

20.06.2023

Junior of learned counsel for the appellant present. Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.


Junior of learned counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is busy in the Hon'ble Peshawar High Court, Peshawar.

Adjourned. To come up for arguments on 11.10.2023 before the

D.B. Parcha Peshi given to the parties.

SCANNED  
KPST  
Peshawar

  
(Fareeha Paul)  
Member (E)

  
(Salah-ud-Din)  
Member (J)

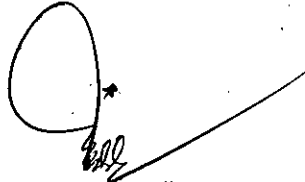
\*Naeem Amin\*

03.01.2023

Appellant alongwith his counsel present. Mr. Hazrat Ullah, Assistant alongwith Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not made preparation for arguments. Adjourned. To come up for arguments on 11.04.2023 before the D.B.

SCANNED  
KPST  
Peshawar



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

11.04.2023


Junior to counsel for the appellant. Mr. Asif Masood Ali Shah, DDA alongwith Hazratullah, Assistant for the respondents present.

Former requested for adjournment on the ground that learned counsel for the appellant is busy in Peshawar High Court Peshawar today. Adjourned. To come up for arguments on 20.06.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED  
KPST  
Peshawar



(FAREEHA PAUL)  
Member(E)



(ROZINA REHMAN)  
Member (J)

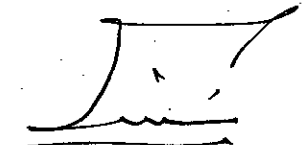
11.10.2022

Learned counsel for the appellant present. Mr. Hazrat Ullah, Assistant alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment on the ground that he has not gone through the brief of the instant appeal. Adjourned. To come up for arguments on 14.11.2022 before the D.B.



(Mian Muhammad)  
Member (E)



(Salah-Ud-Din)  
Member (J)

14.11.2022

Junior to counsel for the appellant present.

Naseer Ud Din Shah, learned Assistant Advocate General for respondents present.

Learned Member (Judicial) is on leave, therefore, arguments could not be heard. Adjourned. To come up for arguments on 03.01.2023 before D.B



(Fareeha Paul)  
Member (E)


SCANNED  
KPST  
Peshawar

30.05.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, learned Addl. AG alongwith Mr. Hazrat Ullah Assistant for the respondents present.

Written reply/comments on behalf of respondents submitted which is placed on file. Copy of the same is handed over to the learned counsel for the appellant. Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Adjourned. To come up for preliminary hearing on 25.07.2022 before S.B.

SCANNED  
KPST  
Peshawar

  
(Mian Muhammad)  
Member (E)

25.07.2022

Appellant present through counsel.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Preliminary arguments heard. Record perused.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections with direction to appellant to deposit security and process fee within 10 days. Reply on behalf of respondents has already been submitted. To come up for rejoinder, if any, and arguments on 11.10.2022 before D.B.


  
(Rozina Rehman)  
Member (J)

Rs: Rs 500  
Appellant Deposited  
Security & Process Fee  
11/8/22

25.01.2022

Clerk of counsel for the ~~appellant~~ present.

Former requests for adjournment due to general strike of the bar. Adjourned. To come up for preliminary hearing on 24.03.2022 before S.B.

  
(Mian Muhammad)  
Member(E)

24.03.2022

Counsel for the appellant present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Adjourned. To come up for preliminary hearing on 07.04.2022 before S.B.

  
Chairman

07.04.2022

Learned counsel for the appellant present and submits that instead of proceedings under prevailing Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011, the department had proceeded against the appellant under old E&D Rules of 1973. This act on the part of the respondents is illegal, therefore, limitation does not run against the order passed in utter violation of the prevailing rules.

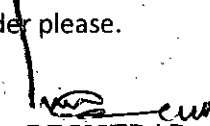

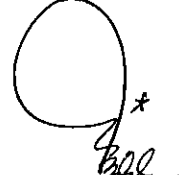

Notice be given to the other side for the date fixed. To come up for preliminary hearing on 30.05.2022 before S.B.

  
Chairman

Form- A  
FORM OF ORDER SHEET

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

Case No.- 7440 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/09/2021	<p>The appeal of Mr. Muhammad Imran presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	15.11.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15/11/21</u>.</p> <p> CHAIRMAN</p> <p>Junior of learned counsel for the appellant present.</p> <p>Junior of learned counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is unable to appear before the Tribunal today due to illness. Adjourned. To come up for preliminary hearing before the S.B on 25.01.2022.</p> <p> (MIAN MUHAMMAD) MEMBER (E)</p> <p></p>

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

SERVICE APPEAL NO. 7440 /2021

**MUHAMMAD IMRAN**

**V/S**

**GOVT: OF K.P & OTHERS**

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Dated: 22-09-2021

**APPELLANT**

Through:

**NOOR MOHAMMAD KHATTAK**

**ADVOCATE**

FLATE NO. 04, 2<sup>ND</sup> FLOOR,  
JUMA KHAN PLAZA, NEAR FATA SECRETARIAT,  
WARSAK ROAD, PESHAWAR

**0345-9383141**

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

**APPEAL NO. \_\_\_\_\_/2021**

MUHAMMAD IMRAN, Ex-Sweeper (BPS-01),  
 Governor's House, Peshawar.

..... **APPELLANT**

**VERSUS**

- 1- Government of Khyber Pakhtunkhwa, Military Secretary to Governor, Governor House Peshawar.
- 2- Comptroller, Governors House, Peshawar.
- 3- Care Taker, Governor House, Nathia Gali.

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 14-11-2019 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE HAS BEEN IMPOSED UPON THE APPELLANT AND AGAINST NOT TAKING ANY ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF 90 DAYS**

**PRAYER:**

**That on acceptance of this appeal the impugned removal order dated 14-11-2019 may very kindly be set aside and the appellant may kindly be re-instated into service with all consequential back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.**

**R/SHWETH:**

**ON FACTS:**

1. That appellant was the employee of the respondent Department and was sweeper (BPS-01) vide order dated 12-03-2012 after fulfilling all the legal & codal formalities required for the post. Copy of the Appointment Order dated 27.03.2012 is attached as annexure ..... **A.**
2. That appellant after receiving the appointment order the appellant was medically examined by the concerned medical officer of Police & Service Hospital Peshawar and was declared medically fit for government job where after the appellant submitted his arrival report and was posted in Governor House Nathiya Gali and started performing duty



quite efficiently, whole heartedly and to the entire satisfaction of his high ups. Copy of Medical Certificate & Arrival Report is attached as Annexure ..... **B & C.**

3. That after posting in Governor's House Nathia Gali the appellant took over the charge of his post and started performing duty there with full devotion.
4. That posting being only elder in his family and also being a low paid employee and more so posted in the far flung duty station from his home station has greatly affected the efficiency and performance of duty there at Nathia Gali.
5. That in the year 2019 wife of the appellant became seriously ill being the elder and the only person to look after his the appellant became absent from duty for which the appellant also informed respondent no. 3 about the situation seeking for the grant of leave but the same was not honoured.
6. That the appellant when approved his duty station at Nathia Gali the appellant was verbally informed by respondent no. 3 that you have been terminated from services and the order of termination was not communicated to the appellant.
7. That the appellant started struggle to receive the termination order but due to Covid-19 pandemic the same was not handed over the appellant and finally the appellant received the impugned order dated 14-11-2019 through his own efforts in the month of June 2021 wherein the appellant came to know that major penalty of Removal from Service has been imposed upon the appellant. Copy of the impugned order dated 14.11.2019 is attached as Annexure ..... **D.**
8. That, the appellant feeling highly aggrieved from the impugned order dated 14-11-2019 filed Departmental Appeal before the competent authority but till date no response has so far been received from any end after passage of more than 90 days. Copy of Departmental Appeal is attached as Annexure ..... **E.**
9. That appellant feeling highly aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others.

**GROUND:**

- A- That impugned removal order dated 14-11-2019 issued by the respondents are void in nature against the law, facts and norms of natural justice hence not tenable and is liable to be set aside.

- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the codal formalities required for the major penalty has not been fulfilled by the respondents while issuing the impugned removal order dated 14-11-2019.
- D- That, the respondents acted in an arbitrary and malafide manner while issuing the impugned removal order dated 14-11-2019.
- E- That, no codal formalities were fulfilled required for the major penalty of "Removal from Service" has been adopted by the respondents while issuing the impugned removal order dated 14-11-2019.
- F- That, no regular or fact-finding inquiry is conducted in the matter which is pre-requisite as per the judgments of the Apex Supreme Court of Pakistan in punitive matters.
- G- That, the respondents while issuing impugned removal order dated 14-11-2019 has not looked the actual position of the appellant and such the appellant has been punished for the fault of others.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that appeal of the appellant may be accepted as prayed for, please.

Dated: 20-09-2021

APPELLANT

  
**MUHAMMAD IMRAN**

THROUGH:

  
**NOOR MOHAMMAD KHATTAK**

  
**MUHAMMAD MAAZ MADNI**

ADVOCATES,

High Court Peshawar

**CERTIFICATE:**

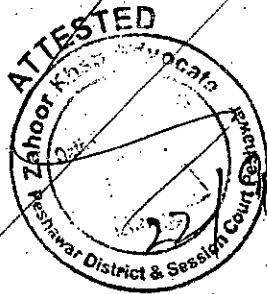
No such like appeal is pending or filed between the parties on the subject matter before this Honourable Tribunal.

  
ADVOCATE

**AFFIDAVIT**

I, Muhammad Imran s/o Muhammad Arif r/o Hassan Garhi District Peshawar do hereby solemnly affirm on oath that the contents of the above appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honourable Tribunal.

  
DEPONENT





5

GOVERNOR'S HOUSE  
PESHAWAR

27 March, 2012

ANNEXURE A

OFFICE ORDER.

No.SO(MSG)/GH/2012.

The Competent Authority is pleased to appoint Mr. Muhammad Imran S/O Muhammad Arif, resident of Hassan Garhi, Peshawar against the newly created post of Sweeper (BPS-01) in the Governor's House, Nathiagali on the following terms and conditions with immediate effect:-

- i. His appointment is purely temporary and his services are liable to be terminated without assigning any reason.
- ii. In case he wishes to resign from service, 15 days advance notice will be necessary or in lieu thereof 15 days pay shall be forfeited.
- iii. He will be entitled for Conveyance, Medical, House Rent Allowances, TA/DA and leave as per Government rules.
- iv. He will not be entitled to Pension or Gratuity. He shall, however, be entitled to Contributory Provident Fund in terms of Civil Servants Amendment Act 2005 (Khyber Pakhtunkhwa Act No.IX of 2005).
- v. His appointment is subject to the production of Medical Fitness Certificate from the Civil Surgeon, Peshawar.

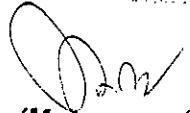
Military Secretary to Governor

Endst.No. SO(MSG)/GH/2012/690-97

Dated 27 March, 2012.

Copy forwarded for information and necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Comptroller, Governor's House, Peshawar.
3. Section Officer (B&A), Governor's House Peshawar.
4. DSP (Security), Governor's House, Peshawar.
5. PS to MSG, Governor's House Peshawar.
6. Bill Assistant, Governor's House, Peshawar.
7. Official concerned.
8. Personal file.

  
(Muhammad Islam)  
Section Officer to MSG

ATTESTED

6

ANNEXURE B

MEDICAL CERTIFICATE

Name of official Muhammad Imran 01/12/83  
 Caste or race Bedonki  
 Father's name Muhammad Ashraf  
 Residence 26-1450/1451, Road Bahadran  
Dist. Peshawar  
 Date of birth 06/07/1987  
 Exact height by measurement 5-8  
 Personal mark of identification \_\_\_\_\_  
 Signature of the official [Signature]  
 Signature of head of office \_\_\_\_\_

Seal of office \_\_\_\_\_

I do hereby certify that I have examined Mr. Muhammad Imran a candidate  
 for employment in the Office of the Governor's Office  
 and cannot discover that he had any disease communicable or other constitutional affection or bodily  
 infirmity except Nil

I do not consider this as disqualification for employment in the office of the ASGM  
 His age according to his own statement 25 year and by appearance about  
 year 25 Twenty five

[Signature]  
 Medical Superintendent  
 Police & Services Hospital  
 Peshawar  
 MEDICAL SUPERINTENDENT,  
 CIVIL HOSPITAL  
[Signature]  
 29/03/18

LEFT HAND THUMB AND FINGER IMPRESSIONS



ATTESTED

7

To

The Section Officer to MSG,  
Governor's House, Peshawar.

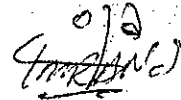
ANNEXUR-C

Subject: ARRIVAL REPORT

Dear Sir,

Consequent upon my appointment as Sweeper (BPS-1), vide Office Order. No. SO(MSG)/GH//2012/690-97 dated 27/3/2012, I beg to submit my arrival report for duty today on 27/3/2012 (FN).

Yours faithfully,



(Muhammad Imran)  
S/O Muhammad Arif,  
Sweeper,  
Governor's House Peshawar.

MSG	
SO/MSG	
SO (BAA)	
Diary No	333 / 31/0.3 /201

~~ATTESTED~~



8

GOVERNOR'S HOUSE  
PESHAWAR

14<sup>th</sup> November, 2019

OFFICE ORDER

ANNEXURE

D

No. SO(MSG)/GH/4-95/2012/339-45 WHEREAS, Muhammad Imran-II, Sweeper, Governor's House Nathiagali was issued several verbal and written warnings followed by explanation for not taking interest in his official duties and remaining wilfully absent from duty without any intimation or prior approval of leave but he did not improve himself and proved guilty of habitually absenting himself from duty. Whereafter vide order No. SO(MSG)/GH/2012/315-22 dated 24.07.2019, a Minor Penalty of withholding of one increment with no cumulative effect was imposed upon him on the basis of assurance and commitment/undertaking made by him for availing final opportunity but even then he did not mend his ways and once again absented from duty since 14<sup>th</sup> October, 2019 till date without any intimation or prior approval of leave which is tantamount to misconduct and negligence.

2. AND WHEREAS, subsequently a Show Cause Notice was served upon him but reply of the same was not found satisfactory being against the facts.


3. NOW THERE FORE, having gone through facts of the case, evidence on record, proved charges of wilful absence from duty and keeping in view reply of Show Cause notice submitted by the official concerned, I Col Shahid Rehan Chaudhry Military Secretary to Governor Khyber Pakhtunkhwa in the capacity of the Competent Authority and in exercise of the powers conferred on me under rule-4 read with rule 7(F) of the Government servants (E&D) Rules 1973, do hereby impose the Major Penalty of removal from service on the said Muhammad Imran-II, Sweeper Governor House, Nathiagali.

MILITARY SECRETARY TO GOVERNOR

Endst.No. SO(MSG)/GH/4-95/2012/339-45 Dated 14<sup>th</sup> November, 2019

Copy forwarded for information and necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Comptroller, Governor's House, Peshawar.
3. Section Officer (B&A), Governor's House, Peshawar.
4. Section Officer (MSG), Governor's House, Peshawar.
5. PS to Military Secretary to Governor's House Peshawar.
- ✓ 6. Official concerned.
7. Personal file.

  
(Amantullah Qureshi)

ATTACHED

9

To,

The Governor,  
KPK, Peshawar

ANNEXURE 'E'

**AN APPLICATION FOR RE-INSTATION OF SERVICE**

Dear Sir,

It is, most humbly submitted that i was appointed as (sweeper) in Governor House on 27-03-2012 and i served there for 08 years. On 14-09-2019 my services were terminated because of the non-attendance. At that very time my wife was seriously ill and there was no one to look after her except me, i also informed care-taker Nathia Gali for the leave on 14-08-2019. I am a very poor man and i have one son and two daughters to look after and taking care of their health and education and i know i committed a mistake of non-attendance.

It is, therefore, most humbly submitted that looking into my current situation my mistake of non-attendance may please be pardoned and my services may please be re-instated for which i will be very thankful and grateful to you.

You're obediently,

Imran Khakroob

Governor House Nathia Gali.

ATTESTED



10

**VAKALATNAMA**

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

APPEAL NO \_\_\_\_\_ OF 2021

Muhammad Imran (APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Court of K.P & Officers (RESPONDENT)  
(DEFENDANT)

I/We Muhammad Imran

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK, Advocate, HIGH COURT, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2021

[Signature]  
CLIENT

[Signature]  
**ACCEPTED**  
**NOOR MUHAMMAD KHATTAK**  
[Signature]  
**KAMRAN KHAN**  
[Signature]  
**SAID KHAN**  
[Signature]  
**UMAR FAROOQ MOHMAND**  
& [Signature]  
**HAIDER KHAN**  
**ADVOCATE**

**OFFICE:**  
Flat No.4, 2<sup>ND</sup> Floor,  
Juma khan plaza near  
FATA secretariat, warsak road  
Peshawar City.  
Mobile No.0345-9383141

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

**S.A No.7440/2021**

**Muhammad Imran, Ex-Sweeper**

**Governor House, Peshawar.....Appellant**

**Versus**

1. **Military Secretary to Governor, Governor House, Peshawar.**
2. **Comptroller, Governor House, Peshawar.**
3. **Care Taker, Governor House, Peshawar.**

.....**Respondents**

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

**S.A No.7440/2021**

Muhammad Imran, Ex-Sweeper

Governor House, Peshawar.....Appellant

**Versus**

1. Military Secretary to Governor, Governor House, Peshawar.
2. Comptroller, Governor House, Peshawar.
3. Care Taker, Governor House, Peshawar.

.....Respondents

Respectfully Sheweth:

**Comments On behalf Of Respondents**

**PRELIMINARY OBJECTIONS:-**

1. The appellant has got no cause of action / locus standi to file this service appeal.
2. The appellant is estopped by his conduct to file this appeal.
3. That due to concealment of material fact, appeal is liable to be dismissed.
4. That the appeal in its present form is incompetent, hence liable to be dismissed.
5. That the appeal is time barred and barred by law.
6. The appeal is bad for mis-joinder & non-joinder of necessary and proper parties.

**REPLY ON FACTS**

Para-1 Pertains to record.

Para-2 Subject to proof.

Para-3 In reply, it is stated that appellant was posted in Governor House, Nathiagali but most of the period he remained absent throughout service starting from 2012, his enrolment year (Explanations/Warnings/Show Cause Notices attached as Annex-A).

Para-4 The appellant has given in written before appointment that he is liable to be posted anywhere for delivering of service (Agreement Serial-2 (vii) / Iqramama attached at Annex-B).

Para-5 Incorrect and denied. Same year individual remained absent earlier as well, number of times.

Para-6 Incorrect. The appellant remained absent from duty w.e.f 14<sup>th</sup> October, 2019 to 14<sup>th</sup> November, 2019 without any intimation or prior approval of leave, explanation and warnings were served before dismissal. No verbal procedure of grant of leave is practiced and written application is forwarded to Military Secretary to Governor through Comptroller Governor House, Peshawar for grant of leave which tantamount to misconduct and negligence (Annex-C).

Para-7 The said Office Order was delivered by Comptroller Governor House, Peshawar and accordingly the appellant received by himself on that day i.e. 14.11.2019 (Receiving duly signed by appellant attached as Annex-D).

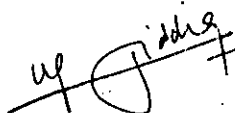
Para-8 Correct to the extent that his appeal was considered and filed due to badly time barred, baseless allegations and personal conduct.

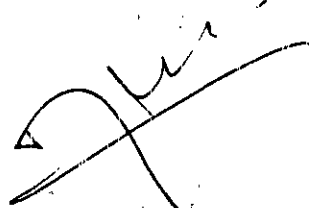
Para-9 That the appeal is incompetent on following grounds.


**GROUND**

- A. Incorrect. The appellant was removed from service due to willful absence from duty, the allegations were neither false nor manufactured and thus was properly proceeded under the rules. Detail reply already given above.
- B. Incorrect. Military Secretary to Governor in the capacity of the Competent Authority and in exercise of the powers conferred on him under Rule-4 read with Rule 7 (F) of the Government Servants (E&D) Rules 1973, do hereby impose the Major Penalty.
- C. Incorrect. A Show Cause Notice before number of warnings and explanations was served upon him but reply of the same was not found satisfactory being against the facts, after that having gone through facts of the case / record, willful absence from duty was proved.
- D. Incorrect, as pointed in Para 'A', 'B' and 'C'.
- E. Incorrect, as pointed in Para 'C'.
- F. Incorrect, as pointed in Para 'C'.
- G. Incorrect. Appellant was posted in Governor House, Nathiagali but most of the period, he remained absent.
- H. Respondents seek permission to raise additional grounds during arguments.

It is, therefore, prayed that in view of the foregoing, the appeal may be dismissed with costs.

  
 Military Secretary to Governor,  
 Khyber Pakhtunkhwa.  
 (Respondent No. 1)

  
 Comptroller,  
 Governor's House, Peshawar  
 (Respondent No. 2)

  
 Care Taker  
 Governor's House, Peshawar  
 (Respondent No. 3)



GOVERNOR'S HOUSE  
PESHAWAR.

سر: کمپوزر گورنر ہاؤس پشاور

مورخہ 23 اگست 2012ء

- بجانب: ۱۔ عبدالرحمن، خاکروب، گورنر ہاؤس پشاور۔  
۲۔ عمران نمبر 1، خاکروب، گورنر ہاؤس پشاور۔  
۳۔ عمران نمبر 2، خاکروب، گورنر ہاؤس پشاور۔  
۴۔ ناصر، خاکروب، گورنر ہاؤس پشاور۔

عنوان: وارنگ۔

یہ بات نوٹ کی گئی ہے کہ آپ سب اکثر اپنی ڈیوٹی سے بغیر کسی درخواست اور اطلاع کے غیر حاضر رہتے ہیں۔ آپ سب نے بغیر اجازت کے چھٹی گزارنے کا معمول بنا رکھا ہے۔ جو کہ قانون کی خلاف ورزی ہے۔ آپ سب کا یہی رویہ باقی اسٹاف پر اثر انداز ہوتا ہے۔ جن کی وجہ سے روزمرہ کا کام متاثر ہوتا ہے۔ اور افسران بالا بھی آپ کی ڈیوٹی سے مطمئن نہیں ہے۔

۲۔ لہذا آپ سب کو تحریری وارنگ دی جاتی ہے کہ آپ اپنی کارکردگی کو درست کریں۔ بغیر اجازت لئے چھٹی کرنے سے گریز کریں۔ بصورت دیگر آپ کے خلاف سخت تادیبی کارروائی عمل میں لائی جائے گی۔

کمپوزر گورنر ہاؤس پشاور

کاپی برائے اطلاع:-

۱۔ ملٹری سیکرٹری برائے گورنر صوبہ خیبر پختونخوا پشاور۔

۲۔ سیکشن آفیسر برائے ایم ایس جی، گورنر ہاؤس پشاور۔

۹۸  
کمپوزر گورنر ہاؤس پشاور



GOVERNOR'S HOUSE  
PESHAWAR

نمبر: کمپوزر دار گورنر ہاؤس پشاور نمبر 364 - 629

مورخہ 10 اپریل 2013ء

- بجانب: ۱۔ عبدالرحمن، خاکروب، گورنر ہاؤس پشاور۔  
۲۔ سنیل، خاکروب، گورنر ہاؤس پشاور۔  
۳۔ عمران نمبر 2، خاکروب، گورنر ہاؤس پشاور۔  
۴۔ ناصر مسیح، خاکروب، گورنر ہاؤس پشاور۔

عنوان: وارننگ۔

یہ بات نوٹ کی گئی ہے کہ آپ سب اکثر اپنی ڈیوٹی سے بغیر کسی درخواست اور اطلاع کے ہر دو تین دن کے بعد غیر حاضر ہو جاتے ہیں۔ جس کی وجہ سے آپ سب کو کئی بار وارننگ بھی دی جا چکی ہیں لیکن آپ لوگوں کی یہ رویہ تبدیلی نہیں ہوئی۔ آپ سب کا یہی رویہ باقی اسٹاف پر اثر انداز ہوتا ہے۔ اور معمول کا کام بھی شدید متاثر ہوتا ہے جو کہ قانون کی خلاف ورزی ہے۔ اور آفسران بالا بھی آپ کی ڈیوٹی سے مطمئن نہیں ہیں۔

۱۔ لہذا آپ سب کو آخری وارننگ دی جاتی ہے کہ آپ اپنی کارکردگی کو درست کریں۔ بغیر اجازت لئے چھٹی کرنے سے گریز کریں۔ بصورت دیگر آپ کے خلاف سخت تادیبی کارروائی عمل میں لائی جائے گی۔

کمپوزر دار گورنر ہاؤس پشاور

کمپوزر دار گورنر ہاؤس پشاور

کاپی برائے اطلاع:-

- ۱۔ ملٹری سیکرٹری برائے گورنر صوبہ خیبر پختونخوا پشاور۔  
۲۔ سیکشن آفیسر برائے ایم ایس جی، گورنر ہاؤس پشاور۔

10/4



GOVERNOR'S HOUSE  
PESHAWAR

نمبر: کمپنر ولر گورنر ہاؤس پشاور/ 1492-1

مورخہ 26 اگست 2013ء

بجانب: عمران - ا، خاکروب، گورنر ہاؤس پشاور

عنوان: وارنگ۔

یہ بات نوٹ کی گئی ہے کہ مورخہ 24-8-2013 آپ کو تختیا گلی میں ڈیوٹی کو جانے کیلئے کہا گیا لیکن آپ نے مختلف بہانے بنا کر جانے سے نہ صرف انکار کر دیا بلکہ بدتمیزی کے الفاظ بھی استعمال کئے۔ اکثر آپ بغیر یونیفارم کے ڈیوٹی کیلئے آتے ہیں۔ باز پرس کرنے پر آپ بدتمیزی پر اتر آتے ہیں۔ آپ کا یہی رویہ باقی اسٹاف پر اثر انداز ہوتا ہے۔ جن کی وجہ سے روزمرہ کا کام متاثر ہوتا ہے۔ جو کہ قانون کی خلاف ورزی بھی ہے۔

۲۔ لہذا آپ کو تحریری وارنگ دی جاتی ہے کہ آپ اپنی عادت کو درست کریں بدتمیزی کرنے سے گریز کریں۔ اپنے فرائض کو صحیح طریقے سے انجام دیا کریں۔ بصورت دیگر آپ کے خلاف سخت تادیبی کارروائی عمل میں لائی جائے گی۔

کمپنر ولر گورنر ہاؤس پشاور

کاپی برائے اطلاع:-

۱۔ ملٹری سیکرٹری برائے گورنر صوبہ خیبر پختونخوا پشاور۔

۲۔ سیکشن آفیسر برائے ایم ایس جی، گورنر ہاؤس پشاور۔

کمپنر ولر گورنر ہاؤس پشاور



GOVERNOR'S HOUSE  
PESHAWAR

نمبر: کمپنڈر گورنر ہاؤس پشاور / 1837-43

مورخہ 29 اکتوبر 2013ء

مجاہد: سینیٹل مسج، ناصر مسج، عمران - 11

خانگروہ، گورنر ہاؤس پشاور۔

عنوان: دارنگ

آپ کو نوٹیفیکیشن نمبر کمپنڈر گورنر ہاؤس پشاور / 1695 مورخہ 27-9-2013 کے ذریعے مطلع کیا گیا تھا کہ آپ چھٹیاں کرنے میں کن باتوں کا خیال رکھیں گے لیکن آپ نے تمام باتوں کو بالائے طاق رکھ کر وہی اپنی روش برقرار رکھی اور غیر حاضری کو اپنا شعار بنائے رکھا جو کہ سراسر قانون کی خلاف ورزی ہے۔

۲۔ لہذا آپ کو دارنگ دی جاتی ہے۔ کہ اپنی ڈیوٹی کو توجہ سے سرانجام دیں۔ وقت کی پابندی کریں، ڈیوٹی انجام دینے میں کوتاہی نہ کریں اور بغیر اجازت لئے چھٹی کرنے سے گریز کریں۔ بصورت دیگر آپ کے خلاف مروجہ قانون کے تحت سخت کارروائی عمل میں لائی جائے گی۔

کمپنڈر گورنر ہاؤس پشاور

مورخہ 29 اکتوبر 2013ء

نمبر: کمپنڈر گورنر ہاؤس پشاور

کاپی برائے کارروائی:

۱۔ سیکشن آفیسر برائے ملٹری سیکرٹری، گورنر ہاؤس پشاور۔

۲۔ پرائیوٹ سیکرٹری برائے ملٹری سیکرٹری، گورنر ہاؤس پشاور۔

۳۔ ہاؤس سپروائزر، گورنر ہاؤس پشاور۔

۴۔ سینیٹری سپروائزر، گورنر ہاؤس پشاور۔

Place: 29/10/13

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کمپنڈر گورنر ہاؤس پشاور





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GOVERNOR'S HOUSE  
PESHAWAR

نمبر: کمپنر ڈائرگورنر ہاؤس پشاور/62-59

مورخہ: 13 جنوری 2014ء

- بجانب: 1- شہزاد، خاکروب، فانا، گورنر ہاؤس پشاور۔  
2- عمران نمبر 2، خاکروب، گورنر ہاؤس پشاور۔

عنوان: جواب طلبی۔

آفسران بالا کے نوٹس میں یہ بات آئی ہے کہ شہزادوں سے اور عمران ایک دن سے غیر حاضر ہے۔ آپ لوگوں کی غیر حاضری کی تاریخ 9 اور 10 جنوری 2014ء ہے۔ آپ لوگوں کو پہلے بھی ہدایات دئے گئے ہیں کہ غیر حاضری سے اجتناب کریں۔ لیکن اس کے باوجود بھی آپ اپنی عادت سے باز نہیں آتے۔ اور غلطیاں دہراتے ہیں۔ جو کہ قانونی خلاف ورزی ہے۔

2- لہذا آپ کو مطلع کیا جاتا ہے کہ آپ اس کوتاہی کی وجوہات بیان کر کے تین دن کے اندر تحریری جواب زیر دستخطی کو کوارسٹل کریں۔ غیر تسلی بخش جواب یا ناکامی کی صورت میں آپ کے خلاف قانونی کارروائی کی جائے گی۔

کمپنر ڈائرگورنر ہاؤس پشاور

نمبر: کمپنر ڈائرگورنر ہاؤس پشاور مورخہ 24 دسمبر 2013ء

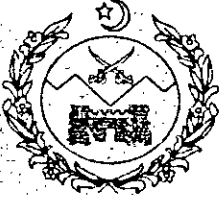
کاپی برائے کارروائی:

- 1- پرائیوٹ سیکرٹری برائے ملٹری سیکرٹری، گورنر ہاؤس پشاور۔  
2- سینیٹری سپر ڈائرگورنر ہاؤس پشاور۔

کمپنر ڈائرگورنر ہاؤس پشاور

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SO (B&A)  
Diary No 208/1/1/2015



GOVERNOR'S HOUSE  
PESHAWAR

نمبر: کمپنر ڈارر گورنر ہاؤس پشاور / 78-1174

مورخہ: 2014ء

بجانب: 1۔ عمران، سوہیہ، گورنر ہاؤس پشاور۔

عنوان: وارننگ۔

آفران بالانے اسی بات کا سختی سے نوٹس لیا ہے۔ کہ آپ کو گورنر ہاؤس نتھیاگلی کے ڈیوٹی کیلئے بھیجا گیا تھا لیکن مورخہ 20 جولاء سے بغیر اجازت لئے آپ اپنی ڈیوٹی سے غیر حاضر ہیں۔ اگرچہ آپ کو پہلے بھی کئی بار زبانی سمجھا دیا گیا ہے۔ لیکن آپ اپنی عادات اور اطوار کو نہ کرنے کی کوشش نہیں کرتے۔ اور اپنی کرتوتوں سے باز نہیں آتے۔ آفران بالانے سخت ناراضگی کا اظہار کیا ہے۔ آپ کا یہی رویہ گورنر ہاؤس کے وقار کے منافی ہے۔ اور قانونی خلاف ورزی بھی ہے۔

۲۔ لہذا آپ کو وارننگ دی جاتی ہے۔ کہ آپ آئندہ اسی طرح غلطی کرنے سے اجتناب کریں۔ اپنی ڈیوٹی احسن طریقے سے سرانجام دینے کی کوشش کریں۔ گورنر ہاؤس کے وقار کا خاص خیال رکھا کریں۔ بصورت دیگر آپ کے خلاف مروجہ قوانین کے تحت سخت کارروائی عمل میں لائی جائے گی۔

کمپنر ڈارر گورنر ہاؤس پشاور

نمبر: کمپنر ڈارر گورنر ہاؤس پشاور مورخہ 2014ء

کاپی برائے کارروائی:

- ۱۔ سیکشن آفیسر برائے ملٹری سیکرٹری، گورنر ہاؤس پشاور۔
- ۲۔ پرائیوٹ سیکرٹری برائے ملٹری سیکرٹری، گورنر ہاؤس پشاور۔
- ۳۔ کنٹریکٹر، گورنر ہاؤس نتھیاگلی۔
- ۴۔ ہاؤس سپروائزر، گورنر ہاؤس پشاور۔

کمپنر ڈارر گورنر ہاؤس پشاور

Diary No. 1174/2015  
5/8



SHOW CAUSE NOTICE

Whereas, I, Col Rahat Siddiq as competent authority, do hereby charge you, Mr. Imran-II, Khakroob, Governor's House, Nathiagali that you don't take interest in your duties for which numerous warnings have been issued to you but you failed to improve your performance. Being a responsible official, you have to always avail leave without permission / intimation. The VVIPs visiting the Governor's House, Nathiagali but cleanness position on every occasion, you failed to prove yourself.

2. And whereas in exercise of the powers conferred on me under Section-5 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, there is no need of holding a formal enquiry in this case and that the charges against you as mentioned in para-1 above have been proved.

3. And whereas in terms of section-3 in the capacity of competent authority, I have tentatively decided to impose upon you, major penalty of Dismissal from Service.


4. Now, you are therefore directed to show cause as to why the above penalty should not be imposed upon you. If your reply to this notice is not received within seven (7) days of its delivery, it will be presumed that you have no defence to offer and an exparte decision will be taken against you.

  
(Competent Authority)

Mr. Imran-II, Khakroob,,  
Governor's House, Nathiagali

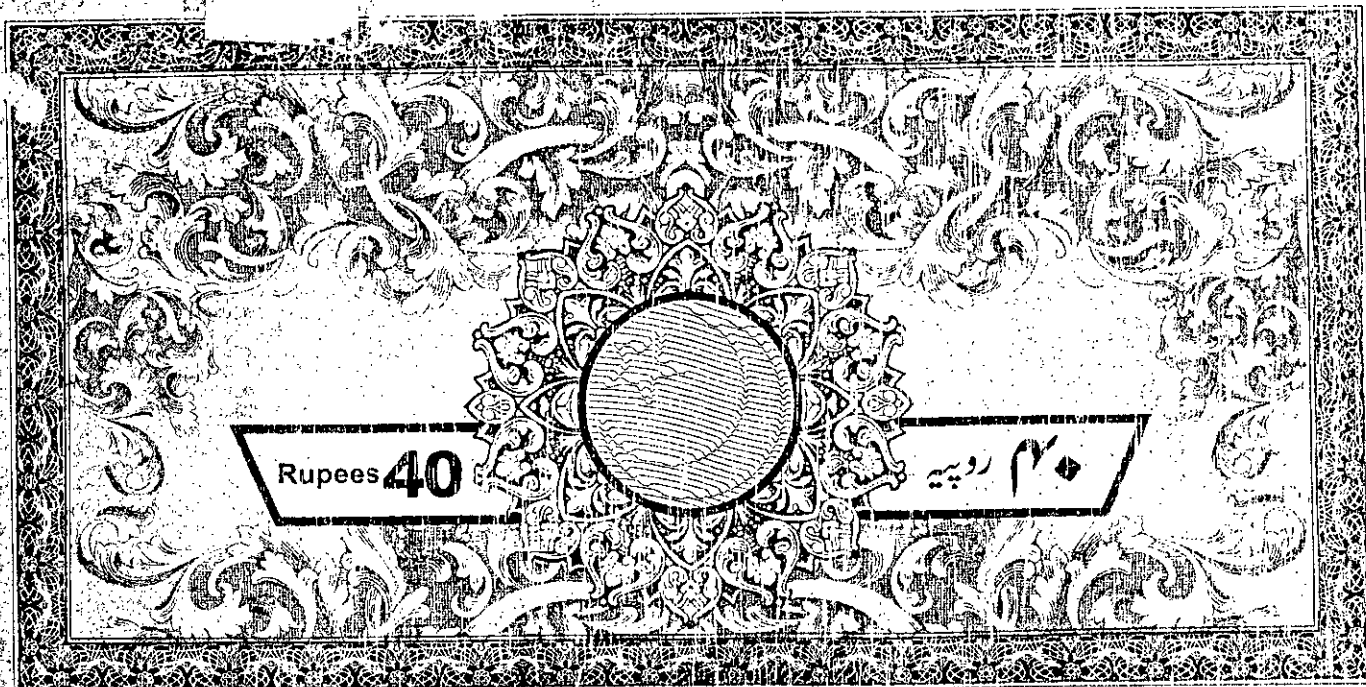
No. MSG/GH/2015/777

Dated 30 July, 2015

Received By:   
Hand:

Dated: 31-07-2015

عزیز گلزار کے لئے



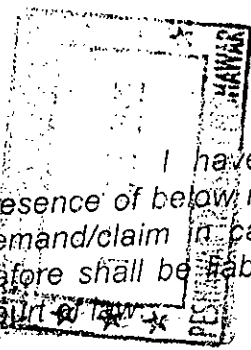
AGREEMENT DEED FOR APPOINTMENT IN THE  
GOVERNOR'S HOUSE, PESHAWAR.

An agreement made on the 22 day of April, 2012 between Mr. Muhammad Imran S/O Muhammad Arif hereinafter referred to as employee of the one part and the M.S to Governor, Khyber Pakhtunkhwa hereinafter referred to as the employer acting through Section Officer to MSG, Governor's House, Peshawar on the other part.

2. WHEREAS, the employer has agreed to employ him and the employee has agreed to serve the Governor's House, Peshawar as with the following terms and conditions:-

- i) Appointment shall be subject to physical fitness and verification of antecedents as well as testimonials.
- ii) Where the employee remains absent without leave for a period of 30 (thirty) days he shall be deemed to have violated the relevant provisions and shall stand terminated from service.
- iii) The appointee shall be responsible for all utility bills and other charges of the residential accommodation if any provided to him during his service.
- iv) The employee shall not be required to contribute to the General Provident Fund and will not be entitled for pension/gratuity benefits.
- v) Except for wilful absence as provided at S.No.ii above, with regard to conduct and discipline, the employee shall cease to remain in service if he is issued three written warnings during his service.
- vi) The employee is not permitted to do private job or have any interest in any such private facility without permission from M.S to Governor.
- vii) The employee is liable to be posted anywhere for delivering of service.
- viii) The employee shall not indulge in any trade, business or occupation or any activity, which is prohibited for a regular Government servant.
- ix) Stamp duty, if any, on this instrument shall be borne by the employee.
- x) Non-compliance of the terms and conditions would render the employee disqualified for employment in the Governor's House, Peshawar.

12/12  
12/12



3. I have carefully read this agreement and hereby undertake in the presence of below named witnesses to abide by its terms and conditions and shall not demand/claim in case of violation of any of the clause/conditions mentioned herein before shall be liable for termination from service and would not seek remedy in any court of law.

4. Moreover, the documents which I have submitted to the department are correct to the best of my knowledge and belief and I will be responsible for any kind of consequences, in case found fake at any time during my service in the Governor's House, Peshawar.

*[Signature]*

For Military Secretary to Governor

*[Signature]*

Signature of the (Employee)

Name Muhammad Imran  
Father's Name Muhammed Anis  
NIC No. 17301-5848200-1  
Permanent Address House No. 32-10  
Mohallah SNT Colony Kababian, Warsak Rd  
Present Address Do

Consigned

*[Signature]*

MILITARY SECRETARY TO GOVERNOR  
MUSGER PESHAWAR

In the presence of witness:-

1. Name Muhammad Zaheer Father's Name Faqir Muhammad  
NIC No. 17301-1293185-5  
Permanent Address House No. 6 Governor's House Colony near Railway  
Present Address \_\_\_\_\_

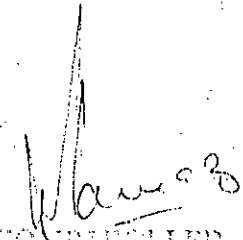
2. Name Muhammed Adnan Father's Name Muhammed Saddique  
NIC No. 17301-7329130-5  
Permanent Address House No. 5 Governor's House Colony near Railway  
Present Address \_\_\_\_\_

Peshawar Treasury  
HC No. 4, Date 4.9.2000  
Mabir Ahmad S. Vardar

# اقرار نامہ

میں مسی محمد عزال ولد محمد عارف یہ اقرار کرتا ہوں کہ ڈیوٹی کے لئے مجھے جب کبھی بھی گورنر ہاؤس پشاور، نتھیا گلی گورنر ہاؤس یا کہی بھی ڈیوٹی سرانجام دینے کے لئے حکم دیا جائے گا تو میں انکار نہیں کروں گا اور ہر وقت ڈیوٹی کے لئے تیار رہوں گا۔

دستخط: \_\_\_\_\_

  
CONTROLLER  
The Family House Peshawar.



GOVERNOR'S HOUSE  
PESHAWAR

نمبر کمپوزر گورنر ہاؤس پشاور 5-253

مورخہ 03 جون 2019ء

بجانب: عمران، خاکروب، گورنر ہاؤس نتھیا گلی۔

عنوان: جواب طلبی۔

یہ بات نوٹ کی گئی ہے کہ آپ اکثر اوقات بغیر چھٹی منظور کروائے اپنی ڈیوٹی کی جگہ سے غیر حاضر ہو جاتے ہو۔ اس سلسلے میں آپ کو کئی دفعہ نتیج بھی دی گئی ہے۔ لیکن آپ اپنی اس روش سے باز نہیں آتے۔ آج مورخہ 03 جون 2019 کو بھی اطلاع ملی ہے کہ آپ بغیر چھٹی کے اپنی ڈیوٹی سے غیر حاضر ہو چکے ہو جو کہ سراسر قانون کی خلاف ورزی اور سرکاری ملازمت کے اصولوں کے بالکل منافی ہے۔

۲۔ لہذا آپ کو مطلع کیا جاتا ہے کہ آپ اس خط کا جواب سات دن کے اندر اندر داخل دفتر کیجیے۔ اور اپنی اس کوتاہی کی اصلاح کریں۔ غیر تسلی بخش کارکردگی اور ناکامی کی صورت میں آپ کے خلاف قانونی کارروائی عمل میں لائی جاسکتی ہے۔ جو کہ نوکری سے برخاستگی پر منتج ہو سکتی ہے۔

کمپوزر گورنر ہاؤس پشاور

کاپی برائے اطلاع:-

۱۔ پی ایس برائے ملٹری سیکرٹری گورنر ہاؤس، صوبہ خیبر پختونخوا پشاور۔

۲۔ سیکشن آفیسر برائے ملٹری سیکرٹری، گورنر صوبہ خیبر پختونخوا پشاور۔

برمان، کمپوزر گورنر ہاؤس پشاور

Concerned to  
Speak

19/7

سائلر وائلر  
عمری ایف

۱۳

جناب ایس ایم ایس کوٹلی  
عنوان: درخواست برائے معافی

صوبانہ گزارش کی جاتی ہے کہ سائل ایک  
غریب خاندان سے تعلق رکھتا ہے۔ اور اپنے خاندان  
کا واحد کفیل ہے۔ سائل اپنے کئی پیر شرمزہ ہے  
اور آپ سے معافی کا طلب گار ہے۔

آپ سے گزارش کی جاتی ہے کہ سائل کو معاف کر کے  
اسے دوبارہ نوکری پر بحال کیا جائے۔ اور اللہ سائل سے  
ایسی عملی سرزد نہیں ہوگی۔ سائل اور اس کا خاندان  
تا عمر آپ کیلئے دعاؤں اور مشکورہ میں آئے۔

العارض

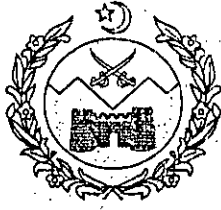
المترقب: ۰۱-۰۷-۱۹

محمد عمران سوئیپر گوینڈا پولیس  
پشاور

MSG	
SO/MSG	
SO/DIA	
Diary No	49

۱-۷-۱۹





GOVERNOR'S HOUSE  
PESHAWAR

سراے ڈی سی گورنر ہاؤس پشاور 518

مورخہ 12 جولائی 2017

بجانب عمران سوپیر، گورنر ہاؤس، ہتھیالگی۔

عنوان: وارننگ۔

افسران بالانے کے نوٹس میں یہ بات آئی ہے کہ آپ اکثر ڈیوٹی سے غیر حاضر رہتے ہیں اور اپنے افسر مجاز کے نوٹس میں بھی یہ بات نہیں لاتے آپ کا یہ رویہ دوسرے سٹاف پر غلط اثر مرتب کرتا ہے۔

۲۔ لہذا آپ کو سختی سے وارننگ دی جاتی ہے کہ آپ اپنی ڈیوٹی ایمانداری سے سرانجام دیں اور اپنی غلطی کے اصلاح کریں بصورت دیگر آپ کے خلاف قانونی کارروائی عمل میں لائی جائیگی۔

میسجر حسنین علی اعوان

اے ڈی سی برائے گورنر

کاپی برائے اطلاع:

- ۱۔ سیکشن آفیسر ٹو ایم ایس جی گورنر ہاؤس پشاور۔
- ۲۔ پی ایس ٹو ایم ایس جی، گورنر ہاؤس، پشاور۔
- ۳۔ کمپنڈر گورنر ہاؤس پشاور۔
- ۴۔ کیئر ٹیکر گورنر ہاؤس، ہتھیالگی۔

میسجر حسنین علی اعوان

اے ڈی سی برائے گورنر

گورنمنٹ آف NWFP صاحب گورنمنٹ آف NWFP

KPK

صدا عکالی -

پناہ گزینوں کو رہائش دینا اور ان کے مسائل سے غلطی ہوئی اور اس کے بارے میں  
 جواب کو کوئی اور غلطی سے منہ کھرا کر کے ایک غلطی اللہ تعالیٰ  
 سے معاف فرمائے گا جو چاہے وہ کتنی بھی بڑی ہو جائے اور اس کے لیے  
 اور اگر غلطی سے کہیں کوئی اور معاف فرمائے اللہ تعالیٰ آگے  
 اس کا بھر دینا سائیکل بان بچے دار کے لیے فیصلی تاکر ایک فیصلی اور ان  
 کیلئے دعا میں اللہ پاک کی رضا کیلئے سائیکل کو معاف فرمائے اور  
 قدم کا موٹے ہیں انشاء اللہ اب تمہارا وقت کا موٹے نہیں دینگے  
 میں خواہش ہوگی۔

سام باطلو

12/7/19  
 ام لوم  
 سید محمد

محمد عثمان خاکیوب گورنمنٹ آف NWFP



GOVERNOR'S HOUSE  
PESHAWAR

SHOW CAUSE NOTICE

Whereas, I, Col Shahid Rehan Chaudhri, Military Secretary to Governor Khyber Pakhtunkhwa as competent authority, do hereby charge you, Mr. Imran-II, Sweeper, Governor's House, Nathiagali that according to the report of Care Taker you are absent from duty w.e.f 14.10.2019 till date without prior approval.

2. And whereas on perusal of the service record it transpired that despite several written warnings issued to you previously for not taking interest in your official duties, you did not improve yourself and repeated the same wrong practice. As such Minor Penalty was imposed upon you even then you could not mend your ways therefore liable to be proceeded against under the relevant rules.

3. And whereas as per provisions contained in Section-5 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority considers that there is no need of holding a formal inquiry in this case as the charges against you mentioned in para-1 above have been proved.

4. And whereas in terms of section-3 in the capacity of competent authority, I have tentatively decided to impose upon you Major penalty of Removal from Service as specified under rule-4 of the Government servants (E&D) Rules 1973.

5. Now, you are therefore directed to show cause as to why the above penalty should not be imposed upon you. If your reply to this notice is not received within seven (7) days of its delivery, it will be presumed that you have no defence to offer and an exparte decision will be taken against you.

*Received Personally*

*Mr. Imran-II*

Mr. Imran-II, Sweeper,  
Governor's House, Nathiagali

*[Signature]*  
(Competent Authority)

No. SO(MSG)/GH/4-95/2012

Dated

31<sup>st</sup> October, 2019

*Resubmit immediately on receipt of reply. or  
Stipulated period i.e. 07 days.*

*[Signature]*  
SO (MSG)  
11/11



GOVERNOR'S HOUSE  
PESHAWAR

14<sup>th</sup> November, 2019

OFFICE ORDER

No. SO(MSG)/GH/4-95/2012/339-45 WHEREAS, Muhammad Imran-II, Sweeper, Governor's House Nathiagali was issued several verbal and written warnings followed by explanation for not taking interest in his official duties and remaining wilfully absent from duty without any intimation or prior approval of leave but he did not improve himself and proved guilty of habitually absenting himself from duty. Whereafter vide order No. SO(MSG)/GH/2012/315-22 dated 24.07.2019, a Minor Penalty of withholding of one increment with no cumulative effect was imposed upon him on the basis of assurance and commitment/undertaking made by him for availing final opportunity but even then he did not mend his ways and once again absented from duty since 14<sup>th</sup> October, 2019 till date without any intimation or prior approval of leave which is tantamount to misconduct and negligence.

2. AND WHEREAS, subsequently a Show Cause Notice was served upon him but reply of the same was not found satisfactory being against the facts.

3. NOW THERE FORE, having gone through facts of the case, evidence on record, proved charges of wilful absence from duty and keeping in view reply of Show Cause notice submitted by the official concerned, I Col Shahid Rehan Chaudhry Military Secretary to Governor Khyber Pakhtunkhwa in the capacity of the Competent Authority and in exercise of the powers conferred on me under rule-4 read with rule 7(F) of the Government servants (E&D) Rules 1973, do hereby impose the Major Penalty of removal from service on the said Muhammad Imran-II, Sweeper Governor House, Nathiagali.

MILITARY SECRETARY TO GOVERNOR

Endst.No. SO(MSG)/GH/4-95/2012/339-45 Dated 14<sup>th</sup> November, 2019

Copy forwarded for information and necessary action to the:-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Comptroller, Governor's House, Peshawar.
3. Section Officer (B&A), Governor's House, Peshawar.
4. Section Officer (MSG), Governor's House, Peshawar.
5. PS to Military Secretary to Governor's House Peshawar.
- ✓ 6. Official concerned.
7. Personal file

Received by Imran-II personally  
 Comptroller  
 (Amantullah Qureshi)  
 14/11/2019

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

**S.A No.7440/2021**

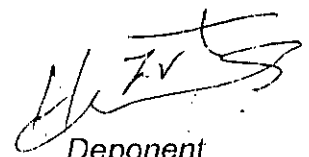
**Muhammad Imran, Ex-Sweeper**  
Governor House, Peshawar.....Appellant

**Versus**

1. Military Secretary to Governor, Governor House, Peshawar.
  2. Comptroller, Governor House, Peshawar.
  3. Care Taker, Governor House, Peshawar.
- .....Respondents

**AFFIDAVIT**

I, Hazrat Ullah, Assistant, Governor House, Peshawar, do hereby solemnly affirm and declare on oath that the contents Parawise comments on behalf of Respondent No. 01,02 and 03 are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.



Deponent  
21202-2749718-5.

Identified by

Add: Advocate General  
Khyber Pakhtunkhwa  
Service Tribunal Peshawar

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

**S.A No.7440/2021**

**Muhammad Imran, Ex-Sweeper**  
Governor House, Peshawar.....Appellant

**Versus**

1. Military Secretary to Governor, Governor House, Peshawar.
2. Comptroller, Governor House, Peshawar.
3. Care Taker, Governor House, Peshawar.

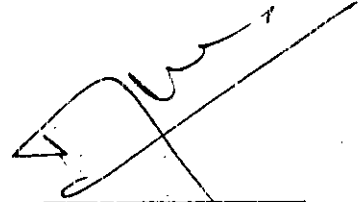
.....Respondents

**AUTHORITY**

Mr. Hazrat Ullah, Assistant, Governor House, Peshawar, is hereby authorized to submit Parawise Comments before the Khyber Pakhtunkhwa Service Tribunal in connection with S.A No.7440/2021.



Military Secretary to Governor,  
Khyber Pakhtunkhwa.  
(Respondent No. 1)



Comptroller  
Governor's House, Peshawar  
(Respondent No. 2)



Care Taker  
Governor's House, Peshawar  
(Respondent No. 3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Parawise comments in S.A No.7440/2021 from Respondents No:1,2&3.

Muhammad Imran, Ex-Sweeper

Governor House, Peshawar.....Appellant

**Versus**

- 1. Military Secretary to Governor, Governor House, Peshawar.
- 2. Comptroller, Governor House, Peshawar.
- 3. Care Taker, Governor House, Peshawar.

.....Respondents

✓ Respectfully Sheweth: Comments on behalf of Respondents

PRELIMINARY OBJECTIONS

- 1. The appellant has got no cause of action / locus standi to file this service appeal.
- 2. *The appellant is estopped by his conduct to file this appeal.*
- 3. That due to concealment of material fact, appeal is liable to be dismissed.
- 4. That the appeal in its present form is incompetent, hence liable to be dismissed.
- 5. That the appeal is time barred *and barred by Law.*
- 6. *The appeal is bad for mis-joinder & non-joinder of necessary and proper parties.*

*Reply*

ON FACTS

Para-1 Correct. *Pertains to record.*

Para-2 Partially correct and partially incorrect. *Subject to proof.*

Para-3 *In reply, it is stated that* Partially correct that no doubt, appellant was posted in Governor House, Nathiagali but most of the period he remained absent throughout service starting from 2012, his enrolment year (Explanations/Warnings/Show Cause Notices attached as Annex-A).

Para-4 The appellant *has* given in written before appointment that he is liable to be posted anywhere for delivering of service (Agreement Serial-2 (vii) Iqarnama attached at Annex-B).

Para-5 Incorrect *and denied.* ~~False~~ statement. Same year individual remained absent earlier as well, number of times.


Para-6 Incorrect. The appellant remained absent from duty w.e.f 14<sup>th</sup> October to 14<sup>th</sup> November, 2019 without any intimation or prior approval of leave, explanation and warnings were served before dismissal. No verbal procedure of grant of leave is practiced and written application is forwarded to Military Secretary to Governor through Comptroller Governor House, Peshawar for grant of leave which is tantamount to misconduct and negligence (Annex-C).

Para-7 The said Office Order was delivered by Comptroller Governor House, Peshawar and accordingly the appellant received by himself on that day i.e. 14.11.2019 (Receiving duly signed by appellant attached as Annex-D).

Para-8 Correct to the extent that his appeal was considered and filed due to badly time barred, baseless allegations and personal conduct.

Para-9 No Comments. *That the appeal is incompetent on following grounds:-*

Deputy Attorney General  
Khyber Pakhtunkhwa  
Peshawar



GROUNDS

- A. Incorrect. The appellant was removed from service due to willful absence from duty, the allegations were neither false nor manufactured and thus was properly proceeded under the rules.
- B. Incorrect. Military Secretary to Governor in the capacity of the Competent Authority and in exercise of the powers conferred on him under Rule-4 read with Rule 7 (F) of the Government Servants (E&D) Rules 1973, do hereby impose the Major Penalty. *Detail reply already given above.*
- C. Incorrect. A Show Cause Notice before number of warnings and explanations was served upon him but reply of the same was not found satisfactory being against the facts, after that having gone through facts of the case/evidence on record, ~~proved charges of willful absence from duty.~~ *was proved.*
- D. Incorrect as pointed in Para 'A', 'B' and 'C'.
- E. Incorrect as pointed in Para 'C'.
- F. Incorrect as pointed in Para 'C'.
- G. Incorrect. Appellant was posted in Governor House, Nathiagali but most of the period he remained absent.
- H. ~~No Comments.~~ *Respondents been permission to raise additional grounds during arguments.*

It is, therefore, prayed that in view of the foregoing the Honourable Khyber Pakhtunkhwa Service Tribunal would appreciate that the appeal may be dismissed. *with costs.*

Military Secretary to Governor,  
Khyber Pakhtunkhwa.  
(Respondent No. 1)

Comptroller,  
Governor's House, Peshawar  
(Respondent No. 2)

*Submitted for vetting please*

Care Taker  
Governor's House, Peshawar  
(Respondent No. 3)

*H. Z. T.*  
Aissit

*Agreed as above*  
*Additional AG*  
*Khyber Pakhtunkhwa Service Tribunal*  
*Peshawar*  
*22/12/2019*  
*DAI*  
*DAI*  
*DAI*  
*DAI*

*copy retained subject to correction annex entire record, properly filed page numbers & submit with affidavit into file.*  
*ADAG*  
*Deputy District Officer*  
*Khyber Pakhtunkhwa Service Tribunal*  
*Peshawar*