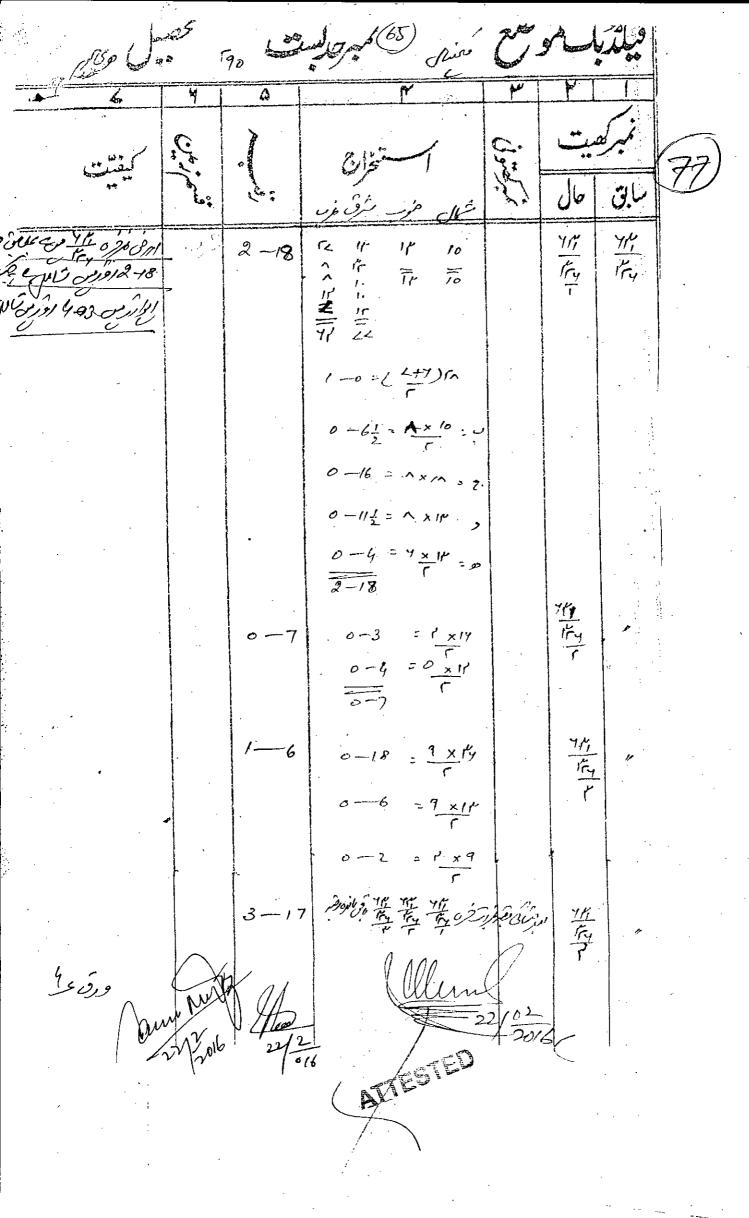
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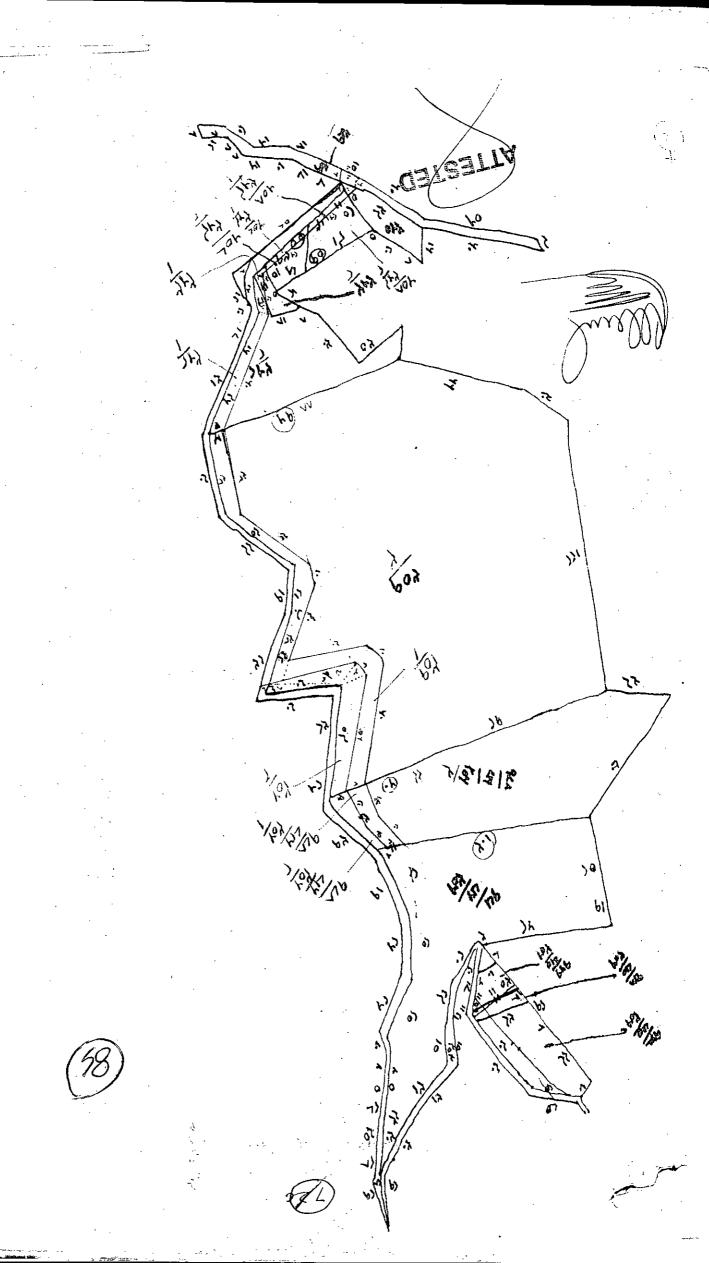
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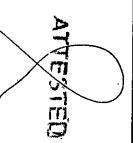
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روزنامجه واقعاتى بيوار حلقه ربث نبر تاریخ عنوان یف میسال این مین منظورانی آرواور در) (36) عام دسنای غدر معطی منه) قد شعبان بدان عادن زی خان (37) حکم امتنالی قد مسرن معنو منه کی مرورخان وفع مرفع کناریاں د منیدی عبوترمبرختی جاری اورا می ص (38) حكم المثناعي قد مناجي مفل نوم ما مير البرهن مينه بدائت عبر بدود أكون ريوشر مي حارا اوراق م 39) علم رسماع رفي المثير من المبال نباء سديما دهي شاه بدائث المجاز الرحن ما في مالد الم خان ا فرمری و مردر ج عدم امرز فان نبام تعنداده فان مع مطرمالم اعى مبرامة عوامة شاعين مول جي الدسرى بوركتورم بابرامان مك مندى ميدى دى ويودي كليل المردبرات معند المعنوال بنوى عدا و عدد و عدد مع مع و عدد و من المردات مد منع كما وما ل عدد عدد و عدد من المردات مد منع كما وما ل عدد عدد و عدد من المردات معنع ندری عبورا عالم و علی مران (۹۶) تنس جاوی معنع کارمان این و این و ب رب کی جارمود معنو کندرور این و این و این و این می مواود راج امران نام عارف هيل شياري قوم (ه) من بعدادي مناب سول: ع آلا كام ي درار كيردم-رف رفيار در عبر مدر الدنتماه المراج وهروه (49 معن سان عبر الحن عبر ماهب معبر ماهب عبر مراج ارزدران المنكري جنبدى عبدونر دفع مرف فراق ملاف در اورا ق عكن تعدد داوران دورس من .. نامر تعلد ار مدتر ليسك (33 انتراق هاي ليخ اصل عدمهم من ملي مرد الإرغزعاه وا منع مم العدلي

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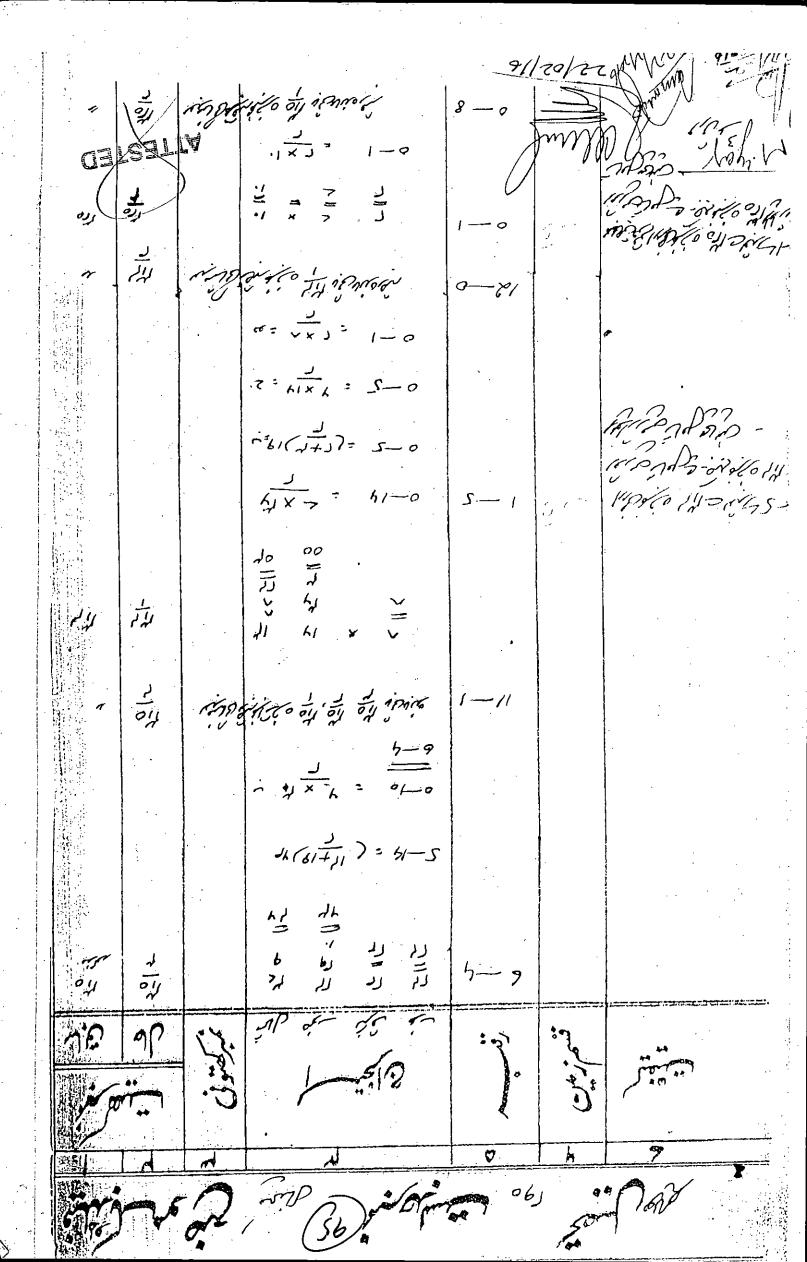
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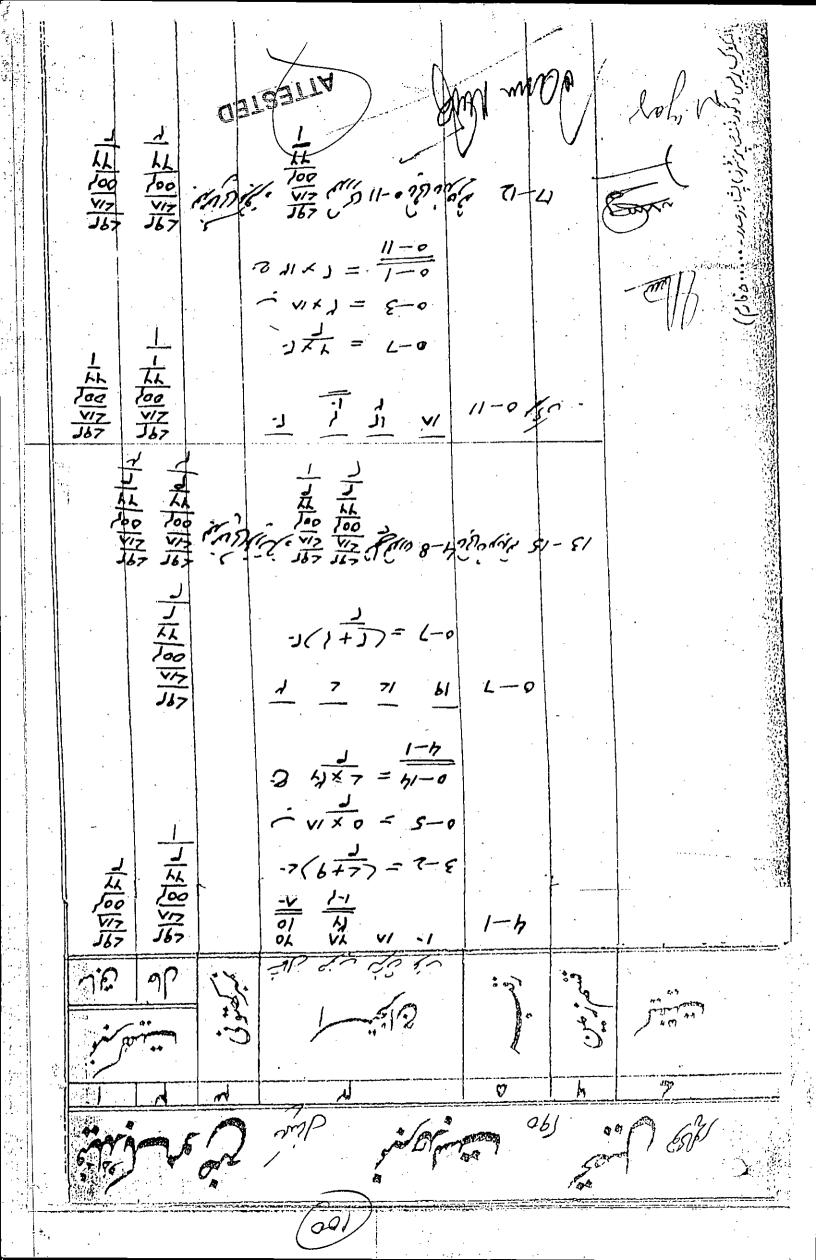
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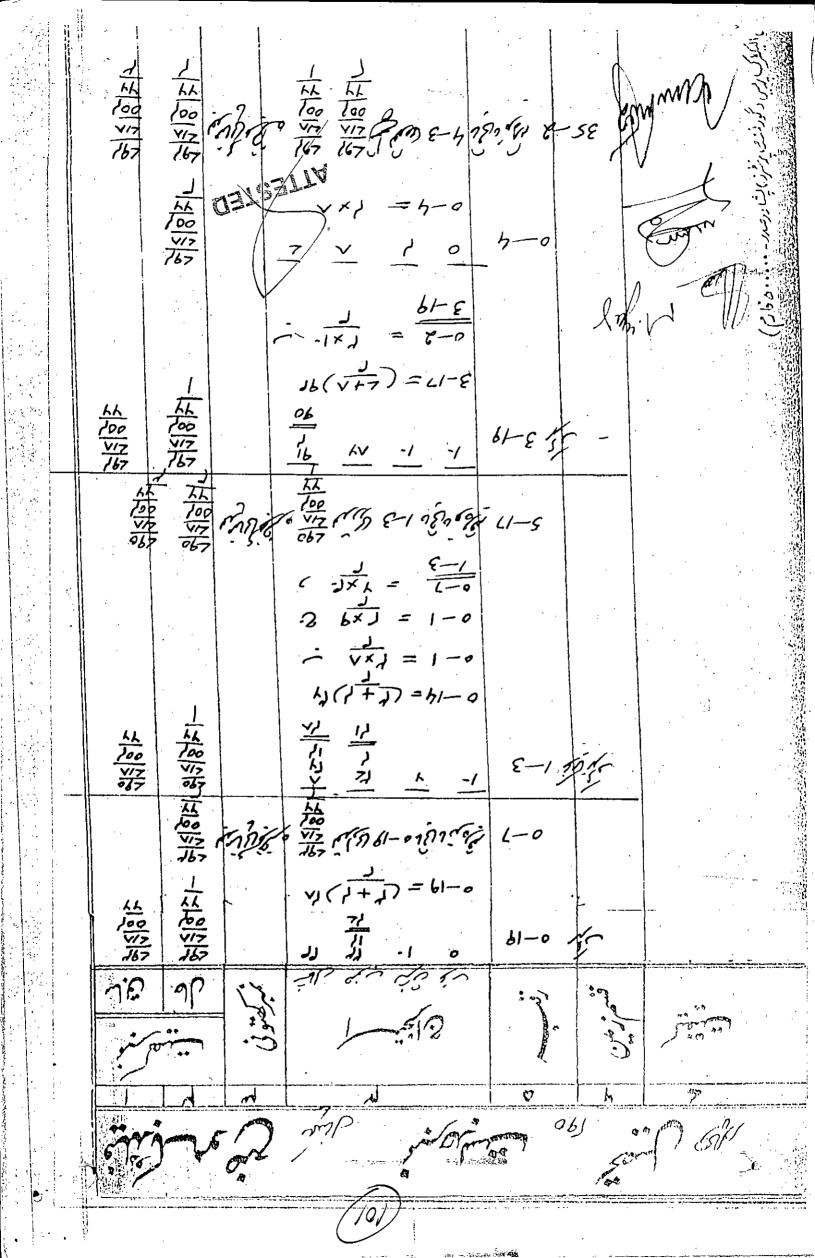
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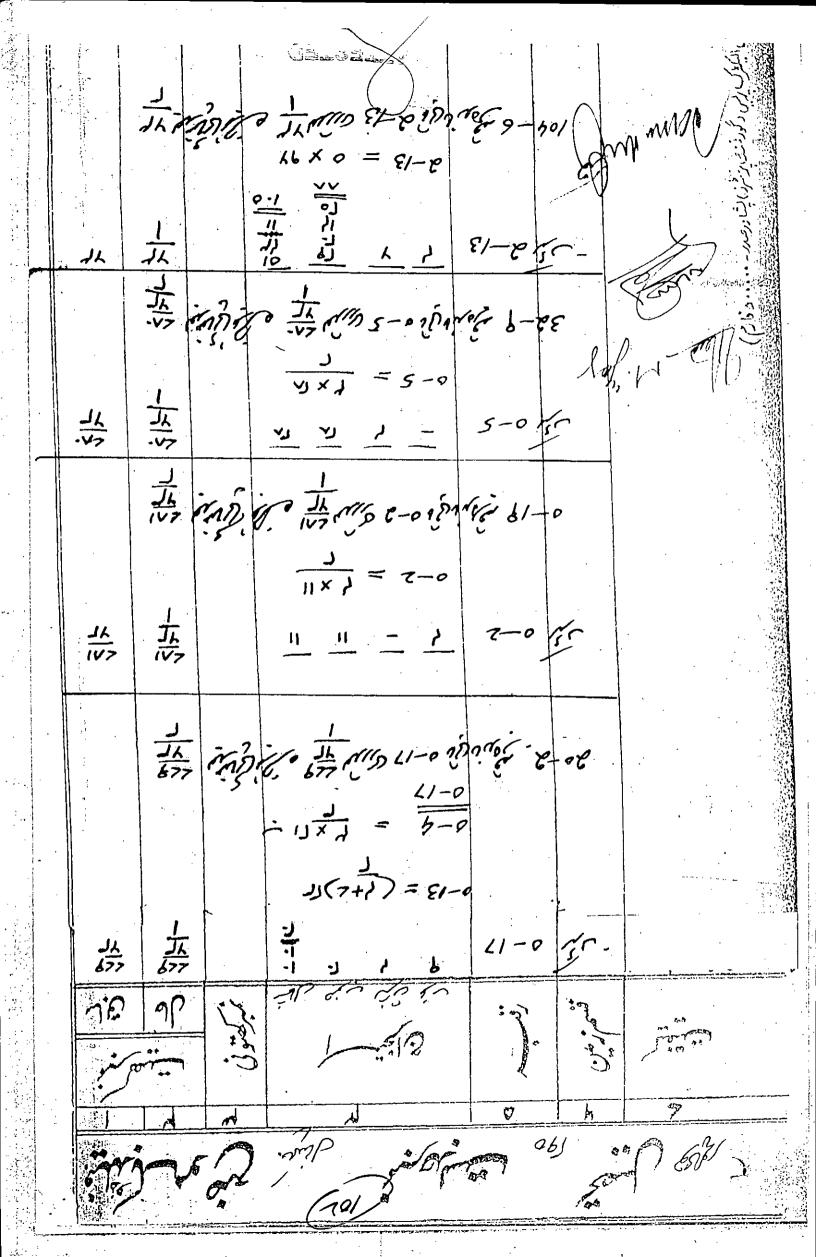
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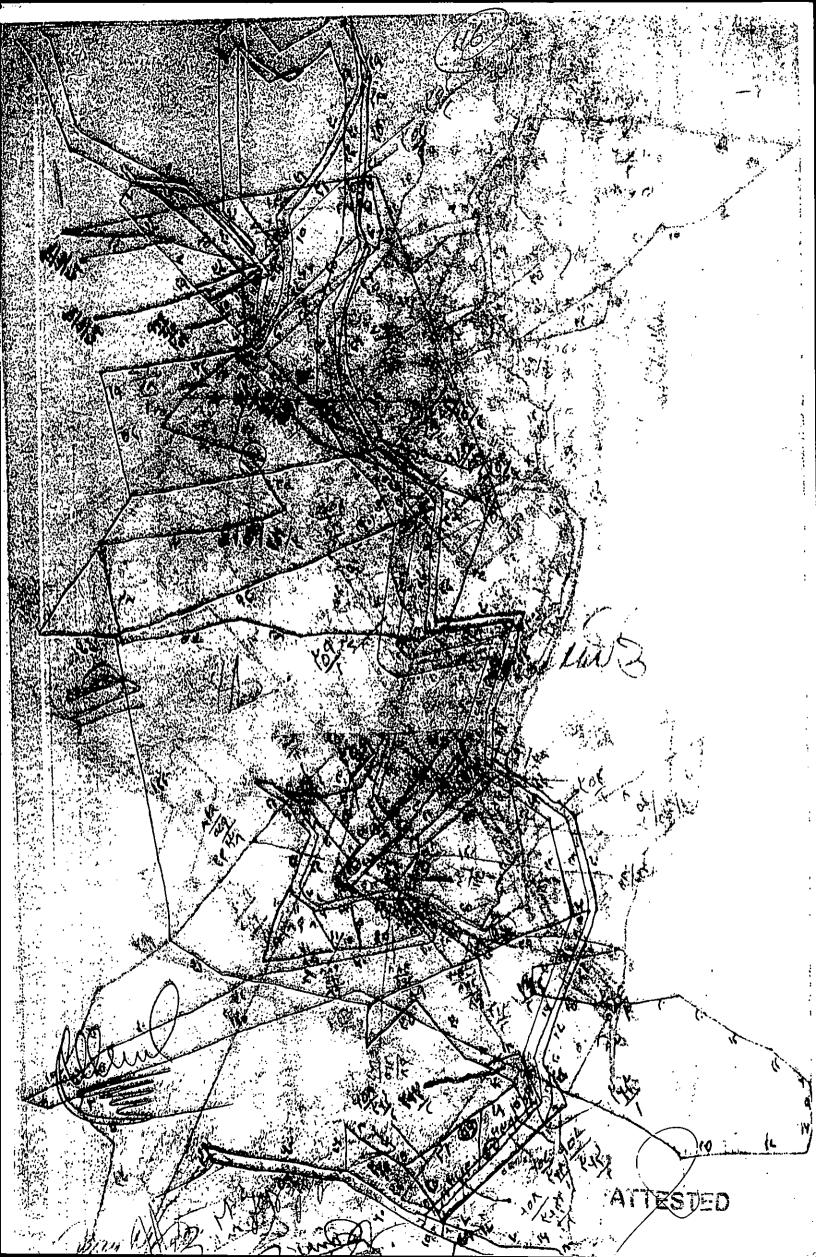
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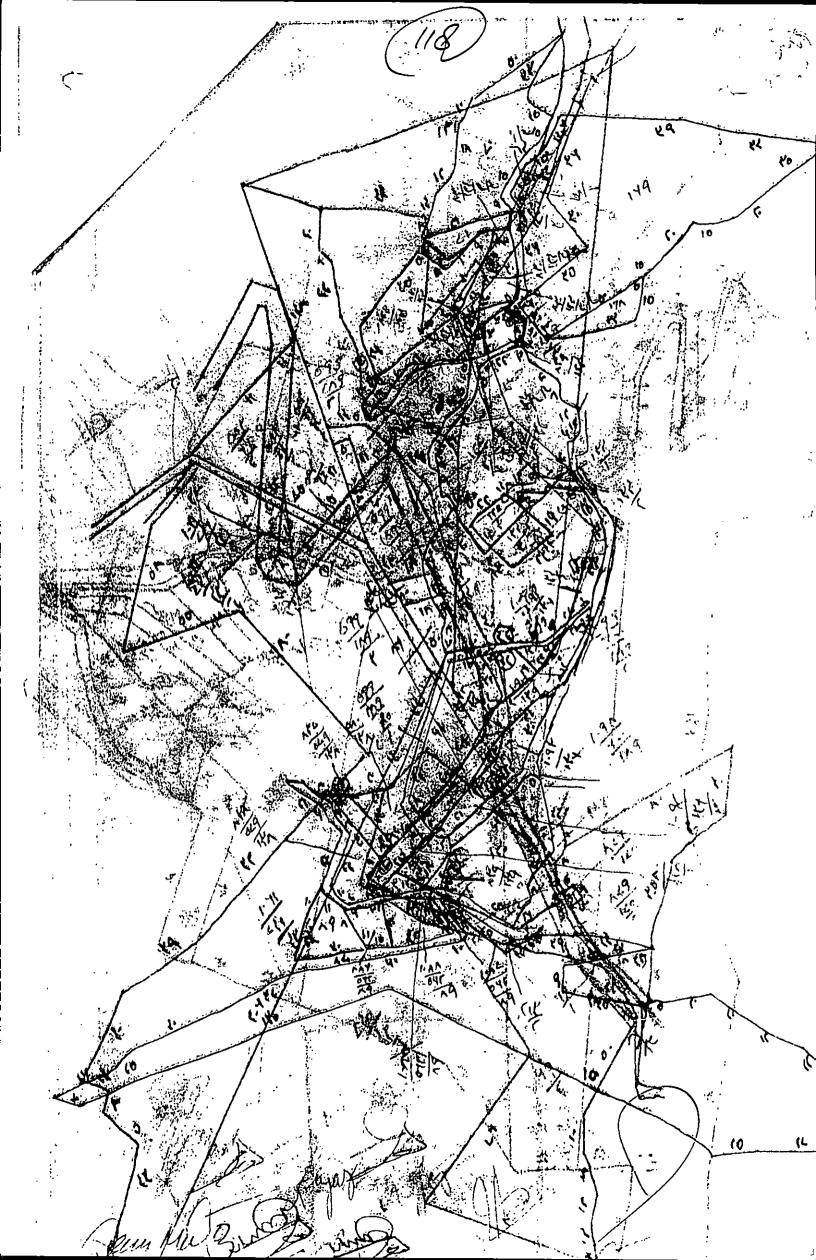
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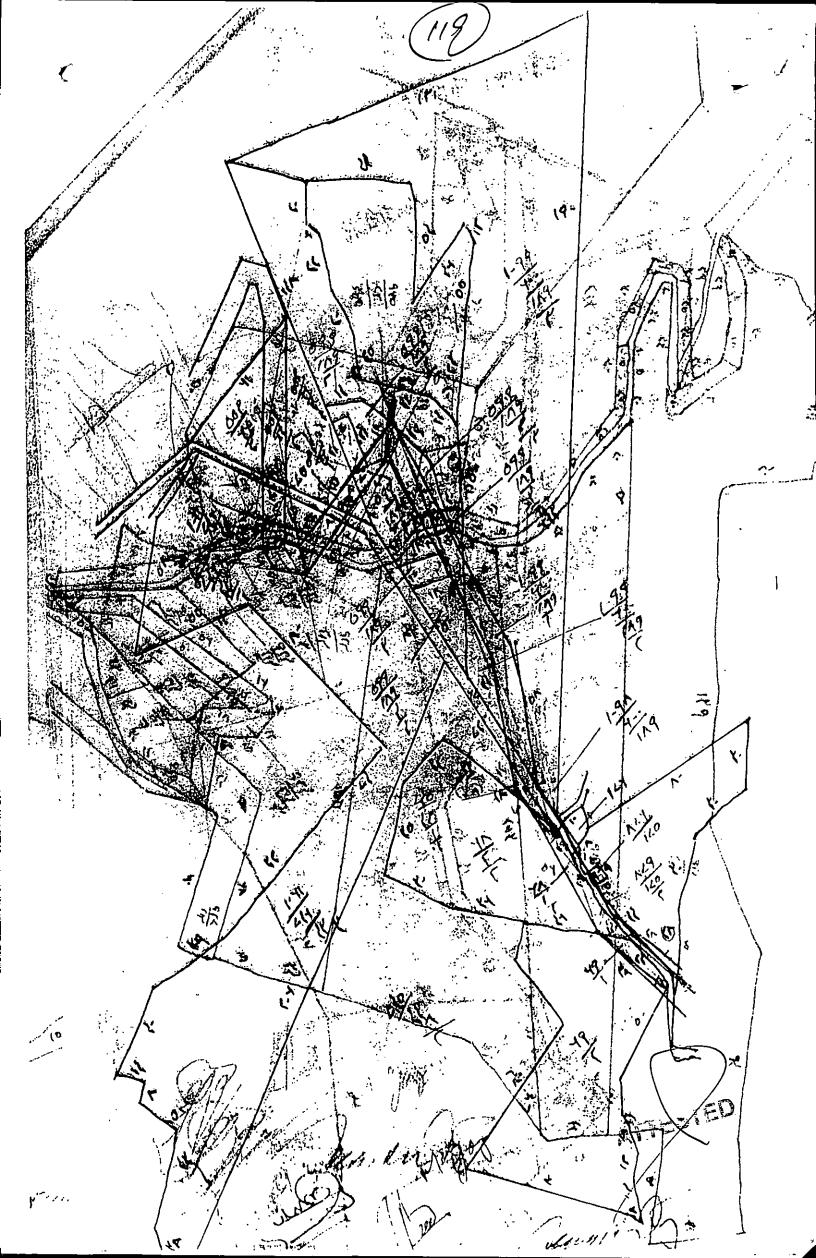
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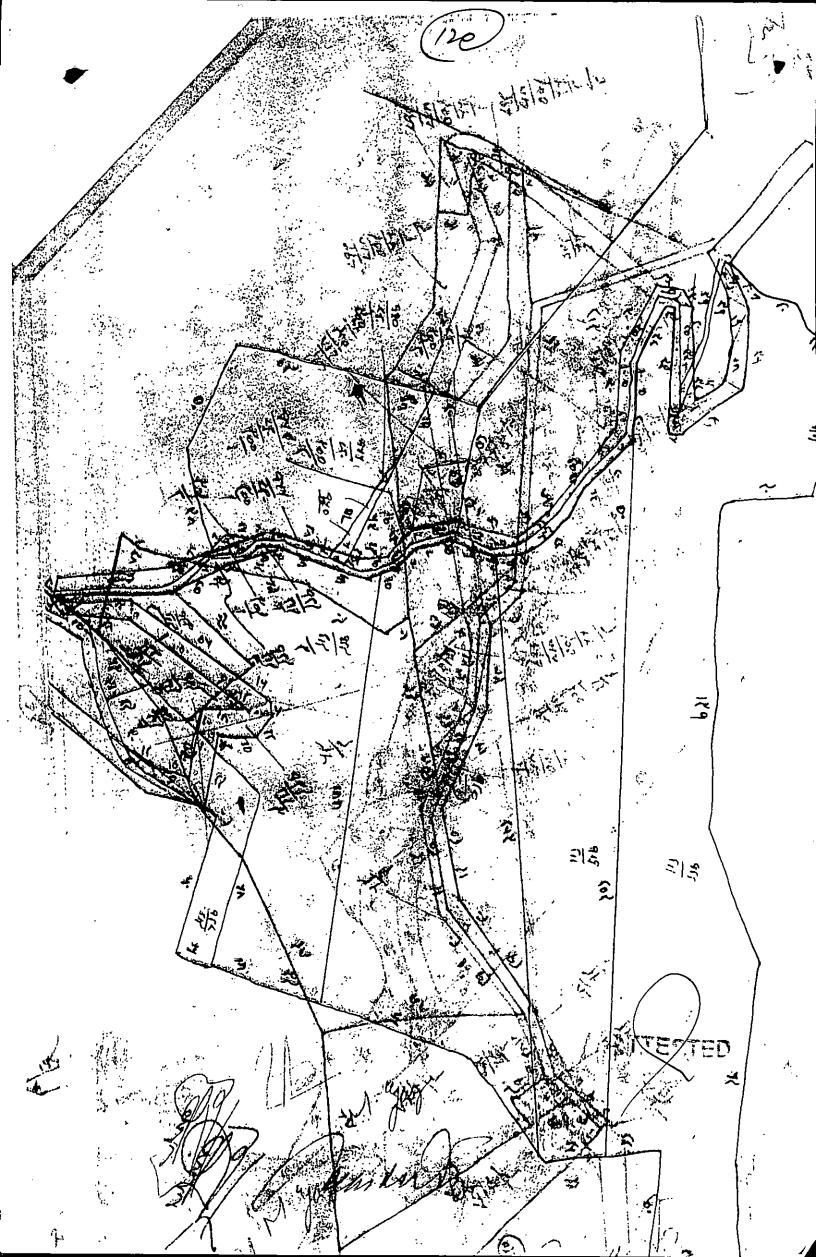
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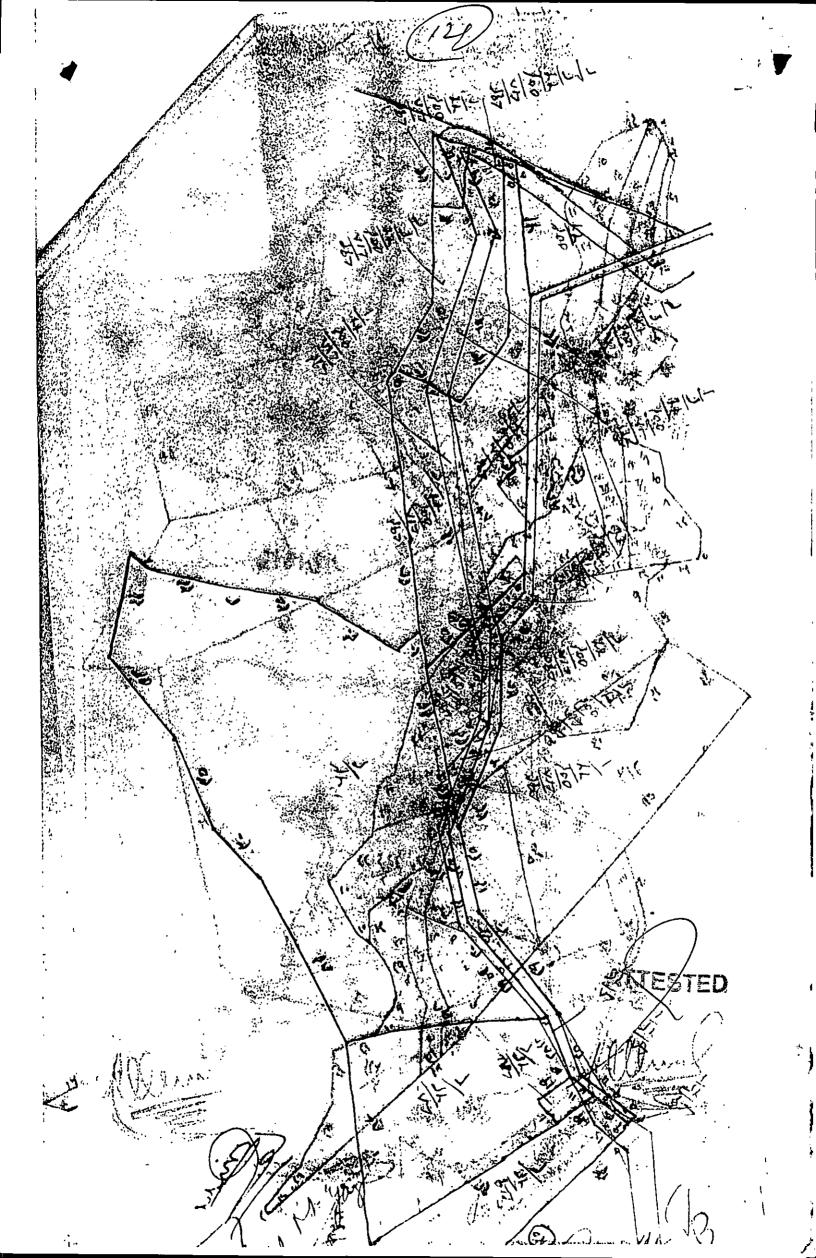


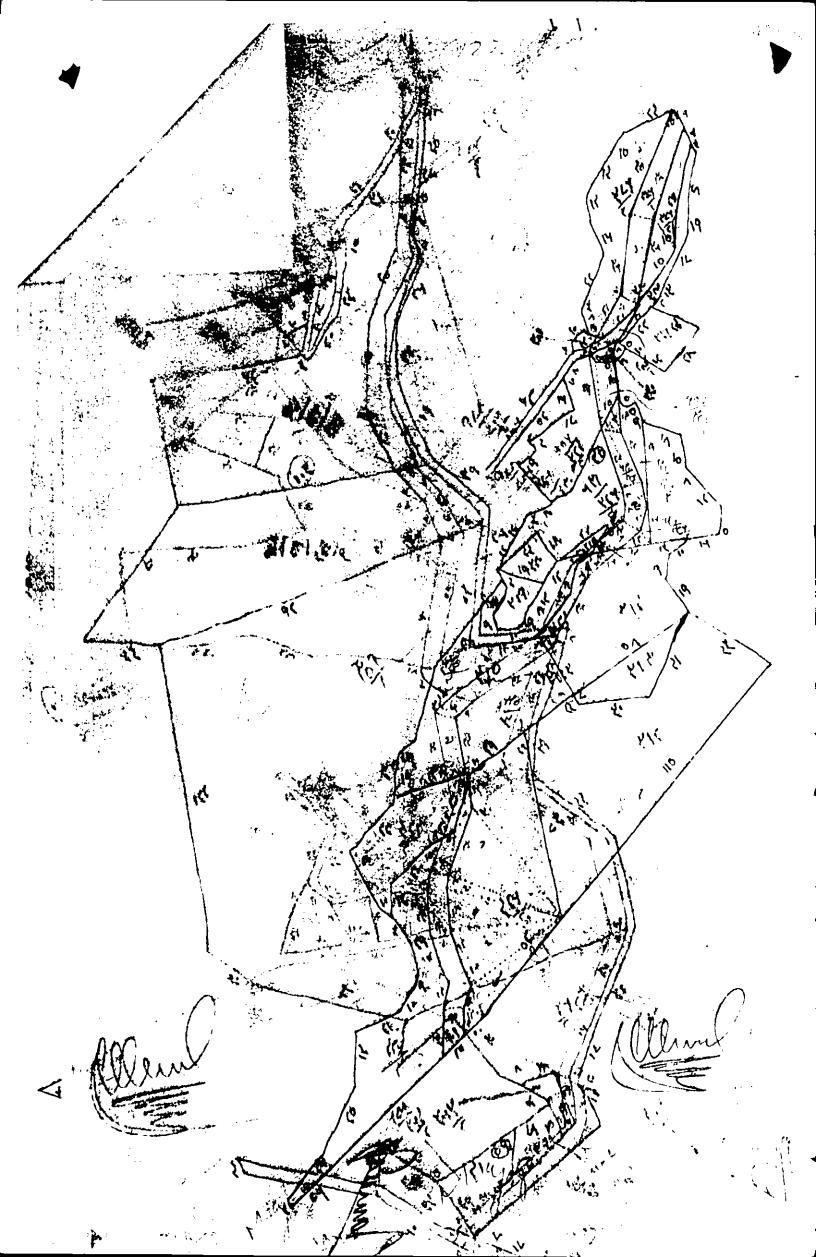












WAKALAT NAMA

IN THE COURT OF KPK	Service	Iribunal	Pashcain
Asad Kamas	Tarbal		
		Appellant(s)/Petition	oner(s)
We Good of K	VERSUS		
others -		Respond	dant(e)
		Kenpone	· :
I/We Appe Llo Mr. Khaled Rehman, Advoca mentioned case, to do all or any	ate Supreme Cou	do hereby a art of Pakistan in the	above
 To appear, act and pleathis Court/Tribunal in vany other proceedings a To sign, verify and filappeals, affidavits and a 	which the same rising out of or college or withdraw	may be tried or hea onnected therewith. all proceedings, per	rd and
or for submission to a documents, as may be of the conduct, prosecution 3. To receive payment of, be or become due an proceedings.	arbitration of the leemed necessary a or defence of the and issue receipt	e said case, or any y or advisable by the e said case at all its s as for, all moneys the	other em for stages.
AND hereby agree:-			
the prosecution	ocate(s) shall be on of the said can fee remains unp	entitled to withdraw se if the whole or an aid.	y from ny part
In witness whereof I hereunder, the contents me/us and fully understo	s of which have	e been read/explain	Nama ed to
Attested & Accepted by	7	Signature of Large	
Khaled Rehman,		Signature of The Control	паис
Supreme Sourt of Pakistan			

3-D, Haroon Mansion Khyber Bazar, Peshawar Off: Tel: 091-2592458

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service appea	l No.	523/201	6.
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VERSUS

- 1. Commissioner Hazara Division Abbottabad.
- 2. Deputy Commissioner Haripur.

Respondents.

JOINT PARA-WISE COMMENTS ON BEHALF OF RESPONDENCE NO.1 AND 2, AS UNDER.

Respectfully Sheweth;

Preliminary Objections:

- 1. That the appellant has got no cause of action.
- 2. That the appellant has not come to this Honourable court with clean hands.
- 3. That the appeal is bad in its present form.
- 4. That the appellant is stopped by his conduct.
- 5. That the appellant has suppressed the original facts from this Honourable Tribunal, hence not entitled for any relief and appeal is liable to be dishibited.
- 6. That the appeal is liable to be dismissed due to mis joinder and non-joinder of necessary parties.
- 7. That all the proceeding has been done by the authorities as per law and rules hence appeal is liable to be dismissed without any further proceeding.
- 8. That appellant was found irregular in his respective duties.
- 9. That the instant appeal is against the law/ service rules hence not maintainable and liable to be dismissed.
- 10. That the act of the respondents is within law and rules.
- 11. That the plea of appellant is against the law unethical and the same is alien to law. Hence appeal is liable to be dismissed on this score alone.

The joint Para-wise comments in the above titled appeal are submitted as underl-

ON FACTS.

- 1. Correct to the extent that appellant was working as Patwari at Patwar Hadqa Makhnial and 12 years service at his credit.
- 2. Correct but the Inquiry Officer recommended departmental proceedings against the appellant for non-preparation of acquaintance rolls of the acquired land. The grounds submitted by him were not satisfactory.
- 3. Pertains to record. Many allegations were leveled against him on the complaints of public and enquiry was conducted. On the basis [6] recommendation of Inquiry Officer show cause notice was served upon him in which he could not satisfy the competent authority.
- 4. Correct to the extent that major penalty of compulsory retirement with imposed upon him. His appeal was accepted by the respondent No.1, in which major penalty was converted into reduction to lower scale at the initial stage and re-instated in service with the direction not to post him in the same than for further 5 years.

f h

ON GROUNDS.

- A. Incorrect. Hence denied. The appellant has treated as per law and rules hence appeal is liable to be dismissed.
- B. Incorrect. Charges were proved by the Inquiry Officer regarding delay in preparation of Acquaintance rolls of the acquired land. Further he could not satisfy the competent authority in personal hearing and in reply of show cause notice.
- C. Pertains to record. Proper enquiry was conducted and sufficient opportunity for defense was provided to the appellant.
- D. Pertains to record as stated in Para B and C above. He was given full opportunity for defense in the enquiry and show cause notice as well.
- E. Incorrect. Hence denied all the proceeding has been done by the authorities accordance with law.
- F. Incorrect. The appellant authority after accepting his appeal re-instated him in service with conversion of lower pay scale. Hence the appeal is liable to be dismissed on this score alone.
- G. Incorrect. Hence denied.
- H. Incorrect. He failed to bring to the notice of competent authority regarding the delay in preparation of acquaintance rolls of the acquired land. Hence appeal is liable to be dismissed.
- 1. Incorrect. Hence denied.
- J. Incorrect. Hence denied.
- K. In reply of para / ground, K, it is humbly submitted that the respondent No.1 converted the major penalty into reduction of lower scale vide order No. appeal/ Estab/ 6649-50 dated 20.04.2016. Copy Annex.
- L. Pertains to record.
- M. Pertains to record.
- N. Pertains to record.
- O. Pertains to record.
- P. Pertains to record.
- Q. Pertains to record. He failed in performance of official duties which resulted in delay in non-preparation of acquaintance rolls which was proved in the enquiry.
- R. Pertains to record.
- S. Pertains to record. However the appellant failed to perform his duties, hence appeal is liable to be dismissed.
- T. Pertains to record as in Para Q above.

In view of above submissions, it is requested that the appeal of the appellant being not tenable may be dismissed with cost, please.

Commissioner

Hazara Division Abbottabad

(Respondent No.1)

Deputy Commissioner

Haripur

(Respondent No.2)

BEFORE THE HONOURABE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service appeal No. 523/2016.

VERSUS

- 1. Commissioner Hazara Division Abbottabad.
- 2. Deputy Commissioner Haripur.

Respondents.

AFFIDAVIT.

I do hereby solemnly affirm and declare on oath that the contents of accompanying para-wise comments in the above titled appeal on behalf of respondents No. 1 and 2 are true and correct as per my knowledge and nothing has been concealed from this Honourable court.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 523/2016

Versus

The Commissioner, Hazara Division and another......Respondents

REJOINDER ON BEHALF OF APPELLANT IN RESPONSE TO REPLY FILED BY RESPONDENTS NO.1&2.

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous. The appeal is maintainable under the law. The appellant has got cause of action and locus standi to file the instant appeal. The claim of the appellant is bonafide. All necessary parties are arrayed as Respondents and nothing has been concealed from the Hon'ble Tribunal. Estoppels never runs against the law.

Facts:

- 1&2. Being admitted needs no rejoinder, however, proper detailed reasons were given for perusal of the competent authority which led to the alleged delay
- 3. Reply to Para 3 of the appeal is misconceived. the allegations as mentioned were without any foundations, therefore, the Show Cause Notice was illegally issued to the appellant.



4. Being admitted néeds no further clarification.

Grounds:

- A. Ground-A of the appeal is incorrect. Appellant was not treated in accordance with law.
- B. Incorrect. Sans enquiry how the allegations were established against the appellant. Thus the allegations remained allegations and appellant was imposed upon the major penalty without any proof. The delay was plausibly explained and brought into the notice of the higher authority, not once.
- C. Incorrect hence denied. The Charge Sheet and Statement of Allegations are sine qua none even for minor penalty what to speak of the major penalty wherein it is all the more essential.
- D&E Replies to Grounds D & E have been admitted by the answer Respondents in their elusive replies.
- F. Reply to Para F of the appeal is incorrect. As many as 18 grounds were taken in support of the appeal but the appellate authority has failed to appreciate the same.
- G. Reply to Para G of the appeal being not replied hence admitted.
- H. Reply to Para H of the appeal is incorrect. The matter was brought by the appellant into the notice of competent authority being accompanied by the affected landowners well in time. However, the evidence could not be brought forth due to non-holding of regular inquiry.
- I&J. Being not replied hence admitted.

- K. The answering Respondents have avoided to answer ground-K which amounts to admission
- L-P. Replies to Para L to P of the appeal being not replied hence admitted.
- Q. Incorrect hence denied.
- R. Reply to Para R of the appeal being not replied hence admitted.
- S. Incorrect.
- T. Needs no reply.

It is, therefore, humbly prayed that the reply of answering Respondents No. 1&2 may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through

Appellant

Khaled Rahman Advocate, Peshawar

Dated: 17/06/2017

Verification

Verified that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 523/2016

Asad Iqbal		Appellant
	Versus	
The Commissioner	, Hazara Division and another	Respondents
	BEHALF OF APPELLANT D BY RESPONDENTS NO.1&	

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous. The appeal is maintainable under the law. The appellant has got cause of action and locus standi to file the instant appeal. The claim of the appellant is bonafide. All necessary parties are arrayed as Respondents and nothing has been concealed from the Hon'ble Tribunal. Estoppels never runs against the law.

Facts:

- 1&2. Being admitted needs no rejoinder, however, proper detailed reasons were given for perusal of the competent authority which led to the alleged delay
- 3. Reply to Para 3 of the appeal is misconceived, the allegations as mentioned were without any foundations, therefore, the Show Cause Notice was illegally issued to the appellant.

4. Being admitted needs no further clarification.

<u>Grounds:</u>

- A. Ground-A of the appeal is incorrect. Appellant was not treated in accordance with law.
- B. Incorrect. Sans enquiry how the allegations were established against the appellant. Thus the allegations remained allegations and appellant was imposed upon the major penalty without any proof. The delay was plausibly explained and brought into the notice of the higher authority, not once.
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- T. Needs no reply.

It is, therefore, humbly prayed that the reply of answering Respondents No. 1&2 may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through

Appellant

Khaled Rahman Advocate, Peshawar

Dated: 17/06/2017

<u>Verification</u>

Verified that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 523/2016

Asad Iqbal	Appellant
Versus	
The Commissioner, Hazara Division and another	Respondents
REJOINDER ON BEHALF OF APPELLANT TO REPLY FILED BY RESPONDENTS NO.1&2	

Respectfully Sheweth,

Preliminary Objections:

Preliminary objections raised by answering respondents are erroneous and frivolous. The appeal is maintainable under the law. The appellant has got cause of action and locus standi to file the instant appeal. The claim of the appellant is bonafide. All necessary parties are arrayed as Respondents and nothing has been concealed from the Hon'ble Tribunal. Estoppels never runs against the law.

Facts:

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- 3. Reply to Para 3 of the appeal is misconceived, the allegations as mentioned were without any foundations, therefore, the Show Cause Notice was illegally issued to the appellant.

4. Being admitted needs no further clarification.

Grounds:

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- S. Incorrect.
- T. Needs no reply.

It is, therefore, humbly prayed that the reply of answering Respondents No. 1&2 may graciously be rejected and the appeal as prayed for may graciously be accepted with costs.

Through

Appellant

Khaled Rahman Advocate, Peshawar

Dated: 17/06/2017

<u>Verification</u>

Verified that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Advokate

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2301 /ST

Dated <u>25 / 10 / 2017</u>

To

The Deputy Commissioner,

Government of Khyber Pakhtunkhwa,

Haripur.

Subject: -

JUDGMENT IN APPEAL NO. 523/2016, MR. ASAD IQBAL.

I am directed to forward herewith a certified copy of Judgement dated 19.10.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.