 16 with instructions to pay the absence notice publication charges which are being deducted on monthly basis from his pay roll.


- 9- The appellant has been dealt according to the prevailing law and rules in vogue.


GROUNDS:


- A- Incorrect. The order dated 09-06-2022 has been issued and acted upon according to the law, rules and is based on facts.
- B- Incorrect. The appellant has been treated according to the law and rules and no Article of the constitution of Pakistan has been violated.
- C- The re-instatement in service was conditional linked with health report/history of being a patient of TB but could not prove as patient or having lung problem and declared fit. Thus despite being healthy & fit, the appellant did not report for duties and therefore the willful absence period was treated as Extra Ordinary Leave without pay.
- D- As explained above.
- E- Incorrect. The absence of the appellant was willful and the Standing Medical Board has given its opinion which is very clear and hence the order dated 09-06-2022 is issued according to law and rules.
- F- As given in above para E, the appellant was pretending lung problem and therefore did not appear for the 1st scheduled SMB proceedings on 01-09-2021. Later, upon conditional re-instatement in service, where the health report was sought, the SMB clearly declared him FIT having no history or record of past lung problem/TB.
- G- The respondents have acted according to the law and the intervening period of wilful absence has been treated Extra Ordinary leave without pay as per the SMB decision as explained above.
- H- The respondents seek permission to advance any other argument and proofs at the time of hearing.


It is therefore requested that the appeal of appellant is devoid of merit and this Honorable Tribunal is requested to kindly dismiss it with cost.


Secretary
Government of Khyber Pakhtunkhwa
Livestock, Fisheries & Coop.
Respondent No. 01


Director General (Research)
Livestock & Dairy Development
Department, KP, Peshawar
Respondent No. 02


Director
Veterinary Research Institute,
Peshawar.
Respondent No. 03

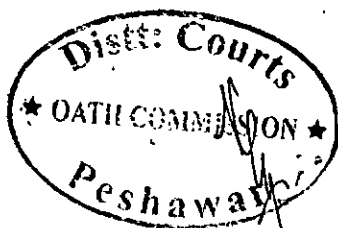

PRO/ Regional Director
Veterinary Research & Disease
Investigation Center, D. I. Khan
Respondent No. 04


Secretary
Government of Khyber Pakhtunkhwa
Finance Department
Respondent No. 05


Verification:

It is hereby solemnly affirm and declare on oath that the contents of the instant reply are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court. It is further stated on oath in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.

ATTESTED



01/09/2023


Deponent
Dr. Hamid Ullah Khan
Senior Research Officer/
Departmental Representative



VETERINARY RESEARCH AND DISEASE INVESTIGATION
CENTER D.I.KHAN




Dated: D.I.Khan the 24/02/2021

To

The Incharge
Veterinary Research and Disease Investigation Center
D.I.Khan.

Subject: ARRIVAL REPORT

Kindly refer to Director General (Research) L&DD order No. DG(R)/L&DD/Est-II/(09)/2015/Vol-III/302-14 Dated: 12.01.2021, I assume the charge as Senior Clerk (BS-14) at center today (FN) please.


(MUHAMMAD SALMAN)
SENIOR CLERK



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138
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**OFFICE OF THE
MEDICAL SUPERINTENDENT
SERVICES HOSPITAL, PESHAWAR**

Phone: (Off) 091 9210509 (Exch) 091 9223472 Fax: 091 9210543

No. 1047-48/MS/SMB/2021-22

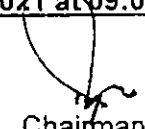
Dated 03 /11/2021

Director General (Research)
Livestock & Dairy Development
Khyber Pakhtunkhwa
Peshawar.

Subject: - **STANDING MEDICAL BOARD**

Memo: - With reference to DG Health letter No. 6407-08/Medical/SMB Dated 27/08/2021 & No. 7750-51/M-SMB Dated 25/10/2021 on the subject cited above.

Mr. Salman, Senior Clerk attached to Directorate General (Research) Livestock & Dairy Department Peshawar did not appear before the Standing Medical Board for medical examination held in this office on 01/09/2021 at 09:00AM.


Chairman
Standing Medical Board
Medical Superintendent
Police/Service Hospital
Peshawar

Copy to:

- Director General Health Services Khyber Pakhtunkhwa Peshawar for information with reference to his letter No. 7750-51/Medical/SMB Dated 25/10/2021.

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2157
18 MAY 2022

222



**OFFICE OF THE
MEDICAL SUPERINTENDANT
SERVICES HOSPITAL, PESHAWAR**

Phone: (Off) 091 9210509 (Exch) 091 9223472 Fax: 091 9210543

No. 4493-94/MS/SMB/2021-22

Dated 16/05/2022

Director General (Research)
Livestock & Dairy Development
Khyber Pakhtunkhwa
Peshawar.

Subject: - STANDING MEDICAL BOARD

Memo: - With reference to your office letter No. DG (Res)/L&DD/Est-II/PF (76)/2011/3541, Dated. 16/05/2022 on the subject noted above

p-213/c

Muhammad Salman, Ex-Senior Clerk, VR&DIC, D.I.Khan may please be directed to appear before the Standing Medical Board for medical examination to be held in this office on 25/05/2022 at 09:00 AM along with his relevant medical treatment record and original CNIC to proceed further.

Chairman
Standing Medical Board
Medical Superintendent
Police/Service Hospital
Peshawar

- The Director General Health Services Khyber Pakhtunkhwa Peshawar for information.

inform the official.

~~Asstt (Est)~~
Est-II

MS
18/5
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09/06

(4)

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DIRECTORATE GENERAL (RESEARCH)
LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR



Bacha Khan Chowk Khyber Pakhtunkhwa Peshawar
#livestockres.kp.gov.pk

☎ 091-9210218,
☎ 091-9210220

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Twitter.com/livestockreskp
dg.ldr.wkp.gov.pk

REGISTERED A.D

No. DG(Res)/L&DD/Est-II/PF(76)/2011/ 3772

Dated Peshawar the 19/05/2022

To

Muhammad Salman,
Ex-Senior Clerk
Livestock & Dairy Development Department (Research Wing),
Khyber Pakhtunkhwa

House No 1537K, Mohallah Ghazi Abdur Rashid,
Chakagali Karim Pura, District Peshawar

Subject: STANDING MEDICAL BOARD

Reference to the subject cited above.

Enclosed find herewith a copy of letter No.4493-94/MS/SMB/2021-22 dated 16.05.2022 received from Chairman, Standing Medical Board, Medical Superintendent, Police/ Services Hospital Peshawar with the direction to appear before the Standing Medical Board on the date, time and venue as laid down in the aforementioned letter.

Encl: - (01)

Director General
(Research)
18/05

No. DG(Res)/L&DD/Est-II/PF(76)/2011/ 3773

Dated Peshawar the 19/02/2022

Copy of the above is forwarded to the Chairman, Standing Medical Board, Medical Superintendent, Police/ Services Hospital Peshawar w/r to letter quota above for information please.

Director General
(Research)
18/05

09/06

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~~Amir-e:~~

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GOVERNMENT OF KHYBER PAKHTUNKHWA
AGRICULTURE, LIVESTOCK, FISHERIES &
COOPERATIVE DEPARTMENT

F-18

No. SO (LFC)/AD/ 3-23 / 2020
Dated Peshawar the March 08, 2022

To
The Director General (Research),
Livestock & Dairy Development Department,
Khyber Pakhtunkhwa

Subject: APPEAL FOR RESTORATION OF SERVICE ON MEDICAL GROUNDS.

I am directed to refer to the subject noted above and to state that the subject appeal dated 24-12-2021 regarding reinstatement into service and grant of medical leave, has been considered by the appellate authority under Rule-15 read with Rule-17 of E&D Rules 2011 and granted an opportunity of personal hearing to the appellant on 25-02-2022. After hearing the appellant and going through the available record, the appellate authority conditionally agreed to modify the penalty i.e "Removal from Service" and reduce it into minor penalty i.e. "withholding of 02 increments for a period of 02 years" under Rule 17 of E&D Rules. The reinstatement into service is subject to fulfillment of the following conditions:-

1. Provision of medical report from Standing Medical Board that he is a patient and affected by tuberculosis / lungs infection.
2. His absent period shall be treated as earned leave / leave without pay, if he is found a patient of tuberculosis / lungs infection.
3. In case he fails to mend his way / attitude towards duty and punctuality and acts / omissions due to which he was removed from service, are repeated then "dismissal from service" will be imposed upon him.
4. His previous posting to D.I.Khan shall remain intact and regular progress of attendance, performance be reported.

2. I am therefore directed to advise you to reinstate the above said appellant on the post he was holding before the impugned order subject to fulfillment of the above mentioned decision / conditions.

(Signature)
AHMAD RUSSATIN
SECTION OFFICER (LFC)

Endst: No. & date even:
Copy forwarded to:

1. Mr. Muhammad Saiman, Ex-Senior Clerk Directorate General (Research), L&DD Peshawar.
2. PS to Secretary Agriculture, Livestock, Fisheries & Cooperatives Department.
3. Master File.

(Handwritten notes and stamps)
15/3/22
15/3/22

(Signature)
SECTION OFFICER (LFC)

6

~~ATTACH:~~ 28 28



OFFICE OF THE
MEDICAL SUPERINTENDENT
SERVICES HOSPITAL, PESHAWAR

ST-11

Phone: (Off) 091 9210509 (Exch) 091 9223472 Fax: 091 9210543

No. 4498-99 /MS/SMB/2021-22

Dated 30 /05/2022

Director General (Research)
Livestock & Dairy Development
Khyber Pakhtunkhwa
Peshawar.

Subject: - STANDING MEDICAL BOARD

Memo: - With reference to our office letter No. 4493-94 dated. 16-05-2022 on the subject noted above.

Mr. Muhammad Salman, Ex-Senior Clerk was examined by the Standing Medical Board held in this office on 25/05/2022. The proceedings of the Standing Medical Board are sent herewith for further necessary action.

Chairman
Standing Medical Board
Medical Superintendent
Police/Service Hospital
Peshawar

Copy to:
• Director General Health Services Khyber Pakhtunkhwa Peshawar for information with reference.

07/06/2022



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OFFICE OF THE CHAIRMAN STANDING MEDICAL BOARD/MEDICAL SUPERINTENDENT POLICE/SERVICES, HOSPITAL PESHAWAR.

The Standing Medical Board comprising the following members assembled in the office of the Medical Superintendent Police/Services, Hospital Peshawar is examining Mr. Muhammad Salman, Ex-Senior Clerk.

The Standing Medical Board is of the opinion that patient is giving history of Pulmonary TB in past but no record available. Currently he is not having any complications, no signs and symptoms of any disease. On current health status examination he is fit.

STATION PESHAWAR
DATED: 25/05/2022

(Dr. Niaz Muhammad)
Chairman
Standing Medical Board
Medical Superintendent
Police/Services, Hospital,
Peshawar.

(Dr. Naseer Ahmad)
Ophthalmologist
Police/Services Hospital,
Peshawar... Member...

(Dr. Asif Izhar)
Physician
Police/Services, Hospital
Peshawar. Member...

(Dr. Kamran Khan)
Orthopedic Surgeon
Standing Medical Board
Police/Services Hospital, Peshawar

(Dr. Aurangzeb Afridi)
DMS/Secretary
Standing Medical Board
Peshawar.....

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Amir Khan 3

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REGISTERED / AD



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



Bacha Khan Chowk Khyber Pakhtunkhwa Peshawar
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091-9210220

Facebook.com/livestockresearch:kp
Twitter.com/livestockreskp
dg.ldr@kp.gov.pk

No. DG(R)L&DD/Est-II/PF(76)/2011/9332

Dated Peshawar the 09 November 2021

To

Mr. Muhammad Salman,
Senior Clerk, L&DD Department (Research Wing), Khyber Pakhtunkhwa
House # 1537K, Mohallah Ghazi Abdur Rashid,
Chakagali Karim Pura, District Peshawar

Subject: **SHOW CAUSE NOTICE**

Reference to the subject cited above.

In pursuance of your reported continued willful absence from official duties at Veterinary Research & Disease Investigation Centre, D.I. Khan since 08.03.2021 and your deliberate non- appearance before the Standing Medical Board, Services Hospital Peshawar constituted for your Medical Examination of the claimed lung disease tantamount to Inefficiency & misconduct under E&D Rules 2011.

Enclosed is the Show Cause Notice being served upon you for the acts & omission specified under E&D Rules 2011 for compliance please.

Encl: As above

o/c
DIRECTOR GENERAL
L&DD (Research) Khyber Pakhtunkhwa
(COMPETENT AUTHORITY)
09/11

No. DG(R)L&DD/Est-II/PF(76)/2011/9332-33

Dated Peshawar the 09 November 2021

Copy of the above is forwarded to:

1. The PRO/RD, VR&DIC, D.I. Khan with reference to letter No. VR&DIC/DIK/ES-II/PF/2021/2020 dated 15.07.2021.
2. Medical Superintendent / Chairman, Standing Medical Board, Police / Services Hospital Peshawar with reference to letter No. 1047-48/MS/SMB/2021-22 dated 03.11.2021.

o/c
DIRECTOR GENERAL
L&DD (Research) Khyber Pakhtunkhwa
(COMPETENT AUTHORITY)
09/11
17/11/2021

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SHOW CAUSE NOTICE

I, Dr. Mirza Ali Khan, Director General (Research), Livestock & Dairy Development Department, Khyber Pakhtunkhwa, as Competent Authority under the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules-2011, do hereby serve you Mr. Muhammad Salman, Senior Clerk (BPS-14), Veterinary Research & Disease Investigation Centre, D.I. Khan, Livestock & Dairy Development Department (Research Wing), Khyber Pakhtunkhwa the show cause notice as follows:-

- i. Consequent upon transfer to VR&DIC D.I. Khan on 12.01.2021 you failed to join duties in time and reported arrival on 24.02.2021 after 41 days of absence without any prior permission or intimation. You apologized for this absence of 41 days resulting in delayed arrival for duties due to your claimed domestic problems and assured that the same will not happen in future.
- ii. You attended the office only for four days (24 & 25 February 2021; 02 & 05 March 2021) and remained absent since then without any justifiable reasons. A notice on your home address was delivered on 06.04.2021 directing to immediately assume duties and furnishing cogent reasons for the willful absence from duties.
- iii. Instead of assuming duties as per notice, you submitted medical reports of a private practitioner for medical problem of lungs seeking leave for 90 days commencing from 05.02.2021 prior to joining duties at D.I. Khan. For confirmation of your claimed medical problem, the same reports were referred to DG Health Services, Khyber Pakhtunkhwa Peshawar who constituted Standing Medical Board directing you to appear before the Medical Superintendent, Services Hospital Peshawar for Medical Examination on 01.09.2021 at 9:00 AM. Despite receiving the Standing Medical Board schedule, shared through Whatsapp as well, you did not appear before the Medical Board proving your lame excuses of health problems and continued willful absence from official duties.

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I am satisfied that you have committed acts / omissions specified in Rule-3 of the said Rules:

- a) Inefficiency by failure to efficiently perform functions assigned in the discharge of duties at Veterinary Research & Disease Investigation Centre, D.I. Khan
- b) Guilty of misconduct
- d) Guilty of habitually absenting from duty without prior approval of leave

2. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the major penalty of removal from service under Rule 4 (b) (iii) of the said Rules.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon and also intimate whether you desire to be heard in person?

4. If no reply to the notice is received within fifteen (15) days of its delivery, it shall be presumed that you have no defense to put in and in that case, an ex-parte action shall be taken against you.

5. A copy of your willful absence reports and other correspondence is enclosed.


DIRECTOR GENERAL
L&DD (Research) Khyber Pakhtunkhwa
(COMPETENT AUTHORITY)

NATIONAL NEWS PAPER READERSHIP DAY
 Rs. 10/-
 NATIONAL NEWS PAPER READERSHIP DAY
 20
 APNS
 9 DEC 6
 The Editor, National News Paper, District, Lucknow
 Case # 15311 Mohan Lal, Lucknow
 - 8/8/64 (R) (W) 1964
 Mr. M. Badmann Son of Mr. Nayaf
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 رجوعی آئینہ چھپانے والے پیشہ ورانہ کے پیشہ ورانہ کے پیشہ ورانہ کے
 رجوعی آئینہ چھپانے والے پیشہ ورانہ کے پیشہ ورانہ کے پیشہ ورانہ کے

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MENT DUE CARD

Director General (Research) Livestock

and Development Department

4-PIC Peshawar

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پوسٹ کوڈ

(پوسٹ کوڈ کے ساتھ پورے)

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DIRECTORATE GENERAL (RESEARCH)
LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR

Bacha Khan Chowk Khyber Pakhtunkhwa Peshawar
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091-9210220

Facebook.com/livestockresearchkp
Twitter.com/livestockreskp
@dg.lddr@kp.gov.pk

No. DG(Res)/L&DD/Est-II/PF(76)/2011/4404-11
Dated Peshawar the 09/06/2022

NOTIFICATION

In continuation of this office letter No.DG(Res)/L&DD/Est-II/PF(76)/2011/2416 dated 21.03.2022 and subsequent to the Standing Medical Board opinion declaring Muhammad Salman S/O Muhammad Zarif, Ex- Senior Clerk (BPS-14), Veterinary Research & Disease Investigation Center, D I Khan as fit, not having any complications, no signs and symptoms of any disease, the official is hereby reinstated in Government service with effect from 08.03.2022 (the date of his acceptance of appeal by the appellate authority vide letter No.SO(LFC)/AD/3-23/2020 dated 08.03.2022) with the following terms and conditions:-

1. According to the Standing Medical Board opinion that "The patient is giving history of Pulmonary TB in past but no record available. Currently he is not having any complications, no signs and symptoms of any disease. On current health status examination he is fit," therefore, the period of willful absence from duty w.e.f 11.03.2021 to 07.03.2022 (362 days) is hereby treated as extra ordinary leave without pay.
2. The official is directed to report for duties on the same post he was holding before removal from service at Veterinary Research & Disease Investigation Center, D.I.Khan.
3. In case, he fails to mend his ways/ attitude towards duty, punctuality and repeat acts/omissions due to which he was removed from service, then "dismissal from service" will be imposed without any further leniency.

Director General
(Research)

No. DG(Res)/L&DD/Est-II/PF(76)/2011/4404-11

Dated Peshawar the 09/06/2022

Copy of the above is forwarded for information and necessary action to:-

1. The Chairman, Standing Medical Board, Medical Superintendent, Police/Service Hospital, Peshawar w/r to letter No. 4598-99/MS/SMB/2021-22 dated 30.05.2022
2. The Section Officer (LFC) Government of Khyber Pakhtunkhwa, Agriculture, Livestock, Fisheries & Cooperative Department, Peshawar w/r to letter as quoted above along with a copy of Standing Medical Board opinion.
3. The Principal Research Officer/ Regional Director, Veterinary Research & Disease Investigation Center, D.I.Khan, with the request to send the weekly & monthly attendance/ performance report of the official regularly.
4. The Drawing Disbursing Officer, Veterinary Research & Disease Investigation Center, D.I.Khan to update respective entries in the service book of the official.
5. The District Account Officer, D.I.Khan.
6. The Incharge, Information Technology Cell.
7. Muhammad Salman, Senior Clerk r/o House No.1537K, Mohalla Ghazi Abdur Rashid, Chakagali Karim Pura, District Peshawar with the direction to immediately report at VR&DIC, D.I.Khan, perform duties efficiently, observe punctuality and take care in future as advised by the Appellate Authority, otherwise stern action will be taken against you under E&D Rules 2011, without any further relaxation/opportunity.
8. Office order file.

Director General
(Research)

12



9/12/21

Annex - Arrived on 24-02-2021

2nd opinion for medical under the Rules:-

✓ Re-appointment by the appellant authority

Rule 9 9 E & D Rules 211

✓ Transfer to Kolkata

GOVERNMENT OF THE KHYBER PAKHTUNKHWA
ESTABLISHMENT AND ADMINISTRATION DEPARTMENT.

NOTIFICATION

Peshawar dated the 16th September, 2011.

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

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

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

(3) These shall come into force at once.

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

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

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

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

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

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

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

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

22. **Jurisdiction barred.**---Save as provided under these rules, no order made or proceedings taken under these rules shall be called in question in any court and no injunction shall be granted by any court in respect of any decision so made or proceedings taken in pursuance of any power conferred by, or under these rules.

23. **Repeal.**---(1) The Khyber Pakhtunkhwa government servants (Efficiency & Discipline) Rules, 1973 are hereby repealed.

(2) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any Government servant under repealed rules shall continue under these rules.

(3) Notwithstanding the repeal of the aforesaid rules, all proceedings pending immediately before the commencement of these rules against any employee under the said repealed rules or under the Khyber Pakhtunkhwa Civil Servants Act, 1973 and rules made thereunder, or any other law and rules shall continue under that law and rules, in the manner provided thereunder.

**SECRETARY TO
GOVERNMENT OF KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT.**

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



Directorate General (Research) Livestock & Dairy Development Department, Peshawar

Phone: 091-9210220

Website: dggresearch.gov.pk

ORDER

Taking into consideration the successive reports of the respective Principal Research Officers/ Regional Directors and in order to provide an opportunity to improve performance in duties, the following transfer amongst the Senior Clerks of Livestock & Dairy Development Department (Research Wing), Khyber Pakhtunkhwa is hereby ordered in the best interest of public service with immediate effect.

| S.# | Name of Officials | From | To |
|-----|--|--|--|
| 1. | Muhammad Salman, Senior Clerk (BPS-14) | Veterinary Research & Disease Investigation Center, D.I Khan | Veterinary Research & Disease Investigation Center, Kohat vice No.2 |
| | Mr. Jehanzeb Khan, Senior Clerk (BPS-14) | Veterinary Research & Disease Investigation Center, Kohat | Veterinary Research & Disease Investigation Center, D.I Khan vice No.1 |

Note: - Transfer grant not allowed.

o/c Director General (Research) 29/11/22

No. DG(Res) L&DD/Est-II(9)2015/Vol-III-80 8069-78 Dated Peshawar the 30/11/2022

Copy of the above is forwarded for information and necessary action to:-

- The Director, Veterinary Research Institute, Khyber Pakhtunkhwa, Peshawar w/r to recommendation dated 23.11.2022.
- The Section Officer (LFC), Government of Khyber Pakhtunkhwa, Agriculture, Livestock, Fisheries & Cooperative Department, Peshawar in reference to this office letters No. DG(Res) L&DD/Est-II PF(76)2011/4404-11 dated 09.06.2022, No. 4734-35 dated 23.06.2022, No. 7198-7200 dated 13.10.2022 & No. 7494-97 dated 28.10.2022.
- The Principal Research Officer/ Regional Director, Veterinary Research & Disease Investigation Center, D.I Khan w/r to letter No. VR&DIC/DIC/3270 dated 21.11.2022.
- The Principal Research Officer/ Regional Director, Veterinary Research & Disease Investigation Center, Kohat.
- The District Account Officer, Kohat.
- The District Account Officer, D.I Khan.
- The Incharge, Information Technology Cell.
- Muhammad Salman, Senior Clerk, Veterinary Research & Disease Investigation Center, D.I Khan
- Mr. Jehanzeb Khan, Senior Clerk, Veterinary Research & Disease Investigation Center, Kohat.
- Office order file.

With the request to send the weekly and monthly attendance, performance report of the officials regularly and to keep the officials under regular observation.

with the direction to immediately report at aforementioned Centers and to provide an affidavit in connection with to perform duties efficiently, observe punctuality and to take care in future

o/c Director General (Research) 29/11/22



DIRECTORATE GENERAL (RESEARCH)
LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT
KHYBER PAKHTUNKHWA, PESHAWAR



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Bacha Khan Chowk Khyber Pakhtunkhwa Peshawar

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091-9210220

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AUTHORITY LETTER

I, Dr. Muhammad Ijaz Ali, Director General (Research) Livestock and Dairy Development Department Khyber Pakhtunkhwa, Peshawar hereby authorize Dr. Hamid Ullah, Senior Research Officer, Veterinary Research Institute, Peshawar as Departmental Representative of undersigned in R.A No.57/2023 in Appeal No. 1542/2022 titled Muhammad Salman Vs Government of Khyber Pakhtunkhwa and Others.

Director General (Research)

No. DG(R)/L&DD/Litigation (158)/2023/ 159

Dated Peshawar the 01/09/2023

Copy of the above is forwarded to:-

1. The Registrar, Khyber Pakhtunkhwa, Service Tribunal Peshawar.
2. Dr. Hamid Ullah Khan, Senior Research Officer, Veterinary Research Institute, Peshawar.

Director General (Research)

[Handwritten Signature]
21/9/2023