

27.04.2023

Appellant in person present.

Muhammad Jan, learned District Attorney for respondents present.

Learned Member Executive (Mr. Muhammad Akbar Khan) is on leave, therefore, case is adjourned. To come up for arguments on 27.06.2023 before D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar

Mutazem Shah




(Rozina Rehman)
Member (J)

27.06.2023


1. Counsel for the appellant present. Mr. Asad Ali Khan, learned Assistant Advocate General for the respondents present.

2. Former requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 24.10.2023 before D.B. Parcha Peshi given to the parties.

SCANNED
KPST
Peshawar



(Fareeha Paul)
Member (E)



(Rashida Bano)
Member (J)


Kalcemullah


03.03.2023

Learned counsel for the appellant present: Mr. Asif Masood Ali Shah, District Attorney for the respondents present.

Learned counsel for the appellant stated that connected appeals are fixed for arguments before D.B-I, therefore, the appeal in hand may also be sent to the said D.B.

In view of the above, the appeal in hand is sent to Worthy Chairman for further appropriate order. Learned counsel for the parties shall appear before Worthy Chairman today.


(Fareeha Paul)
Member (E)

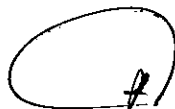

(Salah-ud-Din)
Member (J)


3rd Mar, 2023

1. Learned counsel for the appellant present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

2. Arguments in nineteen other service appeals were heard wherein the learned counsel for the appellant had said that this appeal is also similar but when the file was being perused it transpired that this appeal is a bit on different footing and regarding a bit different proceedings, therefore, it is adjourned to 27.04.2023 for arguments before D.B.

SCANNED
POSTMASTER


(Rozina Rehman)
Member (Judicial)


(Kalim Arshad Khan)
Chairman

16th Feb, 2023

Learned counsel for the present. Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General alongwith Mr. Muhammad Yousaf, Section Officer for the respondents present.

After arguing the matter, the need of assistance was felt for which Mr. Yousaf Khan Section Officer Home & Tribal Affairs Department put appearance and sought some time to produce the relevant rules to ascertain as to who is/was authority of the appellant. To come up tomorrow i.e 17.02.2023 for further proceedings before the D.B.



(Salah-ud-Din)
Member (J)

(Kalim Arshad Khan)
Chairman

17.02.2023


Learned counsel for the appellant present. Mr. Muhammad Yousaf, Section Officer alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant submitted copy of Chapter-2, which is regarding terms and conditions of service of an employee.

The appeal in hand was partially heard by a bench comprising of worthy Chairman and one of us (Salah-ud-Din) Member Judicial, therefore, the same may be placed for arguments before the concerned bench on 03.03.2023.



(Fareeha Paul)
Member (E)



(Salah-ud-Din)
Member (J)

SCANNED
KPST
Peshawar

08.11.2022


Counsel for the appellant present.


Asif Masood Ali Shah learned Deputy District Attorney

SCANNED
KPST
Peshawar

for the respondents present.

Learned counsel requested for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 21.11.2022 before D.B.


(Fareeha Paul)
Member (E)



(Rozina Rehman)
Member (J)

21st Nov, 2022

Lawyers on general strike today:

To come up for arguments on 5.1.2023 before D.B. Office is directed to notify the next date on the notice board as well as the website of the Tribunal.


(Fareeha Paul)
Member (E)

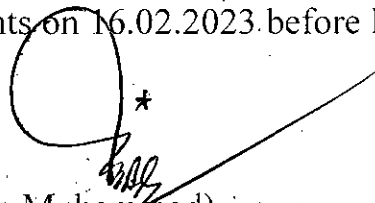

(Kalim Arshad Khan)
Chairman

05.01.2023

Learned counsel for the appellant present. 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. Last opportunity is granted to argue the case on the next date, failing which the case will be decided on available record without arguments. Adjourned. To come up for arguments on 16.02.2023 before D.B.

SCANNED
KPST
Peshawar

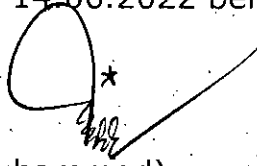

(Mian Muhammad)
Member (E)


(Kalim Arshad Khan)
Chairman

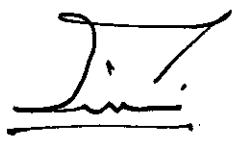
09.05.2022

Appellant in person present. Mr. Riaz Ahmed Paindakhel,
Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that
his counsel is out of station today. Adjourned. To come up for
arguments on 14.06.2022 before the D.B.



(Mian Muhammad)
Member (E)

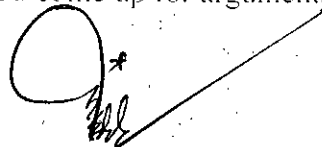


(Salah-ud-Din)
Member (J)

14.06.2022

Clerk of counsel for the appellant present. Mr. Kabirullah Khattak,
Additional Advocate General for respondents present.

Clerk of counsel for the appellant stated that learned counsel for the
appellant is unable to attend the Tribunal today due to strike of Lawyers.
Adjourned. To come up for arguments before the D.B on 17.08.2022.



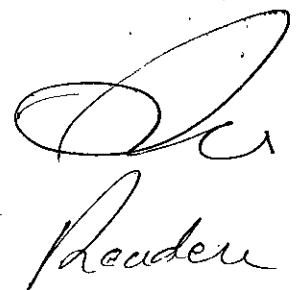
(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

17/08/22

*Due to summer vacation the case
's adjourned 08/11/22 for the same.*



President

Stipulated period passed reply not submitted.

15.09.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.


Chairman

2.10.2021

Appellant alongwith clerk of his counsel present. Mr. Shah Waliullah Khan, Section Officer (Litigation) alongwith Mr. Kabirullah Khattak, Additional Advocate General for the respondents present and sought time for submission of reply/comments. Last opportunity given. To come up for reply/comments of respondents as well as arguments on 17.12.2021 before the D.B.

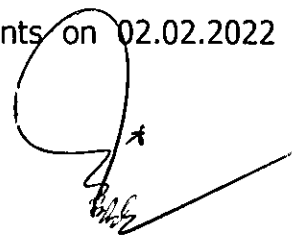

(MIAN MUHAMMAD)
MEMBER (E)


(SALAH-UD-DIN)
MEMBER (J)

17.12.2021

Appellant in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. M. Riaz, Supdt for respondents present.

Written reply/comments not submitted. Learned AAG requested for a short adjournment to contact the respondent-department for submission of written reply/comments on the next date. To come up for written reply/comments on 02.02.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

02.02.2022 Counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for respondents present.

Written reply on behalf of respondent No. 2 has been submitted through office which is placed on file. A copy of the same is also handed over to the learned counsel for the appellant. Notice be issued to respondent No.3 for written reply/comments. Adjourned. To come up for written reply of respondent No.3 on 07.04.2022 before S.B.

07.04.2022

~~Appellant present in person.~~ Mr. Kabirullah Khattak

~~Adl. AG for respondents present.~~ Written reply on behalf of

~~respondents not submitted.~~ learned Adl. AG seeks further
(Attia Ur Rehman Wazir)
Member(E)

~~time for submission of written reply.~~ Request accepted.

Another 10% chance is given. To come up for written reply/comments before S.B on 16.05.2022.

07.04.2022

Counsel for the appellant. Mr. Kabirullah Khattak Adl.

AG for respondents present. Written reply on behalf of

respondents No. 2 have already been submitted. No one is

present on behalf of respondent No. 3 for submission of

written reply, therefore right of submission of written reply

of respondent No. 3 is struck off. To come up for arguments

before D.B on 09.05.2022.



Chairman

05.08.2021

Counsel for the appellant present. Preliminary arguments heard.

SCAILED
KPST
Peshawar

Points raised need consideration. The appeal is admitted for hearing subject to all legal objections including that of limitation to be determined during full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 22.10.2021 before the D.B.




Appellant Deposited
Security & Process Fee


Chairman

FORM OF ORDER SHEET

Court of _____

Case No. 2869 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/02/2021	<p>The appeal of Mr. Nadir Shah presented today by Mr. Zartaj Anwar Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/04/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
19.04.2021		<p>Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 05.08.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p>

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 2569/2021

Nadir Shah S/O Iqbal Shah R/O Garhi Karigaram Alamgudar,
Tehsil Bara District Khyber.

.....(Appellant)

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary Civil
Secretariat Peshawar & Others.

(Respondents)

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Appellant

Through

ZARTAJ ANWAR
Advocate High Court
Office FR , 3 Forth
Floor Bilour Plaza
Peshawar Cantt.
Cell: 0331-9399185

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. ____/2021

Nadir Shah S/O Iqbal Shah R/O Garhi Karigaram Alamgudar,
Tehsil Bara District Khyber.

(Appellant)

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary Civil Secretariat Peshawar.
2. Govt. of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs department Civil Secretariat Peshawar.
3. Govt. of Khyber Pakhtunkhwa through Secretary Establishment Civil Secretariat Peshawar

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned Order dated 11.11.2020 whereby the appellant has been awarded the major penalty of removal from service, and against which the departmental appeal dated 16.11.2020 was filed before the competent authority which was rejected on 20.01.2021

Prayer in Appeal: -

ON ACCEPTANCE OF THIS APPEAL THE ORDER DATED 11.11.2020 & ORDER DATED 20.01.2021, MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATED INTO SERVICE WITH ALL BACK BENEFITS.

Respectfully Submitted:

1. That the appellant was initially appointed and serving the department in a capacity of Daily Wages, in the meanwhile various posts were advertised including the post of the appellant i.e. Junior Clerk, *(Copy of the advertisement is attached as annexure A)*.

2. That the appellant having the requisite qualification and fulfilling the eligibility criteria duly applied for the post of junior clerk by fulfilling all the legal and codal formalities in the prescribed manner.
3. That the competent authority/Departmental Selection Committee duly constituted for the purpose of recruitment considered the appellant for the post of junior clerk and when found eligible for the post recommended for appointment along with other 23 candidates.
4. That the competent authority on the recommendation of selection committee issued the appointment orders of 23 candidates for the post junior clerk in which the appellant was also appointed. *(Copy of the appointment order is attached as annexure B).*
5. That the appellant takeover the charge of the post by submitting his arrival report along with medical fitness certificate and start performing his duties to the entire satisfactions of his superiors without any complaint whatsoever regarding his performance.
6. That the appellant prior to the appointment to the post of junior clerk in the respondent department serving in erstwhile FATA secretariat in Law & Order Department in a Project Titled Training and Support of Levy forces at FATA as Computer Operator-Cum-Assistant from 1st January 2010 to July 2013, the appellant also performed duties in the Ex-FATA Tribunal from July 2017 to February 2019 on the post of junior clerk as Daily Wages Employee. *(Copy of the Experience Certificate is attached as annexure C).*
7. That while serving in the said capacity the appellant was served with a Show Cause Notice dated 02.09.2020, containing certain false and baseless allegations.

"That being member of shortlisting committee has selected and appointed the person at the age of 34-37 at the time of applying for the post having age criterion of 18-32 years. Both of them were over aged but still got selected even in the absence of relaxation of upper age limit by the competent authority"

(Copy of the show cause is attached as annexure D)

8. That the appellant has submitted the reply to show cause within time and denied all the allegation leveled against the appellant. *(Copy of the reply is attached as annexure E)*

9. That the appellant belongs to the backward areas i.e. Erstwhile FATA and under the law those who belongs to backward areas they for three years relaxation, the appellant has also worked in the project Titled Training and support of Levy Force at FATA Secretariat, Law & Order Department since January 2010 to July 2014 and under the rules/law those who has worked in project of the government, his upper age can be relax equal to the period served in the project subject of the maximum limit of the 10 years. *(Copy of the age relaxation rule is attached as annexure F).*
10. That despite of the fact the appellant as applied through proper channel by submitting the NOC along with the certificate of experience which was considered by the competent authority and accordingly relaxed the upper age for appointment against the post of junior clerk.
11. That astonishingly the appellant was awarded major penalty of "Removal from Service" vide office order dated 11.11.2020, without taking into consideration the reply of the show cause in which the appellant denied all the allegations leveled against the appellant. *(Copy of the impugned order dated 11.11.2020 is attached as annexure G)*
12. That the feeling aggrieved from the order dated 11.11.2020, the appellant filed a departmental appeal before the competent authority on 16.11.2020, which was rejected on 20.01.2020. *(Copy of the departmental appeal & rejection are attached as annexure H & I)*
13. That being aggrieved from the illegal order dated 10.09.2020 the appellant has filed this appeal on the inter alia on following grounds

GROUND OF SERVICE APPEAL

- A. That the appellant has not been treated in accordance with law hence the rights secured and guaranteed under the law and constitution is badly violated.
- B. That no proper procedure has been followed before awarding the major penalty of Removal from service, the whole proceedings are thus nullity in the eyes of law.

- C. That the appellant has not done any act or omission which can be termed as mis-conduct, thus the appellant cannot be punished for the irregularities if so occurred in the recruitment process.
- D. That no proper procedure has been followed before awarding the major penalty of Removal from service to the appellant. No charge sheet, no statement of allegation and without any proper inquiry, the appellant was awarded major penalty, thus the whole proceedings are defective in the eyes of law.
- E. That the appellant has not been given proper opportunity of personal hearing before awarding the penalty, hence the appellant have been condemned unheard.
- F. That the appellant was candidate along with other candidates who applied for the post in question but astonishingly with ulterior motive the appellant was in the alleged show cause made as member of the scrutiny committee.
- G. That despite of the fact the appellant as applied through proper channel by submitting the NOC along with the certificate of experience which was considered by the competent authority and accordingly relaxed the upper age for appointment against the post of junior clerk.
- H. That the appellant belongs to the backward areas i.e. Erstwhile FATA and under the law those who belongs to backward areas they for three years relaxation, the appellant has also worked in the project Titled Training and support of Levy Force at FATA Secretariat, Law & Order Department since January 2010 to July 2014 and under the rules/law those who has worked in project of the government, his upper age can be relax equal to the period served in the project subject of the maximum limit of the 10 years
- I. That the appellant was neither involved in corruption, nor embezzlement nor immoral turpitude. Therefore, such harsh and extreme penalty of Removal from service of appellant was not commensurate with the nature of his co-called misconduct to deprive his family from livelihood.
- J. That the competent authority has passed the impugned order against the law and proper procedure provided under the law


was not followed by the respondents before awarding the major penalty of Removal from service.

- K. That the charges were denied by the appellant had never admitted, nor there sufficient evidence available to held the appellant guilty of the charges.
- L. That the superior courts have a number of reported judgments held that in case of awarding major penalty of Removal from service regular procedure of holding inquiry cannot be dispensed with that too when the charges are denied by the employee.
- M. That the appellant has never committed any act or omission which could be termed as misconduct the charges leveled against the appellant are false and baseless besides the same are neither probed nor proved albeit the appellant has illegally been removed from service.
- N. That the appellant at his credit a long unblemished and spotless service career, the penalty imposed upon the appellant is too harsh and is liable to be set aside.
- O. That the appellant is jobless since his Removal from service.
- P. That the appellant also seeks permission of this honorable Tribunal to rely on additional grounds at the time of hearing of the appeal.

It is, therefore, humbly prayed that on acceptance of this appeal the order dated 11.11.2020 & 20.01.2021 may please be set aside and the appellant may kindly be reinstated into service with all back benefits.

Appellant

Through


ZARTAJ ANWAR
Advocate Peshawar

&

IMRAN KHAN
Advocate Peshawar

AFFIDAVIT

I, Nadir Shah S/O Iqbal Shah R/O Garhi Karigaram Alamgudar, Tehsil Bara District Khyber, do hereby solemnly affirm and declare on oath that the contents of the above noted appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.

Deponent



8
Appendix B

OFFICE OF THE
REGISTRAR FATA TRIBUNAL,
PESHAWAR

ORDER

No. R/11/2018-19/1111 dated: 08.03.2019 On Recommendation of the Departmental Selection Committee, the Competent Authority is pleased to appoint **Najid Shah S/O Iqbal Shah** against the vacant post of Junior Clerk BPS-07 (10590-610-29290) in FATA Tribunal at Peshawar under rule 10 sub rule 2 of Civil Servant (Appointment, Promotion and Transfer) Rules 1989 on the following terms and conditions:


Terms & conditions;

1. He will get pay at the minimum of BPS-07 including usual allowances as admissible under the rules. He will be entitled to annual increment as per existing policy.
2. He shall be governed by Civil Servant Act 1973 for purpose of pension or gratuity. In lieu of pension and gratuity, he shall be entitled to receive such amount as would be contributed by him towards General Provident Fund (GPF) along with the contributions made by Govt. to his account in the said fund, in prescribed manner.
3. In case, he wishes to resign at any time, 14 days notice will be necessary and he had thereof, 14 days pay will be forfeited.
4. He shall produce medical fitness certificate from Medical Superintendent/ Civil Surgeon before joining duties as required under the rule.
5. He has to join duties at his own expenses.
6. If he accepts the post on these conditions, he should report for duties within 14 days of the receipt of this order.


REGISTRAR
FATA TRIBUNAL

Copy to:

01. The Accountant General Pakistan Revenues Sub Office, Peshawar.
02. Ps to ACS-FATA, Peshawar.
03. PS to Secretary Law & Order FATA, Peshawar.
04. PS to Secretary Finance FATA, Peshawar.
05. Personal File.
06. Official Concerned.


REGISTRAR
FATA TRIBUNAL

9

Approved C



FATA SECRETARIAT

Law & Order Department

PESHAWAR

Ph: (091) 9212147

Fax # (091) 9210578

No. CS (F)/N/L&O/Gen/465
Dated: 13th August 2014

EXPERIENCE CERTIFICATE

Certified that Mr. Nadir Shah s/o Iqbal Shah r/o Ganni Karigaram Alamgudar, Bara Khyber Agency has service as Assistant/computer Operator in the project titled "Training and Support of Levy Force at FATA" of FATA Secretariat from January 2010 to July 2014.

During the tenure of his service, he was found energetic, self motivate and hard worker. His character is up to the mark.

Deputy Secretary
Narcotics

Deputy Secretary (Narcotics)
Bara Khyber Agency (FATA)
Peshawar



10
ADMITTED D

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME AND TRIBAL AFFAIRS DEPARTMENT
OLD D.G HEALTH BUILDING KHYBER ROAD PESHAWAR

NO. SO(B&A)HC/MAS/F. TRIBUNAL/2019-2020/464-66
DATED PESHAWAR THE 02ND SEPTEMBER, 2020
07K

To

✓
Mr. Nadir Shah,
Junior Clerk (B-07),
Ex-FATA Tribunal.

SUBJECT:- **SHOW CAUSE NOTICE.**

I am directed to refer to the subject noted above and to enclose herewith Show Cause Notice (in original) duly signed by the Competent Authority for your compliance within stipulated time period and further necessary action.

Encl: As above.


SECTION OFFICER (B&A)

Copy to :-

1. PS to Secretary Home & Tribal Affairs Department.
2. Section Officer (E-II) Government of Khyber Pakhtunkhwa Establishment Department with reference to his letter No. SOE-II(ED)2(9)2010, dated 13.07.2020.

SECTION OFFICER (B&A)

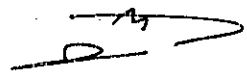
//

SHOW CAUSE NOTICE

I, Mr. Ikram Ullah Khan as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, do hereby serve upon you, Mr. Nadir Shah, Junior Clerk (BPS-07) employee of Ex-FATA Tribunal as follows.

That being member of shortlisting committee has selected and appointed the person at the age of 34-37 at the time of applying for the post having age criterion of 18-32 years. Both of them were overaged but still got selected even in the absence of relaxation of upper age limit by the competent authority.

2. As a result therefore, I, as competent authority, have decided to impose upon you the penalty of removal from Service under rule 4 of the said rules.
3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within fifteen days of the delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.


(IKRAM ULLAH KHAN)
HOME SECRETARY
(Competent Authority)

Mr. Nadir Shah,
Junior Clerk (BPS-07)
Ex-FATA Tribunal.



GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT
PESHAWAR

No. HD/L&O/B&A/55/619-23
Dated: 06-10-2020

To:

Mr. Naveed-Ur-Rehman (Assistant/Muharrar),

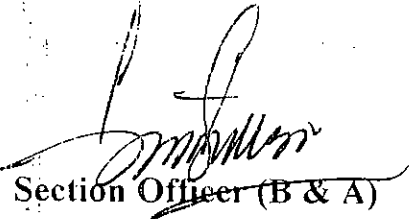
✓ Mr. Nadir Shah (Junior Clerk)

Mr. Arif Jan (Junior Clerk)

SUBJECT: SHOW CAUSE NOTICE.

I am directed to refer to the subject noted above and to state that Competent Authority has been agreed to grant you opportunity of personal hearing before order to be passed against you.

In view of the above, you are hereby directed to appear for personal hearing on **08-10-2020 at 12:30 pm** in the office of the Worthy Secretary Home & Tribal Affairs.


Section Officer (B & A)

Copy to:

1. PS to Secretary Home & TAs Department Khyber Pakhtunkhwa.
2. PS to Special Secretary-II Home & TAs Department Khyber Pakhtunkhwa.

Section Officer (B & A)

To,

Section Officer, Budget & Accounts,
Home & Tribal Affairs Department,
Old D.G. Health Building, Khyber Road,
Peshawar.

Subject: REPLY TO YOUR SHOW CAUSE NOTICE DATED 02/09/2020 AND RECEIVED ON 07/09/2020

Respected Sir,

I humbly submit the following few words for your kind consideration:-

That I have served the department from July 2017 to February 2019 as a "Daily Wages Employee", and ever since my appointment on Daily Wages bases, I am performing my duties with zeal and devotion and never have given any chance of complaint what so ever regarding my performance.

That in the year 2019 vide published advertisement in "Daily Ajj and AAn News Papers" dated 09th February, 2019 for various post for which I also applied for the post of Junior clerk being legible/suitable for the same post.

That while serving in the department as Junior Clerk, I was served with a show cause notice containing false and baseless allegations against me:-

"That being member of shortlisting committee has selected and appointed the person at the ages of 34-37 at the time of applying for the post having age criterion of 18-32 years. Both of them were overaged but still got selected even in the absence of relaxation of upper age limit by the competent authority."


That being Junior Clerk I was not competent to become member of Shortlisting Committee, or Selection Committee, and select and appoint the person at the age of 34-37 at the time of applying for the post having age criterion 18-32 years. Because I was also candidate for the post of Junior Clerk, means to say that I never remained part of any Shortlisting Committee or Selection Committee. However, it is pertinent to bring into your knowledge that being working as "Junior Clerk" on Daily wages bases, My Senior assigned me the duty of only making lists of candidates for various advertised posts, and accordingly put up all the lists of candidates to concern official, neither I took part in shortlisting nor in Selection.

14

Respected Sir, I belong to a very poor family and I am the only source of livelihood for the entire family, I am quite innocent having no nexus with the allegations leveled against me.


So, keeping in view the facts and circumstances, the show cause notice issued to me may kindly be filed and opportunity for serving may kindly be given.

Yours faithfully,


17/09/2020

Nadir Shah
Junior Clerk (BPS-07)
Ex- FATA Tribunal
Peshawar

Received on
17/09/2020


17/9/2020

**GOVERNMENT OF ¹[Khyber Pakhtunkhwa] ESTABLISHMENT &
ADMINISTRATION
DEPARTMENT (Establishment Wing)**

**NOTIFICATION
Dated 1ST MARCH, 2008**

NO.SOE-III(E&AD)2-1/2007, Dated 01-03--2008.—In pursuance of the powers granted under Section 26 of the ²[Khyber Pakhtunkhwa] Civil Servants Act, 1973 (³[Khyber Pakhtunkhwa] Act XVIII of 1973), the competent authority is pleased to make the following rules, namely:

**THE ⁴[Khyber Pakhtunkhwa] INITIAL APPOINTMENT TO CIVIL POSTS
(RELAXATION OF UPPER AGE LIMIT RULES, 2008)**

**PART — I
GENERAL**

1. (1) These rules may be called the Initial Appointment to Civil Posts (Relaxation of Upper Age Limit) Rules, 2008.
- (2) These shall come into force with immediate effect.
- ⁵2. (1) Nothing in these rules shall apply to the appointment in BS-17 and the posts of Civil Judge-Cum-Judicial Magistrate / Illaqa Qazi, BS-18 to be filled through the competitive examination of the Public Service Commission, in which case two years optimum relaxation shall be allowed to:
 - (a) Government servants with a minimum of 2 years continuous service;
 - (b) Disabled persons; and
 - (c) Candidates from backward areas.
- (2) For appointment to the post of Civil Judge-cum-Judicial Magistrate/Illaqa Qazi, the period which a Barrister or an Advocate of the High Court and /or the Courts subordinate thereto or a Pleader has practiced in the Bar, shall be excluded for the purpose of upper age limit subject to a maximum period of two years from his/her age.]

**PART — II
GENERAL RELAXATION**

¹ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

² Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

³ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

⁴ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

⁵ Rule 2 substituted by Notification No. SO-III(E&A)2-1/2007 dated 03-09-2008.

⁶[3. (i) Maximum age limit as prescribed in the recruitment rules shall be relaxed in respect of the candidates mentioned in column 2 to the extent mentioned against each in column 3 of the table below:-

S.No.	Category of candidates	Age relaxation admissible
1	2	3
i.	Government Servants who have completed 2 years continuous service.	Upto ten years Automatic Relaxation.
ii.	Candidates belonging to backward areas as specified in the Appendix attached herewith.	Three years Automatic Relaxation.
iii.	General candidates.	Upto two years by the appointing authority and exceeding two years upto five years by the Establishment Department ⁷ [and beyond five years upto ten years by the Chief Minister of the Khyber Pakhtunkhwa].
iv.	Widow or son or daughter of a deceased civil Servant who died during service and son/brother in case of a shaheed of Police Department; and	Discretion of the appointing authority.
v.	Disabled persons /divorced woman/widow	10 years Automatic Relaxation.
⁸ {vi.	(a) Employees or ex-employees of the development projects of the Government of ⁹ [Khyber Pakhtunkhwa] ; (b) Employees of ex-	Equal to the period served in the projects, subject to the maximum limit of the ten years.]

⁶ . Rule 3 substituted by Notification No. SOE-III(E&AD)2-1/2007 dated 09-12-2010

⁷ . Added by Notification No. SOE-III(E&AD)2-1/2007 dated 26-10-2011

⁸ . Added by Notification No. SOE-III(E&AD)2-1/2007 dated 29-01-2011

⁹ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

	employees of the development projects of the Federal Government under the administrative control of the Government of ¹⁰ [Khyber Pakhtunkhwa]	
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(ii) in case of divorced woman or widow, the following certificates shall be produced by the applicant at the time of applying for age relaxation

- (a) in case of widow, death certificate of husband;
- (b) in case of divorced woman, divorce certificate from the District Coordination Officer of the District concerned;
- (c) certificate from the District Coordination Officer of the District concerned to the fact that the applicant whether divorced or widow has not remarried at the time of submitting application.]

¹¹[Provided that the age relaxation at serial No. vi above shall not be availed in conjunction with any other provisions of these rules.]

4. A candidate shall only be allowed, relaxation in age in one of the categories specified in rule 3;

Provided that the candidates from backward areas, in addition to automatic relaxation of three years under category (ii) specified in rule 3, shall be entitled to one of the relaxations available to Government servants, general or disabled candidates, whichever is relevant and applicable to them.

¹²[5. The age relaxation specified in column No. 3, against serial No. (iii) of the TABLE of rule 3, shall be subject to cogent reasons and sound justification of the case.]

6. Age relaxation in respect of overage candidates shall be sought prior to their appointment.

7. For the purposes of these rules, age of a candidate shall be calculated from the closing date of submission of application for a particular post.

8. The cases of age relaxation, beyond the competence of Administrative Departments, shall be sent to the Establishment Department through the Administrative Department concerned.

¹⁰ Subs. by the Khyber Pakhtunkhwa Act No. IV of 2011

¹¹ Added by Notification No. SOE-III(E&AD)2-1/2007 dated 29-11-2011

¹² Added by Notification No. SOE-III(E&AD)2-1/2007 dated 26-10-2011

9. All existing instructions, relating to age relaxation, issued from time to time shall stand superseded.

APPENDIX

[See Rule 3(ii)]

- (i) Khyber Agency
- (ii) Kurram Agency.
- (iii) Mohmand Agency.
- (iv) North Waziristan Agency.
- (v) South Waziristan Agency.
- (vi) Malakand Agency including protected areas (Swat, Ranizai and Sam-Ranizai) and Bajaur
- (vii) Tribal Areas attached to Peshawar, Kohat and Hazara Division.
- (viii) Shirani Area.
- (ix) Merged Areas of Hazara and Mardan Division and Upper Tanawal.
- (x) Swat District.
- (xi) Upper Dir District.
- (xii) Lower Dir District.
- (xiii) Chitral District.
- (xiv) Buner District.
- (xv) Kala Dhaka Area.
- (xvi) Kohistan District.
- (xvii) Shangla District.
- (xviii) Gadoon Area in Swabi District.
- (xix) Backward areas of Mansehra and District Batagram.
- (xx) Backward areas of Haripur District, i.e. Kalanjar Filed Kanungo Circle of Tehsil Haripur and Amazai Field Kanungo circle of Tehsil Ghazi.



19 APPROVED G
GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT
Near DC Office old DG Health Building Khyber Road Peshawar

Dated Peshawar 11th November, 2020

ORDER

HD/FATA Tribunal/B&A/55/2020/⁸²⁵⁻²² WHEREAS, Mr. Nadir Shah, Junior Clerk (BPS-11) Ex-FATA Tribunal was proceeded against under the Khyber Pakhtunkhwa Government Servant (Efficiency & Disciplinary) Rules, 2011, for the charges mentioned in the statement of show cause notice served upon him.

2. AND WHEREAS, the Department was given opportunity of personal hearing to Mr. Nadir Shah, Junior Clerk, Ex-FATA Tribunal.

3. NOW, THEREFORE, the Competent Authority has been pleased to impose major penalty of "Removal from Service" on Mr. Nadir Shah, Junior Clerk (BPS-11), FATA Tribunal under Khyber Pakhtunkhwa (Efficiency & Disciplinary) Rules, 2011, with effect from 11-11-2020.

-Sd-

Secretary to Govt. Khyber Pakhtunkhwa
Home & Tribal Affairs Department

Endst No & Date even

Copy for information forwarded to:

1. The Accountant General, Government of Khyber Pakhtunkhwa.
2. Secretary Home & Tribal Affairs Department Khyber Pakhtunkhwa.
3. Secretary Finance, Finance Department, Khyber Pakhtunkhwa.
4. Secretary, Establishment Department, Khyber Pakhtunkhwa.
5. Special Secretary-II Home & Tribal Affairs Department Khyber Pakhtunkhwa.
6. PSO to Chief Secretary Khyber Pakhtunkhwa.
7. PS to Chief Minister Khyber Pakhtunkhwa.
8. Official Concerned.

Section Officer (B & A)

20

APX/150X/11
20-11-2020

To,

Honorable Chief Secretary,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject:

**DEPARTMENT APPEAL AGAINST THE ORDER HD/FATA
TRIBUNAL/B&A/55/2020/831-38 DATED 11.11.2020 WHEREBY THE
UNDERSIGNED HAS BEEN AWARDED THE MAJOR PENALTY OF
REMOVAL FROM SERVICE.**

Request in departmental appeal

**ON ACCEPTANCE OF THIS APPEAL THE ORDER HD/FATA
TRIBUNAL/B&A/55/2020/831-38 DATED 11.11.2020 MAY PLEASE
BE SET ASIDE AND THE UNDERSIGNED MAY KINDLY BE
REINSTATED INTO SERVICE WITH ALL BACK BENEFITS.**

Respected Sir,

I humbly submit the following few words for your kind consideration:-

That I have served the Ex- FATA Tribunal from July 2017 to February 2019 as a "Daily Wages Employee on Junior Clerk Post", and ever since my appointment on Daily Wages bases, I am performing my duties with zeal and devotion and never have given any chance of complaint what so ever regarding my performance. Before this, I also have worked at Law & Order Department FATA Secretariat, Warsak Road as Computer Operator-Cum- Assistant in the Government Approved project namely "Training and Support of Levy Forces at FATA" from 1st January 2010 to July 2013. I also performed my duties there very well and with zeal.

That in the year 2019 vide published advertisement in "Daily Ajj and AAin News Papers dated 09th February, 2019 by the Registrar of Ex- FATA Tribunal for various posts, for which I also applied for the post of Junior clerk being legible/suitable for the same post, as I have higher education i.e. Master Degree from University of Peshawar, having good official experience and being an Ex-FATA Domicile holder; so very suitable for the mentioned post i.e. Junior Clerk.

That while serving in the Ex- FATA Tribunal as Junior Clerk, I was served with a show cause notice dated 2nd September, 2020, without serving any "Charge Sheet", containing false and baseless allegations against me; that "being candidate for the post of Junior clerk, I was also member of Shortlisting Committee and appointed two over-aged candidates"; that this Show cause notice was sent to me as a result of an inquiry against my boss (Registrar of Ex-FATA

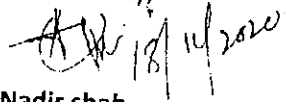
for interviewing/ inquiry and inquired me without any official fashion in very pressure condition that to which I, in detailed replied to the above mentioned "Show Cause Notice" to the Section Officer, Budget & Accounts, Home & Tribal Affairs Department, Government of Khyber Pakhtunkhwa, Peshawar dated 17th September, 2020 (as order of the Special Secretary Home Department for Merged Areas), on the basis of which Special Secretary Home Department for Merged Areas (Ex-FATA) fixed personal hearing on 8th October, 2020 and I was heard personally in detailed. Now on 11th November, 2020, Secretary Home Department awarded me major penalty i.e. "Removal from service".

Respect sir, I once again pray very humbly that being Junior Clerk on Daily wages I was not competent to become member of Shortlisting Committee, or Selection Committee, and select and appoint the person at the age of 34-37 at the time of applying for the post having age criterion 18-32 years. Because I was also candidate for the post of Junior Clerk, means to say that I never remained part of any Shortlisting Committee or Selection Committee. However, it is pertinent to bring into your knowledge that being working as "Junior Clerk" on Daily wages bases, my Senior assigned me the duty of only making lists of candidates for various advertised posts, and accordingly put up all the lists of candidates to concern official, neither I took part in shortlisting nor in Selection, and my position did not allow me to do so.

Respected Sir, I belong to a very poor family and I am the only source of livelihood for the entire family, I am quite innocence having no nexus with the allegations leveled against me.

So, keeping in view the facts and circumstances, the above mentioned I very humbly request and pray that the above mentioned order may kindly be filed and opportunity for serving may kindly be given.

Yours faithfully,



Nadir shah

Junior Clerk (BPS-07)

Ex- FATA Tribunal

Peshawar

Contact # 03339351705

22
Approved I

GOVERNMENT OF KHYBER PAKHTUNKHWA
HOME & TRIBAL AFFAIRS DEPARTMENT
Old DG Health Building near DC Office Peshawar

No. HD/L&O/E&A/FATA Tribunal/551/26-28
Dated: 20-01-2021

To:


Mr. Naveed Ur Rehman (Assistant)

Mr. Nadir Shah (Junior Clerk)

Mr. Arif Jan (Junior Clerk)

SUBJECT: DEPARTMENTAL APPEAL SUBMITTED BY MR. NAVEED UR REHMAN ASSISTANT, MR. NADIR SHAH JUNIOR CLERK AND MR. ARIF JAN JUNIOR CLERK REGARDING RE-INSTATEMENT INTO SERVICE.

I am directed to refer to your department appeal regarding re-instatement into service has been processed but the same has been regretted by the Competent Authority (Chief Secretary Khyber Pakhtunkhwa).


Section Officer (B & A)

Copy to:

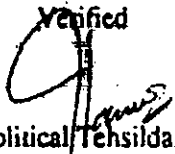
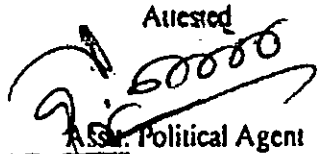

1. PSO to Chief Secretary Khyber Pakhtunkhwa.
2. PS to Secretary Establishment Khyber Pakhtunkhwa.
3. PS to Secretary Home & TAs Department Khyber Pakhtunkhwa.
4. PS to Special Secretary-II Home & TAs Department Khyber Pakhtunkhwa.

Section Officer (B& A)

DOMICILE CERTIFICATE

Khyber Agency

Certified that Mr./Miss NADIK SHAH AERIDI
 son/daughter of IQRAL SHAH AERIDI
 belongs to a recognized tribe of SEPAH
 Section GHALBAY KHAIL Sub section KARAH KHAIL
 residence/village ZHARI KARIGRAN BARRA KHYBER AGENCY
 and his/hers father is a permanent bonafide resident of the tribal area of
 Khyber Agency. He/She is an eligible candidate to avail himself/herself
 of the seats reserved for the special areas of the Peshawar Division
 backward area of Khyber Agency.

Verified	Attested	Countersigned
		
Political Tensildar	Asst. Political Agent	Political Agent Khyber
POLITICAL TENSILDAR	Asst. Political Agent	Political Agent Khyber
<u>8/6/2006</u>	<u>60000</u>	<u>Bara Sub Division Bara</u>
	<u>No. 1153/E.C</u>	
	<u>dt. 11-6-2006</u>	

بیان سفید ریشان

ہم مندرجہ ذیل سفید ریشان اس امر کی تصدیق کرتے ہیں کہ

مستحق مادر شہداء آفریدی ولد اقبال شاہ آفریدی
 قوم سیار پتہ پنوں خیل ساکن کراہ خیل
 تحصیل ڈاکٹر آباد خیبر پختونخوا کا اصل پیداہنی اور سکونت یافتہ ہے
 علاقہ خیبر ایجنسی میں جا پیدا رکھتے ہیں میں حکومت پاکستان کے وفادار ہیں قوم کے ساتھ نفع اور نقصان دونوں میں برابر کے
 شریک ہیں اور صواب خورد میں امداد ضمن میں قہم کھانہ داری قبول کرتے ہیں نیز اگر مندرجہ بالا تصدیق میں کسی قسم کی غلطی یا محوٹ پائی گئی
 تو ہم مبلغ پچاس ہزار (۵۰۰۰۰) روپیہ کلڈا رفرٹ پاکستان بطور فی نفر جرمانہ حکومت کو واپس کرے گا

سفید ریش محمد اقبال شاہ
 سفید ریش محمد اقبال شاہ

سفید ریش صاحب عام سفید ریش صاحب عام
 سفید ریش صاحب عام
 ۱۶/۶/۲۰۰۱

Daily Attendance Register of the January 2018

Serial No	Name	Factor's Name	Rank
1	M. Abdul		P
2	Shahid N R		P
3	Jalil Khan		P
4	Nasir Ahmad		P
5	Nasir Sultan		P
6	Golan Ali		P
7	Salik Muz		P
8	Shahid Khan		P
9	Shahid		P
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98	Shahid		P
99	Shahid		P
100	Shahid		P

For the month of January, 2018

Serial No	Name	Factor's Name	Rank
1	M. Abdul		P
2	Shahid N R		P
3	Jalil Khan		P
4	Nasir Ahmad		P
5	Nasir Sultan		P
6	Golan Ali		P
7	Salik Muz		P
8	Shahid Khan		P
9	Shahid		P
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38

POWER OF ATTORNEY

In the Court of ICPIC Service Tribunal Peshawar
Nadim Shah

}For
}Plaintiff
}Appellant
}Petitioner
}Complainant

VERSUS

Govt of ICPIC D Otho

}Defendant
}Respondent
}Accused
}

Appeal/Revision/Suit/Application/Petition/Case No. _____ of _____
Fixed for _____

I/W. the undersigned, do hereby nominate and appoint

ZARTAJ ANWAR & IMRAN KHAN ADVOCATES, my true and lawful attorney, for me in my same and on my behalf to appear at Do to appear, plead, act and answer in the above Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions. An appeal, statements, accounts, exhibits, Compromises or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc, and to apply for and issue summons and other writs or subpoena and to apply for and get issued and arrest, attachment or other executions, warrants or order and to conduct any proceeding that may arise there out; and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other Legal Practitioner authorizing him to exercise the power and authorizes hereby conferred on the Advocate wherever he may think fit to do so, any other lawyer may be appointed by my said counsel to conduct the case who shall have the same powers.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us

IN WITNESS whereof I/we have hereto signed at _____
the _____ day to _____ the year _____
Executant/Executants _____
Accepted subject to the terms regarding fee _____

IMRAN KHAN
Advocate High Court
Mob: 0345-9090648

ZARTAJ ANWAR
Advocate High Courts
ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FK-3, Fourth Floor, Bilour Plaza, Saddar Road, Peshawar Cantt
Mobile-0331-9399185
BC-10-9851
CNIC: 17301-1610454-5

BEFORE HE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO.2569/2021

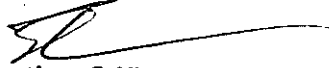
Nadir Shah and two others..... **Petitioners**

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber
Pakhtunkhwa and others **Respondents**

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S.#	Particulars	Annexure	Pages
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3.	Affidavit	B	5


Section Officer (Litigation)
Home & TAs Department Khyber Pakhtunkhwa

①

BEFORE HE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal NO.2569/2021

Nadir shah S/O Iqbal Shah

(Petitioner)

Versus

1. The Government of Khyber Pakhtunkhwa through Chief Secretary , Khyber Pakhtunkhwa Peshawar & others (Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.2

Respectfully sheweth,

PRELIMINARY OBJECTION:

1. That the appellant has no cause of action/locus standi to file the instant appeal against the respondents.
2. That the appeal is not maintainable.
3. That the appellant has presented the facts in manipulated form which disentitle him for any relief whatsoever.
4. That the appeal is barred by law and limitation.
5. That the appellant has suppressed material facts from the Tribunal.
6. That the appellant has not come to the Court with clean hands.
7. That the appellant is estopped to file and instant appeal due to his own conduct.
8. That the appeal is bad for non-joinder of necessary parties and mis-joinder of unnecessary parties.

Facts:

1. Incorrect, the appellant was appointed as Junior Clerk (BPS-11) on daily wages from July 2017 to February 2019. However vide PO Box 131 various posts including 04 No Junior Clerk were advertised dated 09.01.2019.
2. Correct to the extent that the appellant applied for the said post but he was not eligible as he himself was a member of the Selection Committee.
3. Incorrect, it is worth to mention here that an inquiry was conducted against Mr. Sajjad – Ur- Rahman Ex- Registrar FATA Tribunal under Rule- 10 of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules-2021, wherein the inquiry report held that the said selection committee was constituted without any lawful authority. The said committee comprised of temporary/contract/ daily wages employees of FATA Tribunal who themselves were candidates against these post. The inquiry proceedings further revealed that there were exists no attendance sheet, minutes of the meeting and even the appointment orders were found ambiguous. The said departmental committee unlawfully increased the number of post from 23 to 24 illegally issued 24 appointment order without any recommendation of legitimate departmental selection committee. That the inquiry committee has termed all the 24 appointments illegal without lawful authority and recommended to be cancelled/withdrawn.

- 4. Incorrect. The inquiry committee held the selection process of all 24 appointments including the posts of appellant as illegal, without lawful authority and recommended to be cancelled/withdraw. Furthermore, that there was only 23 advertised posts instead of 24.
- 5. Pertains to record.
- 6. Correct to extent that appellant was appointed on "Daily Wages" since from March 2017 to February, 2019.
- 7. That after receipt of recommendation of the inquiry report the Competent Authority has issued Show-Cause notice to the appellant dated 02/09/2020 vide which appellant was asked to submit his reply.
- 8. Correct, pertains to record.
- 9. Correct to the extent that the appellant was appointed on "Daily Wages" However, the appellant was appointed as Junior Clerk (BPS-11) in FATA Tribunal without through an illegal process, without approval of Competent Authority including the process/provision of Age relaxation or any NOC granted to him in this regard.
- 10. As explained above, there is no orders of the Competent Authority regarding age relaxation certificate in respect of appellant.
- 11. Incorrect. The appellant's reply to Show Cause provided no proof and evidence in support hence, the Competent Authority has imposed major penalty of "Removal from Service" on the appellant under the rules/law.
- 12. Correct to the extent the appellant's Departmental Appeal dated 18/11/2020 received which was processed found unsatisfactory and rejected vide order dated 20/01/2020.
- 13. Incorrect, the appellant has got no cause of action to file appeal against the respondents.

GROUNDS:

- A. Incorrect. The appellant has been treated in accordance with law & rules hence, no violation to the constitution.
- B. Incorrect. In pursuance of recommendation of inquiry the appellant has properly been served with Show-Cause Notice and opportunity of personal hearing was also granted and all codal formalities fulfilled by the respondent.
- C. Incorrect. The appellant was equally held responsible by the Inquiry Committee in the omission/commission of misconduct as evident that he remained member of the so-called Departmental Selection Committed and also a candidate for the post of Junior Clerk (BPS-11) in the same appointment process which tantamount to conflict of interest.
- D. Incorrect. Proper procedure has been followed. detail has already been given in preceding para.
- E. Incorrect. As per record the appellant was made a member of the Scrutiny Committee as well as candidate for the post of Junior Clerk (BPS-11).
- F. Incorrect. Opportunity of personal hearing was given to the appellant vide Home Department letter No. HD/L&O/B&A/55/619-23 dated 06/10/2020.
- G. Incorrect. Detail reply given in the preceding paras.
- H. Incorrect. No order regarding relaxation of age limit in respect of appellant issued by Competent Authority.

- I. Incorrect. The penalty has been imposed upon the accused after proving allegation against him.
- J. Incorrect. The appellant has been awarded punishment after fulfilment of all codal formalities in accordance with law/rules.
- K. Incorrect. The appellant has not provided any no evidence in support both in the written statements as well as personal hearing, hence found guilty of the charge.
- L. In correct. Each and every case has his own circumstances.
- M. Incorrect. As explained above.
- N. Incorrect, detail reply as above.
- O. No Comments.
- P. No Comments.

The respondent requested for permission of the Hon'ble Tribunal for further arguments/points at the time of arguments. It is therefore, most humbly prayed that on acceptance of the above para-wise comments the instant appeal may graciously be dismissed with cost.

JJ
8/2/2022

Secretary
Home & Tribal Affairs
Government of Khyber Pakhtunkhwa

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SERVICE APPEAL NO.2568/2021

Nadir Shah and others.....Petitioners.

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa and others.....Respondents.

AUTHORITY

Mr. Shah Wali Khan Section Officer (Litigation) Home & TAs Department Peshawar do hereby authorized to submit reply in Service appeal No. 2569/2021 title Nadir Shah Versus Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa and others on behalf of respondent No.2 in the Service Tribunal Peshawar.

Deputy Secretary (Litigation)

**Deputy Secretary (Litigation)
Home & TA's Deptt:
Khyber Pakhtunkhwa**

5

SERVICE APPEAL NO.2569/2021

Nadir Shah and others.....Petitioners.

VERSUS

The Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa and others.....Respondents.

AFFIDAVIT

Mr. Shah Wali Khan Section Officer (Litigation) Home & TAs Department Peshawar do here by solemnly affirm and declares on oath that the contents of reply Service Appeal No. 2569/2021 titled Nadir Shah and others Versus Government of Khyber Pakhtunkhwa and others on behalf of (Respondent No. 2 are true and correct as per record provided to me and to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

DEPONENT



Section Officer (Litigation)

CNIC NO. 15360-6304697-9

Identified by

Advocate General

Khyber Pakhtunkhwa

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA, PESHAWAR



*Put up to the Hon'ble chair-man
alongwith relevant file.*

Readur
Nadir Shah.....*21.6.2021*.....Appellant

VERSUS

Govt of KPK & others.....Respondents

**APPLICATION FOR EARLY
HEARING OF THE CAPTIONED
APPEAL**

Respectfully Sheweth:

1. That the above titled Appeal is pending adjudication before this Honourable Court which is fixed for 05.08.2021.
2. That the Appellant was illegally terminated from Service which is subjudice before this Hon'ble Tribunal, Furthermore the appellant are jobless since long and are the only earning hand, being issue pertain to termination and reinstatement, hence the case is of urgent nature and if the above titled Writ Petition is not fixed for an early date the petitioners would suffer extreme irreparable loss, hence the case may kindly be fixed for an early date.
3. That being sanguine about the success of Appeal it is requested the case may be posted for early date.

4. That there is no legal bar on acceptance of this application.

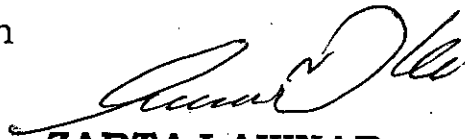
It is, therefore, most humbly prayed that on acceptance of this application, the above titled Service Appeal may kindly be fixed an early date of hearing within Week with the larger interest of Justice.



Appellant

Through

Dated: 02.06.2021

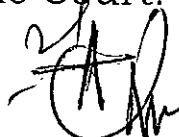
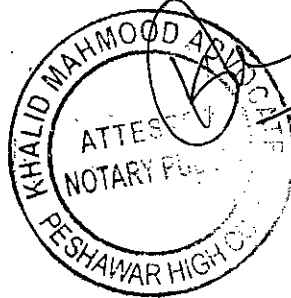


ZARTAJ AWNAR

Advocate, High Court
Peshawar

AFFIDAVIT

I, do hereby solemnly affirm and declare on oath that the contents of the Instant **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



DEPONENT