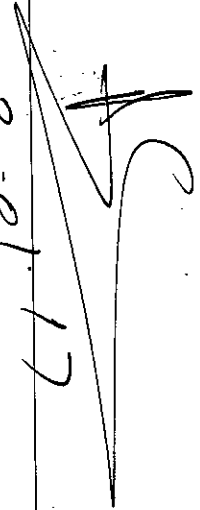


S. No.	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	03.01.2017	<p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>CAMP COURT SWAT</u></p> <p style="text-align: center;">Service Appeal No. 1626/2013 Ayaz Ahmad Versus the Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar and 2 others.</p> <p style="text-align: center;"><u>MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:</u></p> <p>Counsel for the appellant and Mr. Muhammad Zubair, Senior Government Pleader for respondents present.</p> <p>2. Mr. Ayaz Ahmad, Ex-Monitoring Inspector hereinafter referred to as the appellant has preferred the instant service appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against impugned order dated 31.05.2010 vide which appellant was removed from service on the allegations of wilful absence and where-against his departmental appeal dated 10.09.2013 was not responded and hence the instant service appeal on 19.12.2013.</p> <p>3. Brief facts giving rise to the present appeal are that the appellant was serving as Monitoring Inspector when subjected to enquiry on the allegations of wilful absence and major penalty in the shape of removal from service was awarded by the competent authority vide order dated 31.05.2010. The appellant, involved in a criminal case registered vide FIR No. 172 dated 13.12.2008 P.S Skhakot under section 302/PPC was acquitted vide order dated 26.08.2013 on the basis of compromise where-after he preferred departmental appeal on 10.09.2013 which was not responded and hence the instant service appeal on 19.12.2013.</p>

03-01-17



4. Learned counsel for the appellant has argued that the enquiry was not conducted in the mode and manners prescribed by rules. That the competent authority was obliged to have conducted enquiry as laid down in Section 3 r/w Section 5 of the Khyber Pakhtunkhwa Removal from Service (Special Powers) Ordinance, 2000 while in case of appellant procedure different from the one prescribed under the said rules was adopted as instead of conducting enquiry, publications were made in daily newspapers including "Daily Express:" Peshawar dated 2.04.2010 and "Awammunas" dated 02.4.2010. That since no opportunity of hearing was afforded to the appellant and the procedure prescribed for enquiry not followed as such the entire proceedings are violative of law and therefore liable to be set aside.

5. Reliance was placed on case-law reported as 2005-PLC(C.S)747 (Panjab Service Tribunal)2007-SCMR-229 (Supreme Court of Pakistan), 2011-PLC(C.S) 808 (Supreme Court of Pakistan)2007-SCMR-1860 (Supreme Court of Pakistan) and 2008-SCMR-1369 (Supreme Court of Pakistan).

6. Learned Government Pleader has argued that the appellant was not removed from service due to involvement in the criminal case as such no enquiry was required to be conducted through an enquiry officer or enquiry committee. That the appellant was proceeded against as he was absent from duty without any leave or intimation. That the competent authority was in possession of sufficient documentary evidence in the shape of absence of the appellant from duty which absence has been admitted by the appellant and as such no enquiry whatsoever was needed within the meaning of clause-5 of Section 5 of the said Ordinance. That despite the afore-stated situation the competent authority proceeded against the appellant when he failed to turn up despite notice of publication in the newspapers.

7. We have heard arguments of learned counsel for the parties and

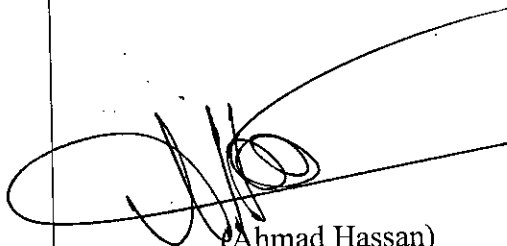
03.01.17

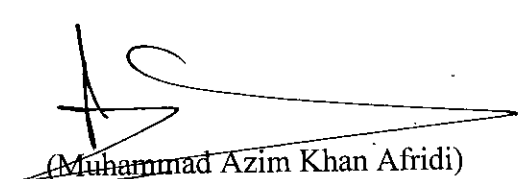
perused the record.

8. It was not disputed before us that the appellant has remained absent from duty and that he had neither availed any leave nor had ever intimated any reason for his absence to the respondents including competent authority.

9. Section 5(5) authorizes the competent authority to dispense with the enquiry by an enquiry officer or enquiry committee when it is in possession of sufficient documentary evidence. Admitted absence of the appellant from duty is sufficient for proceedings against such a civil servant by way of dispensing with the enquiry under sub-section 1 of Section 3. Apart from the above appellant was afforded opportunity for resuming his duty <sup>through</sup> show cause notice as well as publication in the newspapers referred to above but he failed to report for duty and as such the competent authority was left with no option but to pass order of removal of the appellant from service.

10. In view of the above we find no substance in the present appeal as such we dismiss the same leaving the parties to bear their own costs. File be consigned to the record room.

  
(Ahmad Hassan)  
Member

  
(Muhammad Azim Khan Afridi)  
Chairman  
03.01.17  
Camp Court, Swat.

ANNOUNCED  
03.01.2017

07.09.2016

Counsel for the appellant and Mian Amir Qadar, Sr.GP for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned for final hearing before the D.B to 3.01.2016 at camp court, Swat.



Member



Chairman

Camp Court, Swat.


11.01.2016


Clerk to counsel for the appellant and Addl: A.G for respondents present. The learned Member (Executive) is on official tour to Swat as well as non-availability of learned counsel for the appellant therefore, case is adjourned to 8.4.16 for arguments.

  
MEMBER

08.04.2016


Counsel for the appellant and Asstt: AG for respondents present. Counsel for the appellant submitted an application for transfer the instant appeal to camp court Swat. Application is allowed. To come up for arguments on 6.06.2016 at camp court Swat.

  
Member

  
Member

06.06.2016

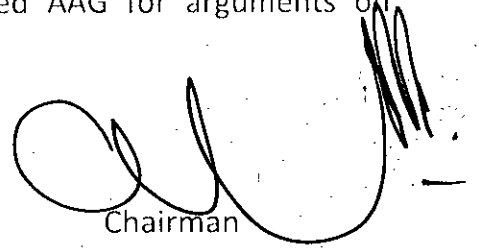
Agent of counsel for the appellant and Mr. Muhammad Zubair, Sr.GP for the respondents present. Counsel for the appellant is not in attendance due to strike of the bar. Adjourned for final hearing 07.09.2016 at camp court, Swat.

  
Member

  
Chairman  
Camp Court, Swat.

09.09.2014

Appellant with counsel and AAG for the respondents present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned AAG for arguments on 09.3.2015.



Chairman

09.3.2015

Appellant with counsel and Mr. Ziaullah, GP for the respondents present. The learned Member-II of the bench is on leave, therefore, case to come up for arguments on 11.9.2015.



MEMBER

11.09.2015

Clerk to counsel for the appellant and Asstt. AG for respondents present. Clerk to counsel for the appellant requested for adjournment. Adjournment granted. To come up for arguments on 11-1-16



Member



Member

Appeal No. 1626/2012  
Mr. Ayaz Ahmad

11.03.2014

Counsel for the appellant and Mr. Zia Ullah, GP for the respondents present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 30.05.2010, he filed departmental appeal on 10.09.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 19.12.2013. Subject to order dated 20.02.2014, counsel for the appellant filed copies of judgments PLD 2010 Supreme Court 695, 2009 SCMR 1197 and 2002 SCMR 57.

The learned Government Pleader while assisting the Tribunal was of the view that the instant appeal is time barred, hence not maintainable and the appellant has not informed the Department after arrest ect. In support he filed copies of judgment 2012 SCMR 195, 2011 SCMR 676 and 2010 SCMR 1564.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents for submission of written reply/comments on 29.05.2014.

Appellant Deposited  
Security & Process Fee  
Rs. 180/- Bank  
Receipt is Attached with File.

Member

11.03.2014

This case be put before the Final Bench 1 for further proceedings.

Chairman

29.5.2014

Appellant with counsel and Mr. Qaisar Zaman, Supdt. on behalf of respondents with AAG present. Written reply received on behalf of the respondents, copy whereof is handed over to the learned counsel for the appellant for rejoinder on 9.9.2014.

Chairman

20.02.2014

Counsel for the appellant present. Preliminary arguments to some extent heard. Counsel for the appellant contended that the appellant was removed from service vide order dtd 31.05.2010 during the period which the appellant was involved in criminal case vide FIR No. 172 dated 13.12.2008, Police Station Sakhakot, District Malakand. The appellant has <sup>been</sup> equi~~ted~~ vide order dated 26.08.2013, communicated to the appellant on 29.08.2013. He filed Departmental Appeal on 10.09.2013, which has not been responded within the statutory period of 90 days, hence the instant appeal on 19.12.2013. The appellant has also filed an application for condonation of delay. Pre-admission notice be issued to the GP to assist the Tribunal on the point of maintainability. To come up for further preliminary hearing on 11.03.2014.

Member


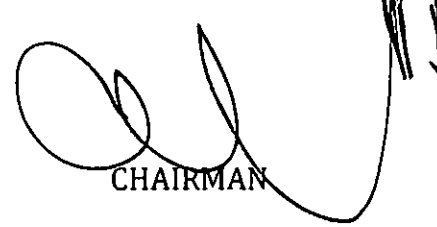




Form- A  
FORM OF ORDER SHEET

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

Case No. 1626/2013

S.No	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19/12/2013	<p>The appeal of Mr. Ayaz Ahmad presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	30-12-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>20-2-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KHYBER PAKHTUNKHEWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO 1626 /2013

**AYAZ AHMAD**

**VS**

**GOVT: OF KPK**

**INDEX**

<b>S.NO.</b>	<b>DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE</b>
1.	Memo of Appeal	.....	1- 3.
2.	Condonation application	.....	4.
3.	Appointment order	<b>A</b>	5.
4.	Copy of FIR	<b>B</b>	6.
5.	Absence notice	<b>C</b>	7.
6.	Impugned order	<b>D</b>	8.
7.	Judgment	<b>E</b>	9- 11.
8.	Departmental appeal	<b>F</b>	12- 13.
9.	Vakalat nama	.....	14.

**APPELLANT**

THROUGH:

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

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

Appeal No. 1626 /2013

M.W.P. Peshawar  
Date: 16/5/13  
19-12-13

Mr. Ayaz Ahmad, Ex: Monitoring Inspector (BPS-11),  
R/O Village Zar Abad, P/O Sakhakot, Tehsil Darga,  
District Malakand ..... **Appellant**

**VERSES**

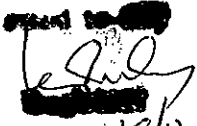
- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Environment Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The Director General Environment Department, Khyber Pakhtunkhwa Peshawar.

..... **Respondents**

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 31-05-2010 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED ON THE APPELLANT AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS**

**PRAYERS:**

That on acceptance of this appeal the impugned order dated 31-05-2010 may very kindly be set aside and the respondents may please be directed to re-instate the appellant in service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of appellant.

  
19/12/13

**R/SHEWETH:**

**ON FACTS:**

- 1- That the appellant was appointed as Monitoring Inspector (BPS-11) in the Environment Department vide order dated 10-09-2006. That the appellant has served the Environment Department for more than four years quite efficiently and up to the entire satisfaction of his superiors. Copy of the appointment order dated 10-09-2006 is attached as annexure ..... **A.**

- 2- That appellant while working as Monitoring Inspector (BPS-11) in the Environment Department an FIR was lodged against the appellant under section 302 of Pakistan penal Code vide dated 13-12-2008. That on the basis of that FIR the appellant was straight away removed from service by the respondent Department vide order dated 31-05-2010. Copies of FIR dated 13-12-2008 and the impugned removal order dated 31-05-2010- are attached as annexure ..... **B, C & D.**
- 3- That vide judgment dated 26.08.2013 the appellant was acquitted from the said charge by the Hon'ble Additional Session Judge Tehsil Dargai District Malakand. That after acquittal appellant visited the respondent Department for his re-instatement but the concerned authority is not willing to do so. Copy of the acquittal order dated 26-08-2013 is attached as annexure ..... **E.**
- 4- That feeling aggrieved and having no other remedy the appellant filed Departmental appeal before the respondent No.2 but no reply has been received so far. Copy of the Departmental appeal is attached as annexure ..... **E.**
- 5- Hence the present appeal on the following grounds amongst the others.

**ON GROUNDS:**

- A- That the impugned order dated 31.5.2010 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the 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 no charge sheet and statement of allegations has been served on the appellant by the respondent Department before issuing the impugned order dated 31.5.2010 which is mandatory under the law and rules.
- D- That no chance of personal hearing/defense has been given to the appellant before issuing the impugned order dated 31-05-2010.
- E- That no show cause notice has been served on the appellant before issuing the adverse order dated 31-05-2010 against the appellant by the respondent Department.

- F- That no regular inquiry has been conducted against the appellant which as per Supreme Court Judgments is necessary in punitive actions against the civil servant.
- G- That inspite of acquittal from the trail court the concerned authority is not willing to re-instate the appellant, rather the appellate authority acted in arbitrary and malifide manner on the subject noted above.
- H- That 8-A of the E&D Rules 1973 has not been followed by the respondents before issuing the impugned order dated 31.5.2010.
- I- That the appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

**APPELLANT**

*M. A. H.*  
**AYAZ AHMED**

**THROUGH:**

*N. M. K.*  
**NOOR MOHAMMAD KHATTAK  
ADVOCATE**

**(Mobile No.0345-9383141)**

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

APPEAL NO. \_\_\_\_\_/2013

**AYAZ AHMAD**

**VS**

**GOVT: OF KPK**

**APPLICATION FOR CONDONATION OF**  
**DELAY IN FILING THE ABOVE NOTED**  
**APPEAL**

**R.SHEWETH:**

- 1- That the appellant has filed an appeal along with this application in which no date has been fixed so far.
- 2- That the appellant prays for the condonation of delay in filing the above noted appeal inter alia on the following grounds:

**GROUND OF APPLICATION:**

- A- That valuable rights of the appellant are involved in the case hence the appeal deserve to decide on merit.
- B- That it has been the consistent view of the Superior Courts that causes should be decided on merit rather on technicalities including the limitation. The same is reported in 2004 PLC (CS) 1014 and 2003 PLC (CS) 76.

It is therefore prayed that on acceptance of this application the delay in filing the above noted appeal may please be condoned.

**APPELLANT**

*Ayaz Ahmad*  
**AYAZ AHMAD**

**THROUGH:**

*Noor Mohammad Khattak*  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

A-5



From: Secretary,  
NWFP Public Service Commission,  
Scouts Building, Phase-IV, Near Police Station Hayatabad, Peshawar.

To: The Secretary to Govt: of NWFP,  
Environment Depp Peshawar.

4100  
12/9/06

No. 60482

Dated 7/9/06

SUBJECT: RECRUITMENT OF MONITORING INSPECTOR (B-11) ON CONTRACT BASIS.

Dear Sir,

I am directed to refer to your letter No.SO(Est)Envt:IV-6/2k5/1408/3877 dt 30.5.2006-on the subject noted above and to state that the Commission provisionally recommends **AYAZ AHMAD S/O MUHAMMAD SARWAR OF MKD Agy/1** for appointment to the subject cited post.

Recommendation in favour of the recommendee is provisional subject to medical fitness.

Original application ( with enclosure ) of the recommendee is enclosed for your record. Please acknowledge receipt.

Yours faithfully,

*(Signature)* 6/9/06

(ISRAR UD DIN)  
(DEPUTY SECRETARY)

*Handwritten notes:*  
7/9/06 - SOE  
To BDA 12/9/06  
13/9

**ATTESTED**

*(Signature)*

ابتدائی اطلاعی رپورٹ

11



(فائل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ نمبر 154 بروعد ضابطہ نوڈارک  
AZIZ MOHAMMAD  
Advocate High Court

B-6

تھانہ سخاوت

نمبر 172

تاریخ وقت وقوع 08-12-13

1	تاریخ وقت رپورٹ 08-12-13 وقت 14:20 بجے جاگید سید 3/08 وقت 13 بجے
2	نام و سکونت اطلاع دہندہ دستغیب فیاض احمد ولد حامی مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت
3	مقرر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو 302 PPC
4	جائے وقوعہ فاصلہ تھانہ سے اور سمت و کمان مشرق و اتر جہاز نوڈارک سخاوت بواصلہ کھانہ لڑکہ صاحبہ نونا لڑکانہ
5	نام و سکونت ملزم آبیاز احمد ولد مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت
6	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو۔
7	تھانہ سے روانگی کی تاریخ وقت 13-12-13

اس وقت ایک تحریری ڈائل کے مطابق 11/12/13 کو ملزم آبیاز احمد ولد مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت سے بدست سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔ ملزم آبیاز احمد ولد مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت بواصلہ کھانہ لڑکہ صاحبہ نونا لڑکانہ سے بدست سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔ ملزم آبیاز احمد ولد مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت بواصلہ کھانہ لڑکہ صاحبہ نونا لڑکانہ سے بدست سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔

صدر حالت وقوعہ مکان مشرق و اتر جہاز نوڈارک سخاوت اور تو ایک نرسٹ صاحبہ جہاز نوڈارک سخاوت بواصلہ کھانہ لڑکہ صاحبہ نونا لڑکانہ سے بدست سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔

پڑی باکر نرسٹ کے ساتھ تو سہ فیاض احمد ولد مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت موجود رہا۔

بوقت 14:20 بجے رپورٹ کرتا میں نے اور والدہ ام صاحبہ پری بیگم و چھ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔

سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔ ملزم آبیاز احمد ولد مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت بواصلہ کھانہ لڑکہ صاحبہ نونا لڑکانہ سے بدست سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔

سکنہ جہاز نوڈارک سخاوت صلح بہ سہولت خانہ ام میں داخل ہو کر بدست ملزم آبیاز احمد ولد مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت بواصلہ کھانہ لڑکہ صاحبہ نونا لڑکانہ سے بدست سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔

بھتیجہ آتش سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔ ملزم آبیاز احمد ولد مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت بواصلہ کھانہ لڑکہ صاحبہ نونا لڑکانہ سے بدست سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔

اور ملزم آبیاز احمد ولد مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت بواصلہ کھانہ لڑکہ صاحبہ نونا لڑکانہ سے بدست سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔

اگر ریاستیں تفریق تھی۔ وقوعہ مذکورہ علاوہ سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔

سب سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔ ملزم آبیاز احمد ولد مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت بواصلہ کھانہ لڑکہ صاحبہ نونا لڑکانہ سے بدست سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔

سائل کا رپورٹ صرف بدست ملزم آبیاز احمد ولد مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت بواصلہ کھانہ لڑکہ صاحبہ نونا لڑکانہ سے بدست سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔

درست تسلیم کرتے ہیں کہ رپورٹ درست ہے۔ ملزم آبیاز احمد ولد مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت بواصلہ کھانہ لڑکہ صاحبہ نونا لڑکانہ سے بدست سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔

فرد بطریق رضات دہت کرتا زیر صفحات گارڈ ہسپتال کے ملزم آبیاز احمد ولد مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت بواصلہ کھانہ لڑکہ صاحبہ نونا لڑکانہ سے بدست سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔

عدولہ لڑکی نامی نوزم بدست سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔ ملزم آبیاز احمد ولد مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت بواصلہ کھانہ لڑکہ صاحبہ نونا لڑکانہ سے بدست سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔

اگر سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔ ملزم آبیاز احمد ولد مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت بواصلہ کھانہ لڑکہ صاحبہ نونا لڑکانہ سے بدست سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔

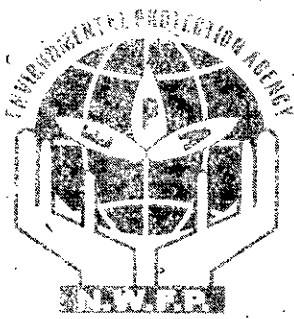
لکھنؤ پیر ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔ ملزم آبیاز احمد ولد مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت بواصلہ کھانہ لڑکہ صاحبہ نونا لڑکانہ سے بدست سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔

افزونہ بالا کو اطلاع دی جا رہی ہے۔ ملزم آبیاز احمد ولد مقبول خانہ روم سکنہ جہاز نوڈارک سخاوت بواصلہ کھانہ لڑکہ صاحبہ نونا لڑکانہ سے بدست سہ ماہی لڑکے عمر 4981 موصول ہو کر زیل سب ڈیوٹی میں تھے۔

ATTESTED

19





Environmental Protection Agency  
Environment Department  
Government of NWFP

No. EPA/051/03/666-69

Date: 17-1-2009

To

C-(7)

Mr. Ayaz Ahmad S/o Muhammad Sarwar  
Village Zar Abad P.O Sakhakot  
Tehsil Dargai Malakand

**Subject: Absence from Duty**

I am directed to inform you that you were granted one month earned leave on the basis of your mother's illness w.e.f 22/10/2008 to 20/11/2008.

But on the expiry the earned leave you did not join duty and were found absent from the office without any intimation. You were asked to report back to this office immediately vide this office letter No. EPA/051/03/KC/211 dated 24-11-2008 and subsequent reminder vide this office letter No. EPA/051/03/KC/342 dated 13-12-2008. But you are still found absent from the office without any intimation.

Therefore, you are finally directed to report back to this office immediately otherwise strict disciplinary action will be taken against you under E&D Rules 1973.

  
Assistant Director (Admn.)

Copy to:

1. Director General, EPA Govt. of NWFP
2. Director, EPA, Govt. of NWFP
3. Assistant Accounts Officer, EPA to stop his salary immediately as per directive of Director General.

**ATTESTED**





Environmental Protection Agency  
Environment Department  
Govt. of Khyber Pakhtunkhwa

No. EPA/071/02/868

Date: 31/5/2010 -69

D-③

**ORDER**

No. EPA/PF/Ayaz Ahmad/\_\_\_\_, whereas, disciplinary proceedings under the Govt of Khyber Pakhtunkhwa Removal from Service(Special Powers) Ordinance, 2000, against Mr. Ayaz Ahmad , Monitoring Inspector , EPA, Khyber Pakhtunkhwa, were initiated on account of his willful absence from duty since 21/11/2003

2. AND Whereas, a final show cause/absence notice was issued to him on his available address asking him to resume duties immediately, but he did not turn up.

3. AND Whereas, his willful absence from duties was published in the daily Newspaper "Express" Peshawar Dated 02/04/2010 and "AWAM UN-NAS" dated 02/04/2010 through a final show cause/Absence notice wherein he was asked to report for duty otherwise he will be dismissed from service.

4. AND Whereas, the last date of final show cause/Absence notice (15 days) expired on 16/04/2010, the official neither turned up for duty nor submitted any reply to the correspondence of this office letter as well as a final absence notice Published in Newspaper.

5. AND NOW THEREFORE, the competent Authority, after having considered evidence on record exercising his powers under section-3 (b) of the Govt. of Khyber Pakhtunkhwa, Removal from Service (special Powers) Ordinance 2000 is pleased to impose the major penalty of "Removal from Service" upon Mr. Ayaz Ahmad, Monitoring Inspector EPA, Khyber Pakhtunkhwa with immediate effect on account of his willful absence.

3...  
Director General

C.C

1. Assistant Account Officer, EPA Khyber Pakhtunkhwa.
2. Mr. Ayaz Ahmad S/O M. Sarwar Village Zar Abad P.O Sakhakot Tehsil Dargai, Malakand  
Khyber Pakhtunkhwa.

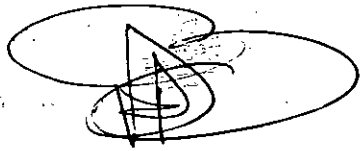
**ATTESTED**

کے والدین سے - اہل خانہ - اہل خانہ سے - اہل خانہ سے - اہل خانہ سے  
F-9

حکم نمبر:06

مورہ 26-08-2013

سائل/ملازم آواز احمد برضمانت حاضر۔ وکیل صفائی عزیز محمد ایڈووکیٹ حاضر۔ APP برائے سرکار حاضر۔ جملہ ورثاء مقتولہ مسماہ  
مسترت جہاں ماسوائے ہمشیرہ راحت جہاں اور برادر اعجاز احمد حاضر۔ اُن کے بیانات قلمبند۔ مشران علاقہ کا مشترکہ بیان بتائید راضی  
نامہ بھی قلمبند شد۔ مذکورہ کی جانب سے درخواست ضمانت نمبر 97/4 سال 2013 کے مرحلہ پر بیان حلفی نسبت راضی نامہ منجانب  
ورثان مقتولہ و برادر مقتولہ اعجاز احمد ولد محمد یعقوب خان اور راضی نامہ کی تحریر پیش ہو کر بتائید راضی نامہ فیاض احمد ولد حاجی  
یعقوب (برادر مقتول)، مسماہ نور جہاں، مسماہ راحت جہاں مسماہ عصمت جہاں (ہمشیرہ گان مقتولہ) اور مسماہ پری بیگم (والدہ مقتولہ)  
کے بیانات بھی قلمبند کیے گئے ہیں۔ مقتولہ کا اُن کے علاوہ دیگر کوئی شرعی وارث نہ ہے اور انہوں نے اپنی مرضی سے ملازم بالا کیساتھ خانگی  
طور پر بااجرا و اکراہ و کسی قسم ناجائز دباؤ، راضی نامہ کرتے ہوئے اُس کو اپنا حق قصاص و دیت معاف کیا ہے اور انہیں ملازم کی بریت پر  
کوئی اعتراض نہیں ہے۔ راضی نامہ کی تحریر Ex PA، اس نسبت بیان حلفی Ex PC ہے جس پر اُن کے دستخط/نشانات انگشت  
و دستخط درست طور پر ثبت ہیں اور مذکورہ دستاویزات درخواست ضمانت کے مسل پر موجود ہیں جن کے نقولت مصدقہ آج پیش کینے  
گئے۔ مشترکہ بیان ورثاء مقتولہ قلمبند شدہ ہے جنہوں نے ملازم کو معاف کیا ہے۔ جرم عائد کردہ قابل راضی نامہ ہے اور ورثاء مقتولہ نے  
ملازم کو معاف کیا ہے لہذا اس صورت میں مقدمہ کا منطقی انجام ملازم کی بریت ہی ہوگی اس لیے حسب راضی ملازم آواز احمد کو مقدمہ طڈامیں  
بری کیا جاتا ہے۔ وہ ضمانت پر ہے اس لیے اُس کے ضامنان بار ضمانت سے مبرا قرار دیئے جاتے ہیں۔ مسل بعد از ترتیب و تکمیل داخل  
دفتر ہو۔



حکم سنایا گیا

26-08-2013

(آفتاب آفریدی)  
ایڈیشنل سیشن جج، اراضی ضلع قاضی،  
لاہور۔

Attested  
To  
copy  
MUKARRIR

ATTESTED

To  
Addl Dist Sessio Judge  
Tzafi Zila Qazi Dargai.

29-8-2013

## مشترکہ بیان وراثہ مقتول

بیان کیا کہ مقتولہ مسماة مسرت جہاں کے قتل کی دعویداری برخلاف ملزم آجاز احمد، بحوالہ عدالت نمبر 172، مورخہ 13-12-2008، زیر دفعات 302 تعزیرات پاکستان، تھانہ سخاکوٹ، ہوئی تھی۔ ہم مقتولہ کے قانونی، شرعی اور جائز وراثہ ہیں۔ مقتول کا ہمارے علاوہ دیگر کوئی شرعی وارث نہ ہے اور ہم نے اپنی مرضی سے ملزم بالا کیساتھ خانگی طور پر، بلا جبر و اکراہ کسی قسم نا جائز دباؤ، راضی نامہ کرتے ہوئے اس کو اپنا حق قصاص و دیت معاف کیا ہے اور ہمیں ملزم کی بریت پر کوئی اعتراض نہیں ہے۔ راضی نامہ کی تحریر Ex PA، اس نسبت ہماری بیان خلفی Ex PB، مرحلہ ضمانت پیش کی گئی ہے۔ جن پر ہمارے دستخط/نشانات انگشت و دستخط درست طور پر ثبت ہیں۔ راضی نامہ ہم فریقین کے بہتر مفاد میں ہے۔ نیز برادران مقتولہ میں سے آجاز احمد عبودی عرب میں بسلسلہ روزگار مقیم ہے جبکہ خواہران میں مسماة راحت جہاں بیمار ہے جنہوں نے بھی ملزم کے ساتھ راضی نامہ کیا ہے اور ان کی طرف سے بیان حلفیوں، مرحلہ ضمانت پیش کی گئی ہے۔ والد مقتولہ وفات یافتہ ہے اور مقتولہ کا کوئی اولاد نہیں ہے۔ اس نسبت درخواست ضمانت، حکم عدالت، بیان خلفی، راضی نامہ وغیرہ کے مصدقہ نقولات پیش کرتے ہیں۔

سُنکر درست تسلیم کیا۔

(آفتاب آفریدی)

ایڈیشنل سیشن جج/اضافی ضلع قاضی،

ملاکنڈ بمقام درگئی۔

لور جہان بیگم

(ہمشیرہ مقتولہ) مسماة نور جہان دختر حاجی یعقوب

NIC # 17101-7589096-6

(والدہ مقتولہ) مسماة پری بیگم بیوہ حاجی یعقوب ساکن جہاز ونوڈاگ

سخاکوٹ تحصیل درگئی ضلع ملاکنڈ

فضل کریم جان ولد سکند خان ساکن سخاکوٹ

NIC # 154012448596-5

(آفتاب آفریدی)

ایڈیشنل سیشن جج/اضافی ضلع قاضی،

ملاکنڈ بمقام درگئی۔

26-08-2013

(برادر مقتولہ/مستغیث) فیاض احمد ولد حاجی یعقوب

NIC # 15401-4224974-1

عصمت جہاں

(ہمشیرہ مقتولہ) مسماة عصمت جہاں دختر حاجی یعقوب

NIC # 16102-2214710-4

تصدیق مشران:-

امجد احمد ولد محمد یوسف خان ساکن سخاکوٹ

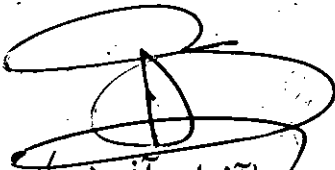
NIC # 15401-5263328-1

ATTESTED


مشترکہ بیان مشران

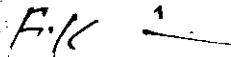
بیان کیا کہ مقتولہ مسماة مسرت جہاں کے قتل کی دعویداری برخلاف ملزم آیاز احمد، بحوالہ علت نمبر 172، مورخہ 13-12-2008، زیر دفعات 302 تعزیرات پاکستان، تھانہ سخاکوٹ، ہوئی تھی۔ مقتولہ کے قانونی، شرعی اور جائز وراثہ مسماة پری بیگم (والدہ) <sup>غیاث</sup> احمد (برادر) مسماة راحت جہاں، مسماة نور جہاں اور مسماة عصمت جہاں (ہمشیرہ گان مقتول) اور اعجاز احمد (برادر) ہیں۔ مقتولہ کا اُن کے علاوہ دیگر کوئی شرعی وارث نہ ہے اور انہوں نے اپنی مرضی سے ملزم بالا کیساتھ خانگی طور پر، بلا جبر و اکراہ و کسی قسم ناجائز و باؤ، راضی نامہ کرتے ہوئے اُس کو اپنا حق قصاص و دیت معاف کیا ہے اور انہیں ملزم کی بریت پر کوئی اعتراض نہیں ہے۔ راضی نامہ کی تحریر Ex PA، اس نسبت ہماری بیان حلفی Ex PC، مرحلہ ضمانت پیش کی گئی ہے جس پر ہمارے دستخط/نشانات انگشت و دستخط درست طور پر ثبت ہیں۔ راضی نامہ فریقین کے بہتر مفاد میں ہے۔ نیز برادران مقتولہ میں سے اعجاز احمد سعودی عرب میں بسلسلہ روزگار مقیم ہے اور مسماة راحت جہاں ہمشیرہ مقتولہ نے بھی ملزم کے ساتھ راضی نامہ کیا ہے اور اُس کی طرف سے بیان حلفی پیش کی گئی ہے۔ والد مقتولہ وفات یافتہ ہے اور مقتولہ کا کوئی اولاد نہیں ہے۔

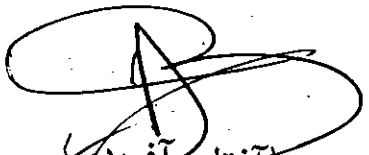
سُنکر درست تسلیم کیا۔

  
(آفتاب آفریدی)  
ایڈیشنل سیشن جج / اضافی ضلع قاضی،  
ملاکنڈ بمقام درگئی۔

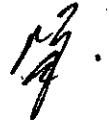
26-08-2013

  
امیر احمد ولد محمد یوسف نان ساکن سخاکوٹ  
NIC # 15401-5263328-1

  
فضل کریم جان ولد سکند خان ساکن سخاکوٹ  
NIC # 154012448596-5

  
(آفتاب آفریدی)  
ایڈیشنل سیشن جج / اضافی ضلع قاضی،  
ملاکنڈ بمقام درگئی۔

ATTESTED



To

F-12

The Hon'ble Secretary Environment Department,  
Khyber Pakhtunkhwa, Peshawar.

**SUBJECT:**

**DEPARTMENT APPEAL AGAINST THE ORDER  
DATED 31-5-2010 WHEREBY MAJOR  
PENALTY OF REMOVAL FROM SERVICE WAS  
IMPOSED ON THE APPELLANT**

**R/SHEWETH:**

**ON FACTS:**

- 1- That the appellant was appointed as Monitoring Inspector (BPS-11) in the Environment Department vide order dated 10-9-2006. That appellant has served the Environment Department for more than four years quite efficiently and upto the entire satisfaction of his superiors.
- 2- That appellant while working as monitoring Inspector (BPS-11) in the Environment Department an FIR was falsely lodged against the appellant under section 302 of Pakistan Penal Code vide dated 13.12.2008. That on the basis of that FIR the appellant was straight away removed by the concerned authority from service vide order dated 31.5.2010 without conducting regular enquiry in the matter of appellant.
- 3- That vide judgment/order dated 26.8.2013 the appellant was acquitted from the said charge by the Hon'ble Additional Session Judge Tehsil Dargai District Malakand. That after acquittal appellant visited the Directorate environment Department for re-instatement but the concerned authority is not willing to do so.
- 4- That feeling aggrieved and having no other remedy the appellant prefer this Departmental appeal before your good self on the following grounds amongst the others.

**GROUND:**


- A- That the impugned order dated 31.5.2010 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.

ATTACHED  
1/2


- B- That the appellant has not been treated by the Director Environment Department in accordance with law and rules on the subject noted above and as such the authority violated article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That no charge sheet and statement of allegations has been served on the appellant by the concerned authority which is mandatory under the law and rules.
- D- That no chance of personal hearing/defense has been given to the appellant before issuing the impugned order dated 31.5.2010.
- E- That no show cause notice has been served on the appellant before issuing the adverse order dated 31.5.2010 against the appellant.
- F- That no regular inquiry has been conducted against the appellant which as per Supreme Court Judgments is necessary in punitive actions against the Civil servant.
- G- That inspite of acquittal from the trial Court the concerned authority is not willing to re-instate the appellant, rather the concerned authority acted in arbitrary and malafide manner on the subject noted above.

It is therefore humbly prayed that on acceptance of this Departmental appeal the impugned order dated 31.5.2010 may be set aside and the appellant may very kindly be re-instated with all back benefits. Any other remedy which your good self deems fit that may also be awarded in the favor of the appellant.

Dated: 10.9.2013

**ATTESTED**  


**APPELLANT**

  
 Ayaz Ahmad s/o Muhammad Sarwar,  
 R/O Village Zar Abad, P.O Sakhakot,  
 Tehsil Dargai, District Malakand.

VAKALATNAMA

IN THE COURT OF KPK Service Tribunal Peshawar.

OF 2013

Ayaz Ahmad

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

VERSUS

Govt. of KPK

(RESPONDENT)  
(DEFENDANT)

I/We Ayaz Ahmad

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, 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: \_\_\_/\_\_\_/2013

Ayaz Ahmad  
CLIENT

N.M.  
ACCEPTED  
NOOR MOHAMMAD KHATTAK  
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,  
Islamia Club Building, Khyber Bazaar,  
Peshawar City.

Phone: 091-2211391

Mobile No.0345-9383141



BEFORE THE KHYBER PUKHRUNKHWA SERVICE TRIBUNAL, PESHAWAR  
APPEAL NO 1626 of 2013

Mr. Ayaz Ahmad, Ex: Monitoring Inspector (BPS-11),  
R/O Village Zar Abad , P/O Skhakot, Tehsil Dargai,  
District Malakand

Appellant

Versus

- 1) The Government of Khyber Pakhtunkhwa through  
Chief Secretary Khyber Pakhtunkhwa, Peshawar.
- 2) The Secretary Environment Department,  
Khyber Pakhtunkhwa, Peshawar.
- 3) The Director General Environment Department,  
Khyber Pakhtunkhwa, Peshawar.

Respondents

**Parawise Comments on behalf of Respondents**

Respectfully Sheweth,

The para-wise comments in subject case are as under:

**Preliminarily Objections:**

- 1- That the appellant has no cause of action.
- 2- That the appeal is time bared.
- 3- That the appeal is bad for non joinder, and misjoinder of necessary parties.
- 4- That the appellant has not come to this honorable tribunal with clean hands.
- 5- That the appeal is not maintainable in its present form.
- 6- That the honorable tribunal has no jurisdiction to entertain the appeal.
- 7- That the appellant has been stopped by his own conduct to file the instant appeal.

**On Facts.**

- 1) Pertains to record.
- 2) In correct, as he was removed from the services on account of his willful absence from the duty with out any information/ prior approval of the Competent Authority, after fulfilling all the codel formalities.
- 3) Pertains to record of the honorable court, the rest of the para is denied.
- 4) The reply of the departmental appeal has already been sent to Administrative Department vide this Office letter No .EPA/PF?M/Ayaz/817 dated 30/9/13

GROUND.

- A. Incorrect. He was time to time informed in writing to join the duty but he failed to do so. There is no illegality or irregularity in the impugned order.
- B. Incorrect as above . A
- C. Incorrect, after the expiry of his one month earned leave he did not join the duty therefore legal action was initiated against him according to law, Notices were issued to him on his home address as detail below.
1. EPA / 051/03/KC/211 dated 24/11/2008. Annex-A
  2. EPA / 051/03/KC/342 dated 13/12/2008. Annex-B
  3. EPA / 051/03/KC/666-69 dated 17/01/2009. Annex-C
- D. Incorrect, notices were issued on various dates on his home address but no reply was received.
- E. Incorrect, notice was issued and published in two newspapers but no response was received. Annex-D
- F. Incorrect
- G. Incorrect, as he did not join the duty in the specified time, so his services were terminated. After his termination from the services, the same post has already been filled through Public Service Commission.
- H. Incorrect although he was on leave but on the expiry of his one month earned leave, he did not join the duty therefore he was removed from his services observing all legal formalities.

In wake of the above made submissions it is requested that that this Hon'able tribunal may very graciously be pleased to dismiss the present appeal with cost.

- ✓ 1. Government of Khyber Pakhtunkhwa through  
Chief Secretary Khyber Pakhtunkhwa, Peshawar.

Respondents

Hammad

- ✓ 2. Secretary to The Government of Khyber Pakhtunkhwa,  
Environment Department, Peshawar.

Hammad

3. Director General, Environmental Protection Agency.  
Environment Department, Government of Khyber Pakhtunkhwa.

4.5.14

Environmental Protection Agency *Ames-A*  
Environment Department



Environmental Protection Agency  
Environment Department  
Govt. of NWFP

No. EPA/051/03/KC/211

Date: 24-11-2008

To

Mr. Ayaz Ahmad S/o Muhammad Sarwar  
Village Zar Abad P/O Sakhakot  
Tehsil Dargai Malakand.

Subject: Absent from duty.

I am directed to inform you that you were granted one month earned leave on the basis of your mother's illness w.e.f 22/10/2008 to 20/11/2008.

But on the expiry of the earned leave you are still found absent from the office without any intimation. Therefore you are directed to report back to this office immediately otherwise strict disciplinary action will be taken against you under the E&D rules 1973.

Further you are directed to produce all the illness record of your mother as you mentioned in the application.

Assistant Director (Admin).



Environmental Protection Agency *Amea-B*  
Environment Department  
Government of NWFP

No. EPA/051/03/K.C/342

Date: 13-12-2008

To

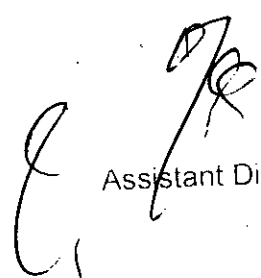
Mr. Ayaz Ahmad S/o Muhammad Sarwar  
Village Zar Abad P.O Sakhakot  
Tehsil Dargai Malakand

**Subject: Absent from Duty**

I am directed to inform you that you were granted one month earned leave on the basis of your mother's illness w.e.f 22/10/2008 to 20/11/2008.

But on the expiry the earned leave you did not join duty and were found absent from the office without any intimation. You were asked to report back to this office immediately vide this office letter No. EPA/051/03/KC/211 dated 24-11-2008. But you are still found absent from the office without any intimation.

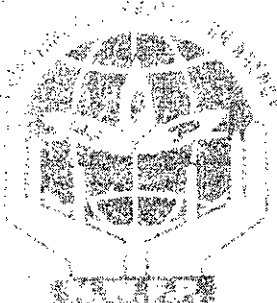
Therefore you are once again directed to report back to this office immediately otherwise strict disciplinary action will be taken against you under E&D Rules 1973.

  
Assistant Director (Admn.)

3<sup>rd</sup> Floor, Old Courts Building, Khyber Road, Peshawar Cantt.  
Tel: 92(91) 9210263, Fax: 92 (91) 9210280

3<sup>rd</sup> Floor, SDU Building, Khyber Road, Peshawar Cantt.  
Telephone: 92 (91) 9210263, Fax: 92 (91) 9210280

Telephone: 92 (91) 9210263, Fax: 92 (91) 9210280



Environment Department  
Environmental Protection Agency  
Environment Department  
Government of NWFP

No. EPA/051/03/666-69  
Date: 17-1-2009

To

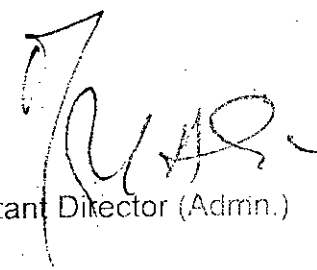
Mr. Ayaz Ahmad S/o Muhammad Sarwar  
Village Zar Abad P.O Sakhakot  
Tehsil Dargai Malakand

Subject: Absence from Duty

I am directed to inform you that you were granted one month earned leave on the basis of your mother's illness w.e.f 22/10/2008 to 20/11/2008.

But on the expiry the earned leave you did not join duty and were found absent from the office without any intimation. You were asked to report back to this office immediately vide this office letter No. EPA/051/03/KC/211 dated 24-11-2008 and subsequent reminder vide this office letter No. EPA/051/03/KC/342 dated 13-12-2008. But you are still found absent from the office without any intimation.

Therefore you are finally directed to report back to this office immediately otherwise strict disciplinary action will be taken against you under E&D Rules 1973.

  
Assistant Director (Admin.)

Copy to:

1. Director General, EPA Govt. of NWFP
2. Director, EPA, Govt. of NWFP
3. Assistant Accounts Officer, EPA to stop his salary immediately as per directive of Director General

Ames-D

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FRIDAY, APRIL 2, 2010

جلد 182 شمارہ نمبر 16 تاریخ 16 اپریل 2010ء قیمت 2066 روپے 2654226 صفحات 16 قیمت 10 روپے

پنجاب  
دوڑوں  
سینئر  
تھو یارک  
پنجاب

**ادارہ تحفظ ماحولیات حکومت صوبہ سرحد**

**فائل نمٹن برائے غیر حاضری**

آپ کی ایاز احمد ولد مرزور سکند گاؤں ذرا آباد ڈاکخانہ سٹاکٹ تحصیل اینڈ ڈسٹرکٹ ملاکنڈ  
ٹائٹلنگ ایجنٹر ادارہ تحفظ ماحولیات حکومت صوبہ سرحد لیٹر نمبر  
EPA/051/03/KC/211 مورخہ 24/11/08 جاری کیا گیا جس میں تاکید کی گئی تھی کہ  
آپ کی چھٹی مورخہ 20/11/2008 کو ختم ہو چکی ہے اور آپ دفتر حاضر ہو جائیں جس کے  
بعد ایک اور لیٹر نمبر EPA/051/03/KC/342 مورخہ 13/12/2008 کو آپ کے گھر  
کے پر بھیجا گیا لیکن آپ نے کوئی جواب نہیں دیا اور نہ ہی ڈیوٹی پر حاضر ہوئے مورخہ  
17/11/2009 کو ایک اور لیٹر نمبر EPA/051/03/666-69 مورخہ 13/12/2008 کو آپ کو بھیجا گیا لیکن آپ  
ابھی تک غیر حاضری کی وجہ بتائے بغیر مسلسل ڈیوٹی سے غیر حاضر ہیں لہذا آپ کو بذریعہ  
اشعار ہدایت کی جاتی ہے کہ اس اشعار کی اشاعت کے بعد 15 یوم کے اندر اندر اپنی ڈیوٹی  
پر حاضر ہو جائیں اور اپنی غیر حاضری کی وجوہات بھی بیان کریں بصورت دیگر آپ کے خلاف  
حسب مروجہ قواعد کے مطابق یکطرفہ کارروائی عمل میں لائی جائے گی جس میں آپ کی نوکری  
سے برخواستگی بھی ہو سکتی ہے۔

**ڈائریکٹر جنرل ادارہ تحفظ ماحولیات حکومت**  
**صوبہ سرحد SDU بلڈنگ خیبر روڈ پشاور کینٹ**  
فون نمبر: 091-9210148-091-9210280 فیکس نمبر  
Also available on www.nwfp.gov.pk INF(P)1006

ایسوسی ایٹڈ پبلسٹرز  
**فیڈرل پورڈ آف ریوینشو**

**حکومت پاکستان**

خارجہ امور  
سکریٹری فورسٹ اور  
کی جانیں سلا  
آسی شاپ  
ماتین کا  
میدان گلیم  
مذاکر  
پریس  
فائل  
میں

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24-05-2010	07
22-05-2010	39
20-05-2010	37
18-05-2010	35

**ادارہ تحفظ ماحولیات حکومت سندھ**

**فائل نمبر برائے غیر حاضری**

آپ سہی نیاز احمد ولد سردار سکس گاؤں زرد آباد ڈاکخانہ سٹاکوٹ تحصیل اینڈ ڈسٹرکٹ ملاکنڈ  
 مائیکرو سٹیکٹر ادارہ تحفظ ماحولیات حکومت صوبہ سرحد لیٹر نمبر EPA/051/03/KC/211 مورخہ 24-11-08 جاری کیا گیا جس میں تاکید کی گئی تھی کہ آپ کی چھٹی مورخہ  
 20-11-2008 کو ختم ہو چکی ہے اور آپ دفتر حاضر ہو جائیں جس کے بعد ایک اور لیٹر نمبر  
 EPA/051/03/KC/342 مورخہ 13-12-2008 کو آپ کے گھر کے پتے پر بھیجا گیا  
 لیکن آپ نے کوئی جواب نہیں دیا اور نہ ہی ڈیوٹی پر حاضر ہوئے مورخہ 17-01-2009 کو  
 ایک اور لیٹر نمبر EPA/051/03/666-69 کو بھیجا گیا لیکن آپ ابھی تک غیر حاضری کی  
 صورت میں مسلسل ڈیوٹی سے غیر حاضر ہیں لہذا آپ کو بذریعہ اشتہار ہدایت کی جاتی ہے کہ  
 اس اشتہار کی اشاعت کے بعد 15 یوم کے اندر اندر اپنی ڈیوٹی پر حاضر ہو جائیں اور اپنی غیر  
 حاضری کی وجوہات بھی بیان کریں۔ بصورت دیگر آپ کے خلاف حسب مزید قواعد کے مطابق  
 کیٹرقہ کارروائی عمل میں لائی جائے گی جس میں آپ کی نوکری سے برخاستگی بھی ہو سکتی ہے۔  
 ڈائریکٹر جنرل ادارہ تحفظ ماحولیات حکومت سندھ

SDU مائیکرو سٹیکٹر زرد آباد ڈاکخانہ سٹاکوٹ فون نمبر 091-9210148 فیکس نمبر 091-9210280  
 Also available on [www.nwfp.gov.pk](http://www.nwfp.gov.pk)

INFP) 1006

**First Prize**  
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01.04.2010



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

**APPEAL NO. 1626/2013**

**AYAZ AHMED VS ENVIRONMENT DEPTT:**

**REJOINDER ON BAHALF OF APPELLANT IN  
RESPONSE TO THE REPLY SUBMITTED BY THE  
RESPONDENTS**

**R/SHEWEHT:**  
**PRELIMINARY OBJECTIONS:**  
**(1 TO 4):**

All the preliminary objections raised by the respondents are incorrect and baseless and not in accordance with law and rules rather the respondents are estopped due to their own conduct to raise any objection at this stage of the appeal.

**ON FACTS:**

- 1- Admitted correct by the respondents hence need no comments.
- 2- Incorrect and not replied accordingly. That an FIR No.172 dated 13-12-2008 P.S. Sakhakot District Malakand against the appellant was lodged under section 302 of Pakistan Penal Code. That on the basis of that FIR , the respondent Department has straight away removed the appellant from service vide impugned order dated 31-5-2010 with out fulfilling all the codel formalities requires under the law before imposing major punishment against the civil servant.
- 3- Incorrect and not replied accordingly. That the appellant was Honorably acquitted from the said charges vide judgment dated 26-08-2013 of the Hon'ble Additional Session Judge Tehsil Dargai District Malakand. That after acquittal the appellant visited the respondent Department for his re-instatement in to his service but the concerned authority is not willing to do so.
- 4- Incorrect and not replied accordingly. That appellant filed his Departmental appeal before the respondent No.2 but no reply has been received so far.

**GROUND:**  
**(A TO G):**

All the grounds of main appeal are correct and in accordance with law and prevailing rules and that of the respondent are incorrect and baseless hence denied. That the respondent Department has removed the appellant from his service without any clear justification and the respondents are not followed the prevailing rules i.e. not issued charge sheet, statement of allegations and show cause notice nor the appellant was given the chance of personal hearing/ defense. That as per Supreme Court Judgments it is compulsory upon the respondents to conduct regular inquiry in the matter before issuing any adverse order against the Civil servant. That in spite of acquittal from the trial Court the respondents acted in arbitrary and malafide manner by not re-instating the appellant into his service.

It is therefore most humbly prayed that on acceptance of this rejoinder the appeal of the appellant may be accepted as prayed for.

**APPELLANT**

  
**AYAZ AHMED**

**THROUGH:**   
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**

Before the Khyber Pakhtunkhwa Service Tribunal  
Peshawar

6/6/2016

Appeal No. 1026/2013.

Ayaz Ahmad

vs

Environment Deptt.

Application for transfer to Swat  
Bench the above mentioned appeal

R/Sheweth:

- 1: That the above mentioned appeal is pending adjudication before this august court which is fixed for hearing today dated 8.4.2016.
- 2: That appellant filed the above mentioned appeal against the impugned removal order dated 31<sup>S</sup>/<sub>2010</sub>.
- 3: That appellant belongs to Malakand agency due to which appellant want to transfer his appeal to the touring bench Swat.

It is therefore, most humbly prayed that ~~appeal~~ on acceptance of this application the appeal of the appellant may kindly be transfer to the touring bench Swat.

Dated: 8.4.2016.

Appellant  
through:  
Noor Mohammad Khattak  
Advocate