

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 691/2012

Date of institution ... 22.06.2012

Date of judgment ... 16.11.2016

Muhammad Nadeem S/O Muhammad Aslam Ex-Sub-Accountant,
Office of District Comptroller of Accounts, Abbottabad.

... (Appellant)

VERSUS

1. Secretary to the Govt: Finance Department, Khyber Pakhtunkhwa, Peshawar.

2. Director Treasuries and Accounts Khyber Pakhtunkhwa, Peshawar.

3. District Comptroller of Accounts Abbottabad.

... (Respondents)

APPEAL UNDER SECTION-4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974, READ WITH SECTION 10 OF REMOVAL FROM SERVICE, SPECIAL POWER ORDINANCE 2000, AGAINST THE ORDER DATED 16.02.2009 COMMUNICATED TO THE APPELLANT IN THE MONTH OF NOVEMBER, 2011, WHEREBY THE APPELLANT HAS BEEN AWARDED THE MAJOR PUNISHMENT OF REMOVAL FROM SERVICE W.E.F 12.09.2008, AGAINST WHICH HIS DEPARTMENTAL APPEAL HAS ALSO BEEN REJECTED VIDE ORDER DATED 14.04.2012, CONVEYED TO THE APPELLANT VIDE LETTER DATED 28.05.2012.

Mr. Yasir Saleem, Advocate.

.. For appellant.

Mr. Ziaullah, Government Pleader

.. For respondents.

MR. MUHAMAMD AAMIR NAZIR

.. MEMBER (JUDICIAL)

MR. MUHAMMAD AZIM KHAN AFRIDI

.. CHAIRMAN

JUDGMENT

MUHAMMAD AAMIR NAZIR, MEMBER: Muhammad Naeem, Ex-Sub-Accountant, hereinafter referred to as appellant, through the instant appeal under section-4 of Khyber Pakhtunkhwa Service Tribunal Act 1974, has impugned order dated 16.02.2009 vide which the appellant removed from service. Against the impugned order, appellant filed a departmental appeal which was turned down vide order dated 14.04.2012.

2. Brief facts of the case giving rise to the instant appeal are that in the year 2007 the appellant was appointed as Sub-Accountant in the office of Comptroller of Accounts Abbottabad. That after assuming the charge, appellant started duties with great zeal and devotion. However, in September, 2008 the appellant applied for leave without pay due to some domestic problem. That his leave application was duly recommended by respondent No.3 and forwarded to the competent authority for sanction. That the appellant was under the impression that his leave has been sanctioned hence, he went on leave. That during his leave period, he was issued absence notices which were never communicated to him. That the appellant availed one year leave and there-after applied for extension of his leave for another year. That in the meanwhile on 29.12.2008, the appellant was issued charge sheet alongwith statement of allegations but the same were never conveyed to the appellant and hence, ex-parte proceedings were initiated against the appellant and vide order dated 16.02.2009, the appellant was awarded major punishment of removal from service w.e.f 12.09.2008. That in November, 2011 the appellant went to join his duty but he was informed that he has been removed from service and was also conveyed removal order. That the appellant filed departmental appeal, however, the same was rejected vide letter dated 14.04.2012, hence the instant appeal.

16.11.2016
 3. Learned counsel for the appellant argued before the court that the appellant had applied for leave without pay in September, 2008 for one year and his leave application was duly recommended by respondent No.3 and forwarded to the competent authority for sanction. That the appellant was under apprehension that his leave application has been sanctioned, therefore he proceeded on leave. The respondents issued absence notices to the appellant which were never communicated to him. That the appellant had again applied for extension of leave without pay but he was not given any response. That during the leave period, the appellant was issued charge sheet alongwith statement of allegations, however, the same was never communicated to the appellant, hence the respondents conducted a one sided enquiry and awarded major punishment of removal from service vide order dated 16.02.2009. That the impugned order suffers illegality as the appellant was neither received charge sheet and

statement of allegations nor associated the enquiry proceedings, hence the impugned removal order may be set aside and the appellant be reinstated into service with all back benefits.

4. The learned Government Pleader, on the contrary argued before the Tribunal that the appellant was appointed as Sub-Accountant in the year 2007 and in the year 2008 he applied one year leave without pay. That the appellant without waiting the outcome of his application, proceeded on leave. That his leave application was not sanctioned by the competent authority, therefore, he was issued notices time and again but of no avail. That after a proper probe, the appellant was awarded major penalty of removal from service vide order dated 16.02.2009. That the claim of the appellant is barred by time as he has challenged the impugned order dated 16.2.2009 in the year 2011. That the appellate authority has turned down his departmental appeal as there was no substance in the claim of the appellant. That since the appellant was willfully absented himself from duty for more than three years, therefore, the instant appeal being devoid of merits may be dismissed.

5. We have heard arguments of learned counsel for the appellant and learned G.P for the respondents and have gone through the record available on file.

6. Perusal of the case file reveals that the appellant was appointed as Sub-Accountant vide order dated 07.08.2007 in the office of Comptroller of Accounts Abbottabad. There-after the appellant took over the charge of the post and started his duties, however in September, 2008 the appellant applied for one year leave without pay. The application of the appellant was though recommended by respondent No.2 subject to availability of substitute and forwarded to competent authority for proper sanction, however the appellant without waiting for the outcome of the leave application, proceeded on leave. In the meanwhile, his leave application was regretted and the appellant was issued notices of willful absence time and against at his home address. Finally, disciplinary proceedings were initiated against the appellant and after fulfilling all the codal formalities, the competent authority vide order dated 16.02.2009 awarded major penalty to the appellant and removed him from service from the date of his absence from duty.

ds
16.11.2016

7. It is evident from the record that the appellant's leave application had not been sanctioned by the competent authority and even then the appellant proceeded on leave. Under F.R 67, leave cannot be claimed as a right. Similarly, appellant was bound to have waited for the sanction of leave application and should not have left the place of his duty before the leave applied for is actually sanctioned by the competent authority. It is also clear from the record that the several notices were issued time and again to the appellant for appearance at his given home address but no avail, hence the respondents were left with no option but to initiate departmental proceedings against the appellant. Since the appellant had committed misconduct hence, the competent authority after going through the inquiry report has rightly awarded major punishment of removal from service to the appellant vide impugned order dated 16.02.2009. Even after his removal from service, the appellant failed to challenge his removal order before departmental authority and filed departmental appeal on 16.11.2011 i.e after about three years. It is also evident that the appellant has applied for one year of leave without pay but he remained absent for about ~~three~~ ^{two} years. Though appellant claim that he had applied for his extension of leave without pay that is why he filed departmental appeal in the year 2011 but there is not record available on file to substantiate the claim of the appellant. The appellant has prima-facie committed misconduct by proceeding on leave without sanction of leave by the competent authority. Hence, the impugned ~~dismissal~~ order dated 16.02.2009 suffer no illegality. In the above stated circumstances, the appeal in hand is hereby dismissed. Parties are left to bear their own cost. File be consigned to the record room.

ANNOUNCED
16.11.2016


(MUHAMMAD AZIM KHAN AFRIDI)
CHAIRMAN

16.11.16.


(MUHAMMAD AAMIR NAZIR)
MEMBER

01-04-2016

Clerk to counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Learned counsel for the appellant is not available today therefore, case is adjourned for arguments to 23.6.16 before D.B.



Member



Member

23.06.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 16.11.2016.



Member



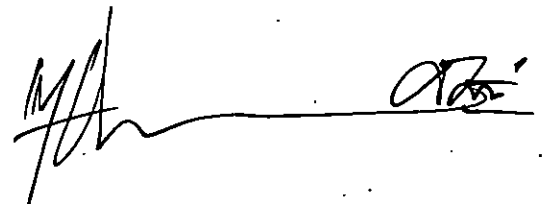
Member

16.11.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present.

Vide our detailed judgment of today consists of four pages placed on file, the appellant has prima-facie committed misconduct by proceeding on leave without sanction of leave by the competent authority. Hence, the impugned dismissal order dated 16.02.2009 suffer no illegality. In the above stated circumstances, the appeal in hand is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record.

Announced
16.11.2016



(MUHAMAMD AAMIR NAZIR)
MEMBER



(MOHAMMAD AZIM KHAN AFRIDI)
CHAIRMAN

16.11.16

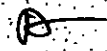
26.12.2014

No one is present on behalf of the appellant Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for arguments on 11.06.2015.


Reader

11.06.2015

Clerk of counsel for the appellant and Addl. A.G for respondents present. Arguments could not be heard due to non-availability of learned counsel for the appellant. To come arguments on 11.9.2015.


Member


Member

11.09.2015

Appellant in person, and Mr. Ziaullah, GP for respondents present. Appellant requested for adjournment. Adjournment granted. To come up for arguments on

22-1-16


Member


Member

22.01.2016

Counsel for the appellant and Mr. Muhammad Jan, GP for the respondents present. Since court time is over, therefore, case is adjourned to 1-4-16 for arguments.

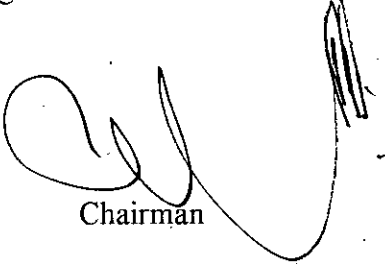

MEMBER


MEMBER

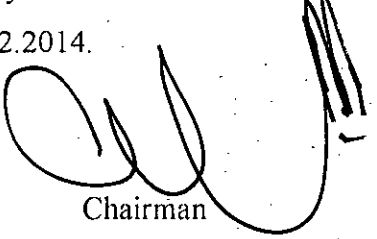
11.11.2013 Clerk of counsel for the appellant, M/S Irshad Muhammad, Supdt. for respondent No. 1 and Ihsanullah, Supdt. for respondent No. 2 with AAG for the respondents present. Rejoinder has not been received, and request for further time made on behalf of the appellant. A last chance is given for rejoinder on 12.2.2014.


Chairman

12.2.2014 Appellant with counsel (Mr. Sajid Amin, Advocate), M/S Irshad Muhammad, Supdt. for respondent No.1 and Ihsanullah, Supdt. for respondent No.2 with AAG for the respondents present. Rejoinder has not been received despite last chance given for the purpose on the previous date. The learned counsel for the appellant stated that the appellant would be filing rejoinder in the meantime, and that the case be fixed for arguments. Therefore, rejoinder be filed in the meantime, with a copy for the respondents/AAG for arguments on 30.6.2014.

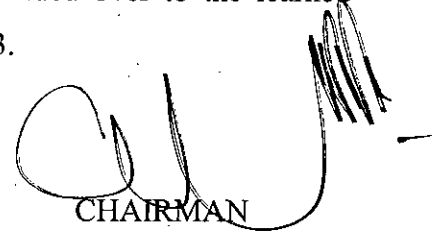

Chairman

30.6.2014 Appellant in person and Mr. Ihsanullah, Supdt. on behalf of respondent No.2 with AAG for the respondents present. Rejoinder received on behalf of the appellant, copy whereof is handed over to the learned AAG for arguments on 26.12.2014.


Chairman

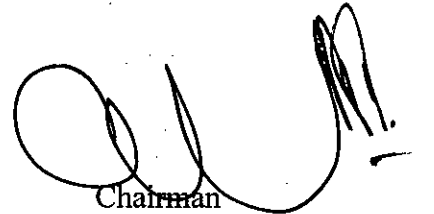
28.1.2013

Counsel for the appellant (Mr. Sajid Amin, Advocate), M/S Aqeel Muhammad, Assistant for respondent No. 1, Ihsanullah, Supdt. for respondent No. 2 and Jehangir Khan, AAO for respondent No. 3 with Mr. Arshad Alam, GP present. Written reply/joint para-wise comments received on behalf of the respondents, copy whereof is handed over to the learned counsel for the appellant for rejoinder on 26.4.2013.


CHAIRMAN

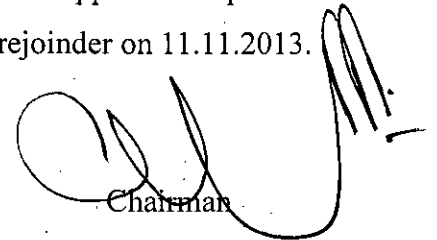
26.4.2013

Counsel for the appellant (Mr. Sajid Amin, Advocate) and Mr. Ihsanullah, Supdt. on behalf of the respondents with Mr. Usman Ghani, Sr. GP present. Rejoinder has not been received, and learned counsel for the appellant requested for further time. To come up for rejoinder on 9.7.2013.


Chairman

09.7.2013

Counsel for the appellant (Mr. Sajid Amin, Advocate) and Mr. Usman Ghani, Sr. GP for the respondents present. Rejoinder has not been received, and learned counsel for the appellant requested for further time. Another chance is given for rejoinder on 11.11.2013.


Chairman

Appeal No. 691/2012.
Muhammad Nadeem

18.10.2012

Counsel for the appellant and Shakirullah AGP alongwith

Isanullah Superintendent for the respondents present. Counsel for the appellant heard. Contended that the appellant was working as Sub Auditor in the office of Comptroller of Accounts Abbottabad. He applied for the grant of leave without pay for one year. The appellant was under the presumption that his leave application has been sanctioned and left the office. After expiry of leave he applied for extension of leave but with no response. The appellant was dismissed from service vide order dated 16.2.2009. The appellant preferred a departmental appeal but the same was rejected on 14.4.2012, communicated to him on 28.5.2012. Hence, the instant appeal. Counsel for the appellant further contended that the appellant has been dismissed from service vide the impugned order ibid without fulfilling the legal procedure as required under the law/rules and that too with retrospective effect. Points raised 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, notice be issued to the respondents. Case adjourned to 28.1.2013 for submission of written reply.

Appellant deposited security & process fee Rs 180/- Bank receipt is attached with file
Hr


Member.

6.

18.10.2012


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


Member.

3.

8.8.2012

Counsel for the appellant present. Pre-admission notice be issued to the A.G.P/respondents to produce the complete inquiry record on the next date to ascertain whether proper procedure has been adopted or otherwise. Case adjourned to 20-9-2012 for the same/P.H..



Member.

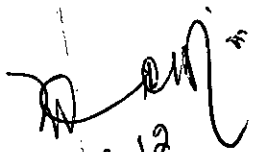
Noted
for

4.

20-9-12

Sajid Amin, Counsel for the appellant, Shakhirullah AGP alongwith Iqbal S-0 for Respondent No-1 Present. In this Case Secretary Finance KPK has been arrayed as un-necessary party, as Secretary Finance ^{prima facie} has no role in this Case. Counsel for the appellant is directed to prove that Secretary Finance was a necessary party in this Case on the next date. Case adjourned to 18-10-12 for P.H. AGP is also directed to assist the tribunal.


Member.


27-9-12

FORM "A"

FORM OF ORDER SHEET

Court of.....

Case No. 691 of 2012

Serial No. of Order or Proceedings 1	Date of Order or Proceedings 2	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary 3
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1-

22/06/2012

The appeal of Mr. Muhammad Nadeem presented today by Mr. Ijaz Anwar Advocate, may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.

Ijaz Anwar
REGISTRAR

2-

6-7-2012

This case is entrusted to Primary Bench for preliminary hearing to be put up there on 7-8-2012.

[Signature]
CHAIRMAN

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 691 /2012

Muhammad Nadeem S/O Muhammad Aslam Ex-Sub-Accountant
Office of District Comptroller of Accounts, Abbottabad.

(Appellant)

VERSUS

Secretary to the Govt, Finance Department, Khyber
Pakhtunkhwa, Peshawar and others.....(Respondents)

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Appellant

Through



IJAZ ANWAR
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. 691/2012

686
22/6/12

Muhammad Nadeem S/O Muhammad Aslam Ex-Sub-Accountant
Office of District Comptroller of Accounts, Abbottabad.

(Appellant)

VERSUS

1. Secretary to the Govt, Finance Department, Khyber Pakhtunkhwa, Peshawar.
2. Director Treasuries and Accounts Khyber paktunkhwa Peshawar.
3. District Comptroller of Accounts Abbottabad.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, read with Section 10 of Removal from service, Special Power Ordinance 2000, against the Order dated 16.02.2009 communicated to the appellant in the month of November, 2011, whereby the appellant has been awarded the major punishment of Removal from Service w.e.f 12.09.2008, against which his departmental appeal has also been rejected vide order dated 14.04.2012, conveyed to the appellant vide letter dated 28.05.2012.

Prayer in Appeal: -

~~22/6/12~~
22/6/12

On acceptance of this appeal both the impugned orders dated 16.02.2009 and 14.04.2012 may please be set-aside and the appellant may please be reinstated in service with all back benefits and wages.

Respectfully Submitted:

1. That the appellant was initially appointed as Sub-Accountant vide order dated 07.08.2007 w.e.f. 02.06.2007, in the Office of Comptroller of Accounts Abbottabad. (Copies of the Offer of appointment and appointment order dated 07.08.2007 are attached as Annexure A & B).
2. That the appellant took over charge of his post and started performing his duties, ever since his appointment the appellant has performed his duties with zeal and devotion and there was

no complaint whatsoever regarding his performance. (Copy of the Charge report is attached as Annexure C).

3. That in September, 2008 the appellant due to his domestic problems duly applied for leave without pay. His leave application was duly recommended subject to availability of substitute by Respondent No 3 and was forwarded to the competent authority for according sanction vide letter dated 10.09.2008, thereafter the Respondent No. 2 vide letter dated 22.09.2008, stated that leave can be granted if the condition of substitute is withdrawn. (Copies of the letter dated 10.09.2008 & 22.09.2008 are attached as Annexure D & E).
4. That the appellant under the impression that his leave has been sanctioned left the Office. In the meantime certain notices of absence from duty were issued, however, these were never communicated to the appellant. It is also pertinent to mention that at the same time different correspondence were also made for asking substitute of the appellant. (Copies of the absence Notices dated 16.09.2008, 08.10.2008, 24.11.2008, 22.10.2008, letter dated 22.10.2008 and correspondence are attached as Annexure F, G, H, I, J & K).
5. That the appellant after availing one year leave also applied for extension of his leave for one year, however, no response was given to the appellant regarding extension of his leave.
6. That thereafter, Charge Sheet and statement of allegation dated 29.12.2008 were issued but never conveyed to the appellant. An ex-parte proceedings were conducted no effort was made to associate the appellant with the enquiry and vide order dated 16.02.2009 the appellant was awarded the major punishment of removal from service w.e.f 12.09.2008. (Copies of the letter dated 27.01.2009, 06.01.2008, Charge Sheet, Statement of allegation and Removal Order dated 16.02.2009 are attached as Annexure L, M & N).
7. That thereafter the appellant when went to join his duty he was informed that he has been removed from service and was conveyed with the order of removal from service along with other documents in the month of November, 2011.
8. That the appellant filed Departmental Appeal dated 16.11.2011, duly forwarded vide letter dated 10.03.2012, however, it was also rejected vide letter dated 14.04.2012 communicated to the appellant vide letter dated 28.05.2012. (Copies of Departmental Appeal, forwarding letter, rejection letter dated 14.04.2012 and letter dated 28.05.2012 are attached as Annexure O, P, Q & R).

9. That the appellant prays for acceptance of his appeal ~~inter alia~~ inter alia on the following grounds: -

Grounds of Appeal:

- A. That the appellant has not been treated in accordance with law, his rights secured and guaranteed and the law are badly violated.
- B. That no proper procedure has been followed, neither any charge sheet / statement of allegations or show cause has been served upon the appellant nor any inquiry has been conducted, the appellant has never been served with any absence notice before awarding the major penalty of removal from service to the appellant. Thus the whole proceedings are nullity in the eye of law.
- C. That the appellant has not been provided any opportunity of personal hearing, thus he is condemned unheard.
- D. That the appellant applied for leave without pay and vide letter dated 10.09.2008, the respondent No. 3 duly recommended the leave and forwarded it for sanction to Respondent No. 2. The appellant thereafter was of the bonafide belief that his leave was sanctioned. The respondents however, never made any endeavour to inform the appellant regarding non sanction of his leave.
- E. That the order of removal from service is made with retrospective effect and is thus void abinitio as no penalty can be given retrospective effect.
- F. That all notices issued were never served upon the appellant nor those were published in any newspapers.
- G. That the appellant has never committed any act or omission which could be termed as misconduct. The absence of appellant was never willful but was due to domestic problems further the leave application of the appellant was recommended as is evident from letter dated 10.09.2008.
- H. That the appellant has more than two years of spotless service at his credit. The penalty imposed is harsh and liable to be set aside.
- I. That the appellant is young and energetic and wants to serve the department, however, his illegal removal from service has restrained him.

- J. That the appellant is jobless since his illegal, removal from service.
- K. That the appellant seeks the permission of this Honourable Tribunal to rely on additional grounds at the hearing of this appeal.

It is therefore prayed that on acceptance of this appeal both the impugned orders dated 16.02.2009 and 14.04.2012 may please be set-aside and the appellant may please be reinstated in service with all back benefits and wages.


Appellant

Through


IJAZ ANWAR
Advocate Peshawar

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No. _____/2012

Muhammad Nadeem S/O Muhammad Aslam Ex-Sub-Accountant
Office of District Comptroller of Accounts, Abbottabad.

(Appellant)

VERSUS

Secretary to the Govt, Finance Department, Khyber
Pakhtunkhwa, Peshawar and others.

(Respondents)

APPLICATION FOR CONDONATION OF DELAY IF
ANY IN FILING THE ABOVE NOTED APPEAL

Respectfully Submitted:

1. That the appellant has filed the accompanied service appeal in which no date has been fixed so far.
2. That the Petitioner prays for the condonation of delay in filling the above noted petition inter alia on the following grounds: -

Grounds of Application:

- A. That when the appellant came to know about his removal from service in the month of November, 2011 thereafter he throughout the matter departmentally.
- B. That the proceeding conducted against the appellant is illegal, void and nullity in the eyes of law, no endeavour has been made to serve any absence notice, Charge Sheet / Show Cause Notices upon the appellant before the imposition of penalty, neither any inquiry is conducted nor any opportunity of hearing is provided to appellant, thus the whole proceedings are nullity in the eye of law and thus order no period of limitation run against an order based on illegal / defective proceedings.
- C. That the order of removal is made with retrospective effect, no executive order / penalty can be given retrospective effect thus the order so made is vide abinitio and no period of limitation run against an illegal and void order.

- D. That the absence of the appellant was not willful, he never came to know about the proceedings against him.
- E. That the appellant never remained negligent while pursuing his remedy thus the delay if any is condonable.
- F. That valuable rights of the petitioner are involved in the case hence this Service Appeal deserves to be decided on merit.
- G. That the delay if any was not willful or contumacious hence deserve leniency.
- H. 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 & 2003 PLC (CS) 769.

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


Applicant


Through


IJAZ ANWAR
Advocate Peshawar

AFFIDAVIT

I, **Muhammad Nadeem S/O Muhammad Aslam Ex-Sub-Accountant Office of District Comptroller of Accounts, Abbottabad**, do hereby solemnly affirm and declare that the contents of the above appeal as well as the application 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.

ATTESTED
WALID MAHMOOD ADVOCATE
OATH COMMISSIONER
PESHAWAR HIGH COURT


22-6-12


Deponent

7

Annexure "A"

GOVERNMENT OF N.W.F.P.
FINANCE DEPARTMENT
Dated Pesh: the 28-5-2007.

OFFER OF APPOINTMENT.

No:SO(ESTT) FD/ 1-40/PSC/05. On the recommendations of NWFP Public Service Commission, the Competent Authority is pleased to offer appointment against the post of Sub-Accountant (BPS-14) in Treasury Establishment, NWFP to the under noted persons on the terms and conditions stated below:-

Sl. No.	Name with Father's Name	Domicile	Place of posting/office
1.	2	3	4
1.	Maqbool-ur-Rehman S/O Muhammad Umar.	Lakki Marwat	S. District Accounts Officer, Kohat.
2.	Waheed Khan S/o Abdul Marjan.	Bannu.	Sr. District Accounts Officer, Bannu.
3.	Ifthikhar Ahmad S/O Gul Rais Khan.	Karak.	District Accounts Officer, Karak.
4.	Khanzala S/O Hamidullah.	FR Bannu.	District Accounts Officer, Karak.
5.	Awal Khan S/O Azizullah Jan.	Bajaur Agency.	District Accounts Officer, Dir Upper.
6.	Ghayas ud din S/O Rais Khan.	FR Banna.	Agency Accounts Officer, Kurram at Parachinar.
7.	Luqman S/o Azim Shah	Mardan.	Sr. District Accounts Officer, Mardan.
8.	Abid Usman S/O Saifullah Khan.	Karak	Agency Accounts Officer, Kurram at Parachinar.
9.	Israr Khan S/O Jamroz Khan.	Mohmand Agency.	District Accounts Officer, Haripur.
10.	Shahzad Muhammad S/O Sardar Muhammad.	Haripur.	District Accounts Officer, Haripur.
11.	Abdul Ghaffar S/O Abdul Sattar	Peshawar.	District Accounts Officer, Charsadda.
12.	Muhammad Nadeem S/O Muhammad Aslam.	Abbottabad	Sr. District Accounts Officer, Abbottabad.
13.	Abdul Ghaffar Khan S/O Muzaffar Khan.	Chitral.	District Accounts Officer, Chitral.
14.	Muhammad Hashira S/O Hameedullah.	Peshawar.	Sr. District Accounts Officer, Kohat.
15.	Abdul Sharif S/O Muhammad Shari	Peshawar.	District Accounts Officer, Charsadda.
16.	Tanzeer S/O Alamgir Ahmad.	Swat.	Sr. District Accounts Officer, Swat.
17.	Muhammad Basharat Abbasi S/O Mir Zaman Abbasi.	Manshehra	District Accounts Officer, Manshehra.
18.	Labni Amin S/O Khair ul Islam	Malakand	District Accounts Officer, Dir (Upper)
19.	Muhammad Raziq S/O Fazal Hadi.	Swat.	District Accounts Officer, Shangha.
20.	Rashid S/O Muhammad Shafi	Manshehra.	District Accounts Officer, Manshehra.
21.	Jamil Yousaf S/O Sardar Muhammad Yousaf	Abbottabad.	District Accounts Officer, Battagram.
22.	Maqsood Ali S/O Sher Azam Khan.	Malakand.	District Accounts Officer, Dir Upper
23.	Saadat Ali Shah S/O Syed Ismat Ali Shah.	Abbottabad.	Sr. District Accounts Officer, Abbottabad.

Alleged

(8)

Annexure "B"

GOVERNMENT OF N.W.F.P.
FINANCE DEPARTMENT
Dated Peshawar, the 07-8-2007.

ORDER

NO:SO(ESTT)FD/1-40/PSC/05. In pursuance of the provision contained in sub-section (2) of section 19 of the North-West Frontier Province Civil Servants Act, 1973 (NWFP Act No.XVIII of 1973), as amended by the North-West Frontier Province, Civil Servants (Amendment) Act, 2005 (N-W.F.P Act No.IX of 2005), the competent authority is pleased to appoint the following Sub-Accountants with effect from the date noted against each :-

Sl: No.	Name/Father Name	Date of appointment	Present Place of posting
1	Mr. Maqbool-ur-Rehman s/o Mhuammad Umar	29-5-2007	DCA Kohat
2	Mr. Iftikhar Ahmad s/o Gul Rais Khan	30-5-2007	DAO Karak
3	Mr. Khanzala s/o Hamidullah	31-5-2007	DAO Karak
4	Mr. Abid Usman s/o Saifullah	11-6-2007	DAO Lakki Marwat
5	Mr. Israr Khan s/o Jamroz	30-5-2007	Sr. DAO Haripur
6	Mr. Muhammad Nadeem s/o Muhammad Aslam	2-6-2007	DCA Abbott Abad
7	Mr. Waheed Khan s/o Abdul Marjan	29-5-2007	DCA Barani
8	Mr. Shahzad Muhammad s/o Sardar Muhammad	31-5-2007	Sr. DAO Haripur
9	Mr. Abdul Ghaffar s/o Abdul Sattar	29-5-2007	Sr. DAO Charsadda
10	Mr. Saadat Ali Shah s/o Syed Ishrat Ali Shah	30-5-2007	DCA Abbott Abad

2. Their appointment on regular basis shall be subject to the following conditions:-

- They shall, for all intents and purposes, be Civil Servants except for purpose of pension or gratuity. In lieu of pension, commutation or gratuity, they shall be entitled to receive such amount contributed by them towards Contributory Provident Fund (C.P.F.) alongwith contributions made by Govt. to their accounts in the said fund, in the prescribed manner.
- They shall be governed by the NWFP Civil Servants Act 1973, all the law applicable to the Civil Servants and Rules thereunder.
- They shall, initially, be on probation for upto 3 years.
- Their services will be liable to terminate on any reason therefor before the expiration of period of probation, if their services are not found satisfactory. In such an event, they shall be liable to termination from service or for any other reason if they wish to resign at any time during the period of probation in lieu thereof fourteen days.

Handwritten signature

(AN)
OFFICER (ESTT-I)

CHARGE ASSUMPTION REPORT

Consequent upon the order of Government of NWFP Finance Department Peshawar vide No.SO(ESTT) FD/ 1-40/PSC/05 dated 28-05-2007 I hereby assume the charge of the post of Sub Accountant today at forenoon of June 4th 2007.

Muhammad Nadeem

Muhammad Nadeem
S/o Muhammad Aslam
Sub-Accountant (B-14)
Abbottabad Treasury

OFFICE OF THE SENIOR DISTRICT ACCOUNTS OFFICER ABBOTTABAD

No. *299-207* DAO/TRY/ADMN

Dated.04-06-2007.

Copy for information is forwarded to:

1. Section Officer (Esstt), Government of NWFP Finance Department Peshawar.
- ✓ 2. ~~Deputy Secretary (Admin), P&D Department, Peshawar.~~
3. Additional District Accounts Officer (Local).

Shamir
Senior District Accounts Officer
Abbottabad *97*

Aladdin
E

Office Hospital
Abbottabad

M. Adil

10

Annexure "D"

OFFICE OF THE DISTRICT COMPTROLLER OF ACCOUNTS ABBOTTABAD

No 473 DCA/ATD/Admin.

Dated: 10-09-2008.

To,

The Director,
Treasury and Accounts
NWFP Peshawar.

Subject: APPLICATION FOR LEAVE WITHOUT PAY IN RESPECT OF MR. MUHAMMAD NADEEM (SUB ACCOUNTANT).

Memo:

Enclosed please find herewith a self explanatory application in respect of Mr. Muhammad Nadeem (Sub-Accountant) of this office to accord sanction, duly recommended subject to availability of post. *Substitute.*

2/1
District Comptroller of Accounts
Abbottabad *8*
10/9

Admitted

**DIRECTORATE OF TREASURIES & ACCOUNTS
N.W.F.P. PESHAWAR**

Sikandar Town, Opposite Peshawar Bus Terminal,
T. Road, Peshawar Ph: & Fax 091-2650832



Annexure 'E'

No: 1-12/DT&A/07/LAO/Leave
Dated Peshawar the 22-09-2008

The District Comptroller of Accounts,
Abbott Abad

**Subject: APPLICATION FOR LEAVE WITHOUT PAY IN RESPECT OF
MR. MUHAMMAD NADEEM SUB ACCOUNTANT**

Please refer to your letter No. 473/DCA/ATD/Admin dated
10-09-2008, on the subject noted above.

In this connection, it is submitted that at present this Directorate is
unable to provide any substitute in place of above named official, however, if the
condition of availability of substitute is withdrawn by you, the official can be
granted leave, applied for.

Pl. discuss

ATD *29/9/08*

[Signature]
**DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P. PESHAWAR**

No 675

29/9/08

Accepted

(12)

Annexure 'F'

OFFICE OF THE DISTRICT COMPTROLLER OF ACCOUNTS ABBOTTABAD

No 482 Admin/DCA-Atd/

Dated 16 / 09 / 2008

To

Mr. Muhammad Nadeem
S/O Mr. Muhammad Aslam
C/O Jan Karyana store ittehad colony
Ittehad Roau Peshawar City.

Subject: **WILLFUL ABSENCE FROM DUTY**

In reference to your application for leave without pay for one year dated 10.09.2008.

You left office w.e.f 12.09.2008 without waiting for sanction of leave, by the competent authority.

You are hereby directed to resume duty and explain your position of willful absence.

[Signature]
District Comptroller of Accounts
Abbottabad

Copy for information to:

1. Director treasuries & Accounts NWFP Peshawar.

[Signature]
District Comptroller of Accounts
Abbottabad

Alleged
[Signature]

Signature "G"

(13)

OFFICE OF THE DISTRICT COMPTROLLER OF ACCOUNTS ABBOTTABAD

Sl/4 Admin/DCA-Atd/

Dated : 08/10/2008

Mr. Muhammad Nadeem
S/O Mr.- Muhammad Aslam
C/O Jan Karyana store ittehad colony
Ittehad Road Peshawar City.

Subject: WILLFUL ABSENCE FROM DUTY

Kindly refer to this office letter No 482 dated 16.09.2008 on the above noted subject:

You have failed to resume duty since been elapse of 14 days. You are once again directed to resume office and explain your position regarding willful absence otherwise your case will be reported to high ups for appropriate action.

2/
District Comptroller Of Accounts
Abbottabad *GC*

Copy for information to:

1. Director treasuries & Accounts NWFP Peshawar.

2/
District Comptroller Of Accounts
Abbottabad *GC*

GC
Alleged
E

DIRECTORATE OF TREASURIES & ACCOUNTS

NWFP PESHAWAR

Main Street, Sikandar Town, Opposite Peshawar Bus Terminal,
G. T. Road. Peshawar Ph: & Fax 091-2650832



Annexure "H"

No:KC/5-44/DT&A/07/Absence
Dated Peshawar the 24-11-2008

To

Mr. Muhammad Nadeem
S/o Mr. Muhammad Aslam,
Sub Accountant, O/o the District Comptroller of Accounts, Abbott Abad
C/o Jan Karyana Store, Ittehad Colony,
Ittehad Road, Peshawar City.

Subject: **WILLFUL ABSENCE FROM DUTY.**

It has been reported by the District Comptroller of Accounts, Abbott Abad that after submitting your application dated 10-09-2008, for Extra Ordinary Leave for a period of one year, you left the office without waiting for sanction of leave by the competent authority and has not yet reported for duty since then.

Your this sort of attitude clearly show that you do not care for the office discipline and decorum, which lead to misconduct and require initiation of necessary disciplinary proceeding against you.

You are therefore directed to immediately report to your office and resume your duty within 07 (seven) days of the receipt of this notice and show cause of your long wilful absence, failing which, necessary disciplinary proceedings will be initiated against you under Removal from Service (Special Power) Ordinance, 2000.

(MUHAMMAD IMRAN)
DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR

Endst: No. & Date even.

Copy for information w/r to above cited letter is forwarded to the:

1. District Comptroller of Accounts, Abbott Abad w/r to his letter No.591/DCA/ATD/TRY dated 15-11-2008.
2. Section Officer (Estt-I), Government of NWFP, Finance Department, Peshawar.

DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR

E:\DT&A\Absence - Disciplinary Proceedings\notice to Nadeem, SA, ATD for resuming duty - 24112008 new.doc

Alleged

518419
POST OFFICE

15

Annexure I

DIRECTORATE OF TREASURIES & ACCOUNTS
NWFP PESHAWAR
Post, Sikandar Town, Opposite Peshawar Bus Terminal,
G. T. Road. Peshawar Ph: & Fax 091-2650832



2ND REMINDER

No:KC/5-44/DT&A/07/Absence
Dated Peshawar the 22-12-2008

To

Mr. Muhammad Nadeem
S/o Mr. Muhammad Aslam,
Sub Accountant, O/o the District Comptroller of Accounts, Abbott Abad
C/o Jan Karyana Store, Ittehad Colony,
Ittehad Road, Peshawar City.

Handwritten initials/signature

Subject: **WILLFUL ABSENCE FROM DUTY.**

Reference this Directorate letter No.KC/5-44/DT&A/07/Absence dated 24-11-2008, where under you were directed to immediately report for duty vide letter under reference, but you failed to report your arrival.

You are, therefore, once again directed to immediately report to your office and resume your duty within 07 (seven) days of the receipt of this notice and show cause of your long willful absence, failing which, necessary disciplinary proceedings will be initiated against you under Removal from Service (Special Power) Ordinance, 2000.

Handwritten date: 24/12

(MUHAMMAD IMRAN)
DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR

Endst: No. & Date even.

Copy for information w/r to above cited letter is forwarded to the:

1. District Comptroller of Accounts, Abbott Abad.
2. Section Officer (Estt-I), Government of NWFP, Finance Department, Peshawar.

Handwritten signature
DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR

Handwritten signature: Alloglu

**DIRECTORATE OF TREASURIES & ACCOUNTS
NWFP PESHAWAR**

Street, Sikandar Town, Opposite Peshawar Bus Terminal,
G.T. Road. Peshawar Ph: & Fax 091-2650832



16

No: 5/40/DT&A/07/Complaints
Dated Peshawar the 22-12-2008

Annexure "J"

To

1. All the District Comptrollers of Accounts in NWFP.
2. All the Senior District Accounts Officers in NWFP.
3. All the District/Agency Accounts Officers in NWFP.
4. The Treasury Officer, Peshawar.

Subject: **NOTICE**

Please refer to this Directorate circular letter
No: 5-46/DT&A/07/Complaints dated 26-11-2008, on the subject noted above.

It was desired by the competent authority that the NOTICE for the
information of General Public and officers/officials of concerned departments
may be pasted/hung up in all the sections of your office, on prominent places. The
notice is to be checked during internal audits and annual/casual inspections of
your office but it is regretted to say that the same was not found pasted/hung up
in any section of Senior District Accounts Office, Nowshera, which is clear
violation of instructions of the higher authority.

In order to make crystal clear transaction of Government business
and provide facilitation to general public and concerned officers/official falling
under your jurisdiction, you are once again directed that the subject notice may
be pasted/hung up in all sections as well as other prominent places, which would
be checked during Internal Audit and Annual/Casual Inspection of your office,
falling which necessary endorsement would be recorded in the defaulting
Treasury/District Accounts Officer's P.E.R.

For Complaint
21
KTO/10
**DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P. PESHAWAR**

Endst: No. & date even

Copy for information is forwarded to the Section Officer (Estt-I),
Government of NWFP, Finance Department, Peshawar.

Aliqul
**DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P. PESHAWAR**

17

Annexure "k"

OFFICE OF THE DISTRICT COMPTROLLER OF ACCOUNTS ABBOTTABAD

No. 391/DCA/ATD/TRY.

Dated: 15.11.2008

The Director,
Treasuries and Accounts Department,
Peshawar.

Subject: APPLICATION FOR LEAVE WITHOUT PAY IN RESPECT OF MR. MUHAMMAD NADEEM (SUB ACCOUNTANT).

In continuation to this office letter No. 473/DCA/ATD/Admn dated 10-09-2008 on the above subject.

The official concerned had applied for Leave without pay on 10-09-2008 and his request was forwarded to your office for approval with proper substitute. It is hereby brought to your kind notice that the said official has not waited for sanction of the leave applied for and left the office and never joined since then.

As your good self is acquainted with the fact that this office is already facing difficulties due to shortage of staff, therefore it is requested that a substitute may kindly be provided at the earliest please.

Handwritten mark

District Comptroller of Accounts
Abbottabad

Handwritten signature

Accepted
R

DIRECTORATE OF TREASURIES & ACCOUNTS

NWFP PESHAWAR

Main Street, Sikandar Town, Opposite Peshawar Bus Terminal,
G. T. Road, Peshawar Ph: & Fax 091-2650832



18

No: 5-44/DT&A/07/Wilful Absence
Dated Peshawar the 24-11-2008

To

The District Comptroller of Accounts,
Abbott Abad

Subject: APPLICATION FOR LEAVE WITHOUT PAY IN RESPECT OF
MR. MUHAMMAD NADEEM (SUB ACCOUNTANT)

Please refer to your letter No. 591/DCA/ATD/TRY dated
15-11-2008, on the subject noted above.

The exact date of absence of the official, alongwith photo copies of
attendance register may be submitted for further necessary action.

Further, the circumstances, which lead to the abnormal delay in
reporting the wilful absence of the official, with action taken, if any by you, may
also be explained, for proceeding further in the matter.

Your reply should reach the undersigned within 3 (three) days of the
receipt of this letter.

As far your request for provision of substitute, the same can not be
acceded to.

*Copy of original file
10/12*

[Signature]
DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P. PESHAWAR

dst: No. & date even

Copy for information is forwarded to the Section Officer (Estt-I),
Government of NWFP, Finance Department, Peshawar.

[Signature]
DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P. PESHAWAR

Accepted
[Signature]

19

OFFICE OF THE DISTRICT COMPTROLLER OF ACCOUNTS ABBOTTABAD

No 620 DCA/ATD/ADMN

Dated: 15-12-2008.

The Director,
Treasuries and Accounts,
NWFP, Peshawar.

Subject: APPLICATION FOR LEAVE WITHOUT PAY IN RESPECT OF MUHAMMAD NADEEM SUB-ACCOUNTANT.

Please refer to your office letter No. 5-44/DT&A/willful Absence dated.24-11-2008 on the above subject.

The exact date of absence from duty of the concerned official is 12-09-2008 to date.

The willful absence of Mr.Muhammad Nadeem, Sub-Accountant was reported to you good self vide this office letter No. 591/DCA/ATO/TRY dated 15-11-2008. However, the late submission of the same report is hereby regretted.

The attendance register for the month of September 2008 is enclosed herewith as desired please.

O/L

2/1

District Comptroller of Accounts
Abbottabad

Allo Steel

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20

Annexure "L"

Ph.No.0997-920134-36
Fax No.0997-920136

SENIOR DISTRICT ACCOUNTS OFFICE MANSEHRA

No.SDAO/Man/366-68
Dated:27.6.2009.

To
Mr. Muhammad Nadeem s/o Muhammad Aslam
Sub Accountant, o/o DCA Abbottabad
c/o Jan Karyana Store, Itelhad Colony,
Itelhad Road Peshawar City.

Subject: DISCIPLINARY PROCEEDINGS UNDER REMOVAL FROM
SERVICE (SPECIAL POWER) ORDINANCE 2000.

Memorandum.

Please refer to the Dir- for Treasuries & Accounts NWFP Peshawar
No.5-44/DT&A/07 Absence/Proceedings dated 16.01.2009 on the above noted subject.

Since the undersigned has been nominated as Enquiry Officer in your
case, you are directed to expedite the reply of charge sheet within one week time after the
date of issue of this letter in the office of undersigned. You may also intimate whether if
you wish to be heard in person or otherwise

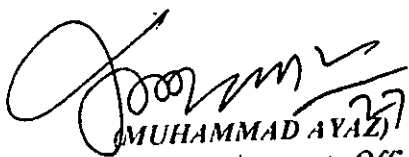
Sd/

(MUHAMMAD AYAZ)
Senior District Accounts Officer
Mansehra.

No. _____

Copy for information is forwarded to:-

1. The Dir- or Treasuries & Accounts NWFP with reference to above please.
2. The District Comptroller of Accounts Abbottabad, with the request to please produce all documentary proofs against Mr. Muhammad Nadeem Sub Accountant to the undersigned


(MUHAMMAD AYAZ)
Senior District Accounts Officer
Mansehra.

Alaeddin
2



(21)

DIRECTORATE
OF
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR

No: 5-44/DT&A/07/Absence/Proceedings
Dated Peshawar the 06-01-2009

Ammeruz
"M"

[Handwritten signature]

21

22/1/09

To

Mr. Muhammad Ayaz,
Senior District Accounts Officer,
Mansehra

Subject:

DISCIPLINARY PROCEEDINGS UNDER REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2000.

I am directed to refer to the subject noted above and to state that the Director, Treasuries & Accounts, NWFP, the competent authority, under the amended NWFP Removal from Service (Special Powers) Ordinance, 2000 (NWFP Ordinance No. V of 2000), has been pleased to approve initiation of disciplinary proceedings against the under noted official, vide attached statement of Allegations and Charge Sheet:

- i. Mr. Muhammad Nadeem, Sub Accountant,
O/o District Comptroller of Accounts, Abbott Abad

Consequently, the competent authority has been further pleased to appoint you as Inquiry Officer to scrutinize the conduct of the aforesaid accused official vis-à-vis the attached Statement of Allegations / Charge Sheet and desires that the Inquiry Officer, should take further necessary action and submit findings, recommendations and report within 25 days in accordance with the provisions of the Ordinance mentioned above. File pertaining to the subject case (page 01 to 09) is also enclosed.

Encl: As above.

(MUHAMMAD IMRAN)
DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR

Endst: No. & Date even.

Copy forwarded to;

1. Mr. Mohammad Nadeem Sub-Accountant S/o Muhammad Aslam, C/o Jan Karyana Store, Ittehad Colony, Ittehad Road, Peshawar City alongwith copies of charge sheet and statement of allegations. He should appear before the Enquiry Officer on the date, time and venue fixed by him for the purpose of enquiry proceedings.
2. The District Comptroller of Accounts, Abbott Abad with reference to his letter No. 591/DCA/ATD/TRY dated 15-11-2008 and No. 620/DCA/ATD/ADMN dated 15-12-2008. He is requested to detail a Departmental Representative, well conversant with the facts of the case along with relevant record, to assist the Enquiry Officer during the inquiry proceedings.

Accepted
[Handwritten mark]

[Handwritten signature]
DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR

DIRECTORATE OF TREASURIES & ACCOUNTS NWFP PESHAWAR

CHARGE SHEET

~~Amended~~

I, Muhammad Bashir Khan, Director Treasuries and Accounts NWFP as competent authority, hereby charge you Mr. Muhammad Nadeem, Sub-Accountant office of District Comptroller of Accounts, Abbott Abad, as follows:

That you while posted as Sub Accountant, District Comptroller of Accounts, Abbott Abad committed the following irregularities:-

- a) As reported by the District Comptroller of Accounts, Abbott Abad, you - have applied for one year leave without pay and absented yourself w.e.f. 1209-2008, without waiting for sanction of leave by the competent authority.
- b) You were directed to immediately report for duty and indicate the cause of absence vide letter No. **KC/5-44/DT&A/07/Absence** dated **24-11-2008**, but no reply / response was received.
- c) You were again directed to report for duty vide letter No. **KC/5-44/DT&A/07/Absence** dated **22-12-2008**, but no reply/response was received.


2. By reasons of the above, you appear to be guilty of misconduct under section-3 of the NWFP (Removal from Service) Special Powers Ordinance, 2000 and have rendered yourself liable to all or any of the penalties specified in section-03 of the ordinance ibid.

3. You are, therefore, required to submit your written defence within seven days of receipt of this Charge Sheet to the Enquiry Officer.

4. Your written defence, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall follow against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.


 (MUHAMMAD BASHIR KHAN)
 DIRECTOR
 TREASURIES & ACCOUNTS
 NWFP, PESHAWAR
 (Competent Authority)

Alleged
2

DIRECTORATE OF TREASURIES & ACCOUNTS NWFP PESHAWAR

STATEMENT OF ALLEGATIONS

23

I, Mr. Mohammad Bashir Khan, Director, Treasuries and Accounts, NWFP as competent authority, am of the opinion that Mr. Muhammad Nadeem, Sub Accountant O/O the District Comptroller of Accounts, Abbott Abad has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of section-3 of the North West Frontier Province, Removal from service (Special Powers) Ordinance, 2000.

- i) As reported by the District Comptroller of Accounts, Abbott Abad, Mr. Muhammad Nadeem, Sub Accountant has applied for one year leave without pay and remained absent from office since 12-09-2008, without waiting for sanction of leave by the competent authority.
- ii) He was directed to immediately report for duty and indicate the cause of absence vide letter No. KC/5-44/DT&A/07/Absence dated 24-11.2008, but no reply / response was received.
- iii) He was again directed to report for duty vide letter No. KC/5-44/DT&A/07/Absence dated 22-12-2008, but no reply/response was received.

For the purpose of scrutinizing the misconduct of the said accused with reference to the above allegations, an Enquiry Officer consisting of following is constituted / appointed under section-5 of the Ordinance:-

Mohammad Ayaz Sr DAA Manselhrs

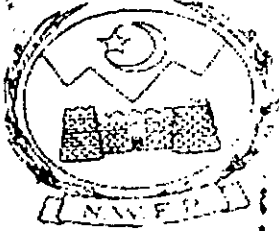
The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and submit his recommendations within 15 (fifteen) days of the receipt of this order, as to punishment or other appropriate action against the accused.

The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

M. Bashir Khan
(MUHAMMAD BASHIR KHAN)

DIRECTOR
TREASURIES & ACCOUNTS
NWFP PESHAWAR.
(Competent Authority)
Dated: 29-12-2008

Allegations
2



**DIRECTORATE OF TREASURIES & ACCOUNTS
NWFP PESHAWAR**

H No. 21, Street No. 13, Mahfooz Road, Defence Officers
Colony, Khyber Road, Peshawar Ph: & Fax 091-9211856

24

Dated Peshawar the 16-02-2009

OFFICE ORDER

No: 5-44/DT&A/07/Wilful Absence.

WHEREAS Mr. Muhammad Nadeem, Sub Accountant, office of the District Comptroller of Accounts, Abbott Abad remained absent from duty w.e.f. 12-09-2008. The official was directed time and again to report for duty and explain his wilful absence vide this Directorate i.o. KC/5-44/DT&A/07/Absence dated 24-11-2008 and No. KC/5-44/DT&A/07/Absence dated 22-12-2008, but he failed to do so.

AND WHEREAS the above named official was proceeded against under the N.W.F.P. Removal from service (Special Power) Ordinance-2000, for the charges mentioned in the Charge Sheet and Statement of allegations dated 06-01-2009.

AND WHEREAS, the said official served with the Charge Sheet/ Statement of allegations under the NWFP Removal from Service (Special Power) Ordinance-2000 vide No. 5-44/DT&A/07/Absence/Proceedings dated 06-01-2009.

AND WHEREAS, Senior District Accounts Officer, Mansehra was appointed as inquiry officer. The accused official did not appear before him and as such the inquiry officer submitted his findings/Enquiry report and recommended that the charges levelled against the accused official have been proved and that major penalty of Removal/Dismissal from service under NWFP Removal from Service (Special Powers) Ordinance, 2000 may be imposed upon the accused official.

NOW THEREFORE, the undersigned being competent authority in the case and in exercise of the powers conferred upon me under Sub Section (1) (a), (b) of Section 3 of the N.W.F.P. Removal from Service (Special Power) Ordinance-2000, as amended from time to time, the major penalty of Removal from Service, is hereby imposed on Mr. Muhammad Nadeem, Sub Accountant, District Accounts Office, Abbott Abad with effect from 12-09-2008, the date of absence from duty.

**DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR
(COMPETENT AUTHORITY)**

No: 5-44/DT&A/07/Wilful Absence

Copy for information is forwarded to the:

1. District Comptroller of Accounts, Abbott Abad.
2. Section Officer (Estt-I), Finance Department, NWFP, Peshawar.
3. P. A. to Director, Treasuries & Accounts, NWFP, Peshawar.
4. Mr. Mohammad Nadeem S/o Muhammad Aslam, Sub-Accountant, District Accounts Office, Abbott Abad, C/o Jan Karyana Store, Ittehad Colony, Ittehad Road, Peshawar City.

Alleged
R

M. Nadeem
**DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR**

To,
Secretary to Government of Khyber Pakhtunkhwa
Finance Department,
Khyber Pakhtunkhwa, Peshawar.

(25)

November 16, 2011

Annexure "0"

Subject: REINSTATEMENT OF SERVICE AS SUB-ACCOUNTANT IN OFFICE OF THE DISTRICT
COMPTROLLER OF ACCOUNTS ABBOTTABAD

Respected Sir,

Humbly it is stated that I was serving as Sub Accountant in office of the District Comptroller of Accounts, Abbottabad and had been terminated from my Services, due to my long absence, w.e.f. 12-09-2008.

The following few lines are submitted based on factual position reasons of my long absence for your kind and sympathetic consideration:

A person of my village Mr. Ali Khan was murdered by someone. The FIR was registered against my real uncle Mr. Muhammad Sarwar in 1986. In that particular case my uncle was directly charged. The case remained under the trials for five (5) years. Consequently my uncle was released honorably by the Court of Law. But, after being quite for long period, the opponent suddenly start violation and wanted to take revenge during recent three to four years. They tried to attack us on many occasions. Being an educated person of my family I was directly on the target of enemies, so I fled away from the scene and remained disappeared to save myself and my family.

However, the issue was resolved by my family members and "Local Jirga" after many attempts, and the opponents were agreed not to take any revengeful action against me and my family.

Now I can continue my service and there is no danger to me and my family from our opponents in the above mentioned case.

Therefore, it is humbly requested that I may kindly be reinstated against my original post and intervening period may kindly be settled as leave without pay. I shall not claim for the pay for the absence period.

As my father has died and being the elder son of my family, I am responsible to look after and feed members of my family, i.e., younger brothers, sisters and widow mother.

It is therefore requested that I may very kindly be reinstated on my service on humanitarian ground, which I expect from your majesty.

Note: For ready reference copies of the case mentioned above are attached herewith.

Thanking you in anticipation.

Yours obediently

Muhammad Nadeem
S/O Muhammad Aslam Qureshi
C/o Jan Karyana Store,
Ittehad Colony, Ittehad Road, Peshawar.

Accepted

R

(26)

Annexure "P"

Office of the District Comptroller of Accounts Abbottabad

No. 114 DCA/ATD/Admn

Dated 10-03-2012

To

The Director
Treasuries & Accounts
Khyber Pakhtunkhwa
Peshawar.

Subject: Departmental Appeal.

Kindly find enclosed a departmental appeal in respect of Muhammad Nadeem Ex Sub-Accountant of this office which is self explanatory for sympathetic consideration please.

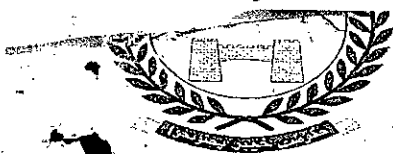
(Shahid Pervez Bhatti)
District Comptroller of Accounts
Abbottabad

Copy for information to:

- 1) Muhammad Nadeem S/O Mauhammad Aslam Qureshi C/O Jan Karyana Store ittehad Road ittehad colony Peshawar.

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(Shahid Pervez Bhatti)
District Comptroller of Accounts
Abbottabad



(27)

Treasuries & Accounts

No. 1-41/DT&A/11/Departmental/Appeal

Dated Peshawar the 14-04-2012

Treasury Block, District Courts Compound, Behind Jamia Masjid, Khyber Road, Peshawar Phone & Fax: 091-9211856

To

The District Comptroller of Accounts
Abbott Abad

Annexure B

Subject: DEPARTMENTAL APPEAL

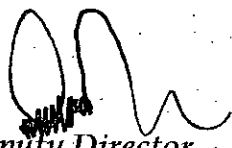
Please refer to your letter No. 114/DCA/ATD/Admn dated 10-03-2012, on the subject noted above.

In this connection, it is stated that this Directorate has exercised the powers under Sub Section 1 (a), (b) of Section 3 of N. W. F. P. Removal from Service (Special Powers) Ordinance 2000, and major penalty of Removal from Service was imposed on Mr. Muhammad Nadeem, Ex-Sub Accountant of your office, vide office order bearing No. 5-44/DT&A/07/wilfull Absence dated 16-02-2009 (copy enclosed). Therefore, aforementioned order still stands and this Directorate is unable to move against the said order.

It is therefore, requested that the applicant may be informed accordingly.

A T. O. C (TV)
Pl. Inform to
The applicant
a copy to
enclosure

9/23/12


Deputy Director,
Treasuries & Accounts
Khyber Pakhtunkhwa

D:\DATA PC-II\DT&A\1-41\Departmental Appeal. reply to DCA ATD - 1-40-2012.doc

Accepted
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Ameyun R.

Office of the
District Comptroller of Accounts
Abbottabad

Ph & Fax 0992-9310351-52

No. 192-93/DCA/ATD/A-11

Dated: 28-05-2012

Muhammad Nadeem S/O Muhammad Aslam
Ex- Sub Accountant,
C/O Jan Karyana Store Ittehad Colony,
Ittehad Road Peshawar City.

Subject: DEPARTMENTAL APPEAL.

You are here by informed that your appeal was forwarded to the Director Treasuries & Accounts Khyber Pakhtunkhwa Peshawar for consideration which has been rejected by the competent Authority vide No 1-41/DT&A/11/Departmental Appeal dated 14-04-2012. (copy enclosed)

(Shahid Pervez Bhatti) 
District Comptroller of Accounts
Abbottabad 

Cc to:

- 1) Director Treasuries & Accounts Khyber Pakhtunkhwa Peshawar with reference to his letter referred above please.

- Sl -
(Shahid Pervez Bhatti)
District Comptroller of Accounts
Abbottabad

Accountant
3

POWER OF ATTORNEY

In The COURT of KPK Service Tribunal Peshawar

M. Nadeem

For:
Plaintiff
Appellant
Petitioner
Complainant

VERSUS

Govt. of KPK and others.

Defendant
Respondent
Accused

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

I/WE, the undersigned, do hereby nominate and appoint

MR. IJAZ ANWAR ADVOCATE, HIGH COURT, PESHAWAR

Junaid Zaman & Sajid Amin Advocate.

_____ my true and lawful attorney, for me in my name and on my behalf to appear at _____ to appear, plead, act and answer in the above Court or any appellate Court on 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 sub-poena and to apply for and get issued and arrest, attachment or other execution, 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 authorities hereby conferred on the Advocate whenever 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 do all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may per 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 dismissed in default, if it be proceeded ex-parte the said counsel shall not held responsible for the same. All cost awarded in favour shall the right of Counsel or his nominee, and if awarded against shall payable by me/us.

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

Accepted.
Sajid Amin

Ijaz Anwar

Advocate High Courts & Supreme Court of Pakistan

ADVOCATES, LEGAL ADVISORS, SERVICE & LABOUR LAW CONSULTANT
FR-3, 4th Floor, Bilour Plaza, Saddar Road, Peshawar Cantt.
Ph: 091-52772054 Mobile: 0333-9107225

BEFORE THE SERVICES TRIBUNAL PESHAWAR

Appeal No. 691/2012

Muhammad Nadeem S/o Muhammad Aslam, Ex-Sub Accountant, office of the District Comptroller of Accounts, Abbott Abad.....Appellant

VERSUS

1. Secretary to Government of Khyber Pakhtunkhwa, Finance Department, Peshawar
2. Director, Treasuries & Accounts, Khyber Pakhtunkhwa
3. District Comptroller of Accounts, Abbott Abad.....Respondents

JOINT PARA WISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2 & 3

RESPECTFULLY SHEWETH

PRELIMINARY OBJECTIONS

- i. That the appeal is time barred and can not be heard at this belated stage.
- ii. That the appellant has got no cause of action to file the present appeal.
- iii. That the appeal is not maintainable in its present form.
- iv. That the appeal is hit by limitation.
- v. That the materials facts have been concealed from this Honorable Tribunal.

ON FACTS

1. Correct.
2. Correct.
3. Correct to the extent that appellant applied for leave but leave was not sanctioned by the competent authority and appellant absented from duty, in violation of relevant, rules i.e. FR-67.
4. Incorrect. In terms of F. R. 67, leave can not be claimed as a right, as per Establishment Division O. M. No. 10/22/63-R.2 dated 12-08-1985 (**Annex-I**), any officer / official must wait for sanction of leave and should not leave the place of their duty before the leave applied for is actually granted by the competent authority. Non compliance of these instructions might warrant action on account of mis-conduct under the relevant rules. Further, all correspondence was sent at the address provided by the appellant on his application for appointment as Sub Accountant (**Annex-II**). Appellant never informed about his change of address, if any, while, no letter / notice was received back, undelivered, meaning thereby all of them were received at the mailing address of the appellant.
5. Not correct. No application for extension of leave has been received in the concerned office.
6. Not correct. Proper inquiry was conducted and inquiry officer had proposed for imposition of major penalty on the appellant. Furthermore, as stated in Para-4 above, all kinds of correspondence was sent at the address provided by the appellant on his application form, for appointment as Sub Accountant (**Annex-II**).

7. Correct. Appellant approached office of responded No. 2, knowing that he has been removed from service. He was fully aware of the fact that his service was no longer in tact.

8. Correct.

9. *Need* No Comments.

GROUND:

A. Incorrect. All the relevant laws were kept in view, before making the decision of his removal from service.

B. Incorrect. Proper procedure was adopted in the matter, which is evident from the documents enclosed with the appellant's appeal that statement of allegation, charge sheet and other relevant notices were issued on the mailing address of the appellant. Not only this, but an inquiry was also conducted and the inquiry officer proposed that the appellant may be awarded major penalty of removal from service (copy of inquiry report enclosed at **Annex-III**).

C. Correct. Several attempts were made to contact the appellant, for resuming his duty / showing cause of his willful absence, failing which, major penalty of removal from service was imposed on him.

D. Correct to the extent of submission of leave application. As explained earlier that no officer / official should leave his place of duty, unless and until leave applied for is sanctioned by the competent authority, in terms of F. R. 67 and Establishment Division O. M. No. 10/22/63-R.2 dated 12-08-1985 (**Annex-I**). Non compliance of the instructions warrant ~~to~~ action on account of mis-conduct under relevant rules. The official willfully absented himself from duty, without waiting for sanction of leave and thus made himself liable for disciplinary actions on account of direct mis-conduct, in line with above mentioned rules. As regard non information, the contention of appellant is also incorrect, as all sorts of correspondence was sent at the mailing address provided by the appellant in his application for appointment (**Annex-IV**) and if any change had been occurred in his mailing address, the same was not communicated by him. Further, no notice / letter was received back, undelivered, which means that all of them were received at the mailing address provided by the appellant.

E. Incorrect. Services of the official were terminated with effect from the date of his willful absence, however, no retrospective effect was involved therein, and hence, contention of the appellant is not correct.

F. Incorrect. All letters were sent at the mailing address provided by the appellant in his application for appointment and if any change had been occurred in his mailing address, the same was not communicated by him. Further, no notice / letter was received back, undelivered, which means that all of them were received at the mailing address provided by the appellant.

G. Incorrect. Not waiting for approval of leave applied for, is a mis-conduct in its self, in terms of F. R. 67 and Establishment Division O. M. No. 10/22/63-R.2 dated 12-08-1985 (**Annex-I**). The absence was willful, as the appellant did not wait for sanction of


his leave and absented himself from duty. Furthermore, forwarding letter of officer in-charge does not mean that the leave applied for would be sanctioned definitely.

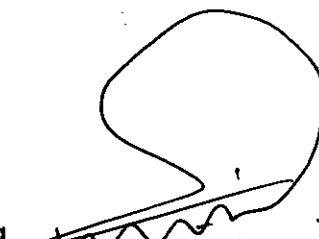
H. Incorrect. The appellant joined service by submitting his arrival report for duty on 04-06-2007, in the office of then Senior District Accounts Officer, Abbott Abad (now District Comptroller of Accounts, Abbott Abad) and as such on the day of absenting himself, i.e., 12-09-2008, he had only 01 year, 03 months & 08 days service and as such in terms of Section 6 of Khyber Pakhtunkhwa, Civil Servants Act, 1973, he was on probation and the condition of probation has already been indicated in his appointment order. Under Section 11 of Khyber Pakhtunkhwa, Civil Servants Act, 1973, services of a probationer can be terminated even without assigning any notice, whereas, he was awarded all opportunities to explain his position, regarding willful absence, while, his removal from service order was issued on 16-02-2009, which means that the appellant has not completed 02 (two) years continuous service and therefore, his normal period of probation was also not expired.

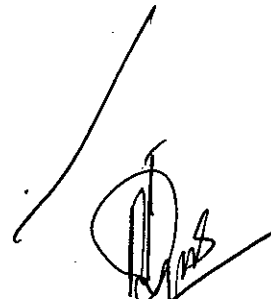
I. No comments.

J. Incorrect. His un-employment is due to his own misconduct and the Government has got nothing to do with it.

K. No comments.


SECRETARY FINANCE
Govt of Khyber Pakhtunkhwa
(RESPONDENT NO. 1)


DISTRICT
Comptroller of Accounts
ABBOTTABAD

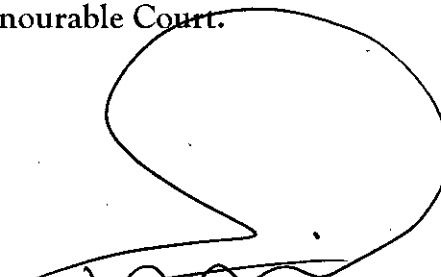

DIRECTOR
Treasuries & Accounts
Khyber Pakhtunkhwa
(RESPONDENT NO. 2)


*Through Government Pleader
Peshawar*

AFFIRMATION ON OATH

It is affirmed and declared that the replies are true to our knowledge and belief and nothing has been concealed from Honourable Court.

Secretary Finance
Govt of Khyber Pakhtunkhwa
(Respondent No. 1)


DISTRICT
Comptroller of Accounts
ABBOTTABAD


Director
Treasuries & Accounts
Khyber Pakhtunkhwa
(Respondent No. 2)

3. It has also been decided that the Provincial Governments will continue to exercise the powers to grant leave, including leave ex-Pakistan, upto 120 days to the officers of All Pakistan Unified Cadre working under them. Applications for leave in excess of 120 days shall be referred to the Establishment Division.

4. This supersedes Establishment Division's O.M. No. 7/9/79-C.I. dated 4-6-1979 and No. 7/27/79-C.I. dated 15-4-1980.

5. The above instructions may be brought to the notice of all concerned for compliance.

[Authority. - Estab. Division's O.M. No. 10/22/83-R.2, dated 18-11-1985.]

Bar against leaving place of duty without waiting for sanction of leave

It has been observed that the civil servants applying for grant of leave, leave their offices/places of duty without waiting for actual sanction of the leave applied for. The attention of Ministries /Divisions is invited to F.R. 67 wherein it is clearly stated that leave cannot be claimed as of right. Thus an application for leave should not be anticipated as grant of leave. It should therefore, be brought home to the civil servants serving under the control of Ministries/Divisions that if they apply for grant of leave, they must wait for sanction of leave and should not leave the place of their duty before the leave applied for is actually granted by the competent authority. Non-compliance of these instructions might warrant action on account of mis-conduct under the relevant rules.

[Authority. - Estt. Division's O.M. No. 10/22/83-R. 2, dated 12-8-1985.]

Option for Encashment of L.P.R.

Reference Finance Division's O.M. No. F.1(19)R-3/83, dated 11-7-1984 (Annexure), it is stated that in case the leave of any kind including Extra-ordinary leave without pay is taken during the

Annex-II

Annex-II

207 (8)

OFFICE OF THE DISTRICT COMPTROLLER OF ACCOUNTS ABBOTTABAD

No 482 Admin/DCA-Atd/

Dated 16 / 09 / 2008

To

Mr. Muhammad Nadeem
S/O Mr. Muhammad Aslam
C/O Jan Karyana store ittehad colony
Ittehad Road Peshawar City.

Subject: **WILLFUL ABSENCE FROM DUTY**

In reference to your application for leave without pay for one year dated 10.09.2008.

You left office w.e.f 12.09.2008 without waiting for sanction of leave, by the competent authority.

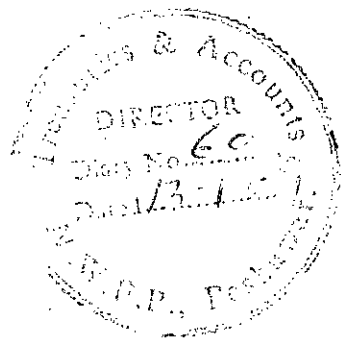
You are hereby directed to resume duty and explain your position of willful absence.

District Comptroller of Accounts
Abbottabad

Copy for information to:

1. Director treasuries & Accounts NWFP Peshawar.

District Comptroller of Accounts
Abbottabad



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OFFICE OF THE DISTRICT COMPTROLLER OF ACCOUNTS ABBOTTABAD

No 5/4 Admin/DCA-Atd/

Dated : 08/10/2008

To

Mr. Muhammad Nadeem
S/O Mr. Muhammad Aslam
C/O Jan Karyana store ittehad colony
Ittehad Road Peshawar City.

Subject: WILLFUL ABSENCE FROM DUTY

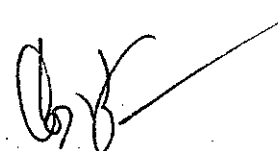
^{Please}
Kindly refer to this office letter No 482 dated 16.09.2008 on the above noted subject:

You have failed to resume duty since been elapse of 14 days. You are once again directed to resume office and explain your position regarding willful absence otherwise your case will be reported to high ups for appropriate action.

District Comptroller Of Accounts
Abbottabad

Copy for information to:

- 1. Director treasuries & Accounts NWFP Peshawar.


District Comptroller Of Accounts
Abbottabad



MM
10/10/08

DD
Surpant

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17/10

**DIRECTORATE OF TREASURIES & ACCOUNTS
NWFP PESHAWAR**

Main Street, Sikandar Town, Opposite Peshawar Bus Terminal,
G. T. Road. Peshawar Ph: & Fax 091-2650832



213
No:KC/5-44/DT&A/07/Absence
Dated Peshawar the 24-11-2008

To

Mr. Muhammad Nadeem
S/o Mr. Muhammad Aslam,
Sub Accountant, O/o the District Comptroller of Accounts, Abbott Abad
C/o Jan Karyana Store, Ittehad Colony,
Ittehad Road, Peshawar City.

Subject: **WILLFUL ABSENCE FROM DUTY.**

It has been reported by the District Comptroller of Accounts, Abbott Abad that after submitting your application dated 10-09-2008, for Extra Ordinary Leave for a period of one year, you left the office without waiting for sanction of leave by the competent authority and has not yet reported for duty since then.

Your this sort of attitude clearly show that you do not care for the office discipline and decorum, which lead to misconduct and require initiation of necessary disciplinary proceeding against you.

You are therefore directed to immediately report to your office and resume your duty within 07 (seven) days of the receipt of this notice and show cause of your long wilful absence, failing which, necessary disciplinary proceedings will be initiated against your under Removal from Service (Special Power) Ordinance, 2000.

(MUHAMMAD IMRAN)
DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR

Endst. No. & Date even.

Copy for information w/r to above cited letter is forwarded to the:

1. District Comptroller of Accounts, Abbott Abad w/r to his letter No.591/DCA/ATD/TRY dated 15-11-2008.
2. Section Officer (Estt-I), Government of NWFP, Finance Department, Peshawar.

DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR

16

218

**DIRECTORATE OF TREASURIES & ACCOUNTS
NWFP PESHAWAR**

Main Street, Sikandar Town, Opposite Peshawar Bus Terminal,
G. T. Road. Peshawar Ph: & Fax 091-2650832



2ND REMINDER

**No:KC/5-44/DT&A/07/Absence
Dated Peshawar the 22-12-2008**

To

**Mr. Muhammad Nadeem
S/o Mr. Muhammad Aslam,
Sub Accountant, O/o the District Comptroller of Accounts, Abbott Abad
C/o Jan Karyana Store, Ittehad Colony,
Ittehad Road, Peshawar City.**

Subject: **WILLFUL ABSENCE FROM DUTY.**

8-213/1

Reference this Directorate letter No.KC/5-44/DT&A/07/Absence dated 24-11-2008, where under you were directed to immediately report for duty vide letter under reference, but you failed to report your arrival.

You are, therefore, once again directed to immediately report to your office and resume your duty within 07 (seven) days of the receipt of this notice and show cause of your long wilful absence, failing which, necessary disciplinary proceedings will be initiated against you under Removal from Service (Special Power) Ordinance, 2000.

dr
**(MUHAMMAD IMRAN)
DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR**

Endst: No. & Date even.

Copy for information w/r to above cited letter is forwarded to the:

1. District Comptroller of Accounts, Abbott Abad.
2. Section Officer (Estt-I), Government of NWFP, Finance Department, Peshawar.

dr
**DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR**



15

DIRECTORATE
Of
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR

No: 5-44/DT&A/07/Absence/Proceedings
Dated Peshawar the 06-01-2009

To

Mr. Muhammad Ayaz,
Senior District Accounts Officer,
Mansehra


Subject: **DISCIPLINARY PROCEEDINGS UNDER REMOVAL FROM SERVICE (SPECIAL POWERS) ORDINANCE, 2000.**

I am directed to refer to the subject noted above and to state that the Director, Treasuries & Accounts, NWFP, the competent authority, under the amended NWFP Removal from Service (Special Powers) Ordinance, 2000 (NWFP Ordinance No. V of 2000), has been pleased to approve initiation of disciplinary proceedings against the under noted official, vide attached statement of Allegations and Charge Sheet:

- i. Mr. Muhammad Nadeem, Sub Accountant,
O/o District Comptroller of Accounts, Abbott Abad

Consequently, the competent authority has been further pleased to appoint you as Inquiry Officer to scrutinize the conduct of the aforesaid accused official vis-à-vis the attached Statement of Allegations / Charge Sheet and desires that the Inquiry Officer, should take further necessary action and submit findings, recommendations and report within 25 days in accordance with the provisions of the Ordinance mentioned above. File pertaining to the subject case (page 01 to 09) is also enclosed.

Encl: As above.


(MUHAMMAD IMRAN)
DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR

Endst: No. & Date even.

Copy forwarded to;

1. Mr. Mohammad Nadeem Sub-Accountant S/o Muhammad Aslam, C/o Jan Karyana Store, Ittehad Colony, Ittehad Road, Peshawar City alongwith copies of charge sheet and statement of allegations. He should appear before the Enquiry Officer on the date, time and venue fixed by him for the purpose of enquiry proceedings.

2. The District Comptroller of Accounts, Abbott Abad with reference to his letter No. 591/DCA/ATD/TRY dated 15-11-2008 and No. 620/DCA/ATD/ADMN dated 15-12-2008. He is requested to detail a Departmental Representative, well conversant with the facts of the case along with relevant record, to assist the Enquiry Officer during the inquiry proceedings.


DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR

STATEMENT OF ALLEGATIONS

13

I, Mr. Mohammad Bashir Khan, Director, Treasuries and Accounts, NWFP as competent authority, am of the opinion that Mr. Muhammad Nadeem, Sub Accountant O/O the District Comptroller of Accounts, Abbott Abad has rendered himself liable to be proceeded against as he committed the following acts/omissions within the meaning of section-3 of the North West Frontier Province, Removal from service (Special Powers) Ordinance, 2000.

- i) As reported by the District Comptroller of Accounts, Abbott Abad, Mr. Muhammad Nadeem, Sub Accountant has applied for one year leave without pay and remained absent from office since 12-09-2008, without waiting for sanction of leave by the competent authority.
- ii) He was directed to immediately report for duty and indicate the cause of absence vide letter No. **KC/5-44/DT&A/07/Absence** dated **24-11.2008**, but no reply / response was received.
- iii) He was again directed to report for duty vide letter No. **KC/5-44/DT&A/07/Absence** dated **22-12-2008**, but no reply/response was received.

2. For the purpose of scrutinizing the misconduct of the said accused with reference to the above allegations, an Enquiry Officer consisting of following is constituted / appointed under section-5 of the Ordinance:-

Mohammad Ayaz Sr DAO Mansehrs

3. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused, record its findings and submit his recommendations within 15 (fifteen) days of the receipt of this order, as to punishment or other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


(MUHAMMAD BASHIR KHAN)


DIRECTOR
TREASURIES & ACCOUNTS
NWFP PESHAWAR.
(Competent Authority)
Dated: 29-12-2008

CHARGE SHEET

I, Muhammad Bashir Khan, Director Treasuries and Accounts NWFP as competent authority, hereby charge you Mr. Muhammad Nadeem, Sub-Accountant office of District Comptroller of Accounts, Abbott Abad, as follows:

That you while posted as Sub Accountant, District Comptroller of Accounts, Abbott Abad committed the following irregularities:-

- a) As reported by the District Comptroller of Accounts, Abbott Abad, you - have applied for one year leave without pay and absented yourself w.e.f. 1209-2008, without waiting for sanction of leave by the competent authority.
 - b) You were directed to immediately report for duty and indicate the cause of absence vide letter No. **KC/5-44/DT&A/07/Absence** dated **24-11-2008**, but no reply / response was received.
 - c) You were again directed to report for duty vide letter No. **KC/5-44/DT&A/07/Absence** dated **22-12-2008**, but no reply/response was received.
2. By reasons of the above, you appear to be guilty of misconduct under section-3 of the NWFP (Removal from Service) Special Powers Ordinance, 2000 and have rendered yourself liable to all or any of the penalties specified in section-03 of the ordinance *ibid*.
 3. You are, therefore, required to submit your written defence within seven days of receipt of this Charge Sheet to the Enquiry Officer.
 4. Your written defence, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defence to put in and in that case *ex-parte* action shall follow against you.
 5. Intimate whether you desire to be heard in person.
 6. A statement of allegations is enclosed.


(MUHAMMAD BASHIR KHAN)
DIRECTOR
TREASURIES & ACCOUNTS
NWFP, PESHAWAR
(Competent Authority)

13

22.9

Ph.No.0997-920134-36
Fax No.0997-920136

SENIOR DISTRICT ACCOUNTS OFFICE MANSEHRA

No.SDAO/Man/366-68
Dated:27.01.2009.

To

Mr. Muhammad Nadeem s/o Muhammad Aslam
Sub Accountant, c/o D.C.I. Abbottabad
c/o Jan Karyam Store, Ittehad Colony,
Ittehad Road Peshawar City.

Subject: **DISCIPLINARY PROCEEDINGS UNDER REMOVAL FROM SERVICE (SPECIAL POWER) ORDINANCE 2000.**

Memorandum.

Please refer to the Director Treasuries & Accounts NWFP Peshawar No.5-44/DT&A/07/Absence/Proceeding dated 16.01.2009 on the above noted subject.

Since the undersigned has been nominated as Enquiry Officer in your case, you are directed to expedite the reply of charge sheet within one week time after the date of issue of this letter in the office of undersigned. You may also intimate whether if you wish to be heard in person or otherwise.

Sd
(MUHAMMAD AYAZ)
Senior District Accounts Officer
Mansehra.

No. _____

Copy for information is forwarded to:-

1. The Director Treasuries & Accounts NWFP with reference to above please.
2. The District Comptroller of Accounts Abbottabad, with the request to please produce all documentary proofs against Mr. Muhammad Nadeem Sub Accountant to the undersigned.

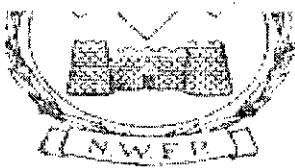
26.9
102 of

5244

pl. ask him now Det
the time given has
already lapsed has
such intent report
without delay for 21/9 - (w)
Also put up an case (w)
proceed to 4/5 on 13/02/09

Joon 27/1/09
(MUHAMMAD AYAZ)
Senior District Accounts Officer
Mansehra.

positively.
Pu. with relevant
09/02
19/02



Dated Peshawar the 16-02-2009

OFFICE ORDER

No: 5-44/DT&A/07/Wilful Absence. WHEREAS Mr. Muhammad Nadeem, Sub Accountant, office of the District Comptroller of Accounts, Abbott Abad remained absent from duty w.e.f. 12-09-2008. The official was directed time and again to report for duty and explain his wilful absence vide this Directorate No. KC/5-44/DT&A/07/Absence dated 24-11-2008 and No. KC/5-44/DT&A/07/Absence dated 22-12-2008, but he failed to do so.

AND WHEREAS the above named official was proceeded against under the N.W.F.P. Removal from service (Special Power) Ordinance-2000, for the charges mentioned in the Charge Sheet and Statement of allegations dated 06-01-2009.

AND WHEREAS, the said official served with the Charge Sheet/ Statement of allegations under the NWFP Removal from Service (Special Power) Ordinance-2000 vide No. 5-44/DT&A/07/Absence/Proceedings dated 06-01-2009.

AND WHEREAS, Senior District Accounts Officer, Mansehra was appointed as inquiry officer. The accused official did not appear before him and as such the inquiry officer submitted his findings/Enquiry report and recommended that the charges levelled against the accused official have been proved and that major penalty of Removal/Dismissal from service under NWFP Removal from Service (Special Powers) Ordinance, 2000 may be imposed upon the accused official.


NOW THEREFORE, the undersigned being competent authority in the case and in exercise of the powers conferred upon me under Sub Section (1) (a), (b) of Section 3 of the N.W.F.P. Removal from Service (Special Power) Ordinance-2000, as amended from time to time, the major penalty of Removal from Service, is hereby imposed on Mr. Muhammad Nadeem, Sub Accountant, District Accounts Office, Abbott Abad with effect from 12-09-2008, the date of absence from duty.

**DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR
(COMPETENT AUTHORITY)**

No: 5-44/DT&A/07/Wilful Absence

Copy for information is forwarded to the:

1. District Comptroller of Accounts, Abbott Abad.
2. Section Officer (Estt-I), Finance Department, NWFP, Peshawar.
3. P. A. to Director, Treasuries & Accounts, NWFP, Peshawar.
4. Mr. Mohammad Nadeem S/o Muhammad Aslam, Sub-Accountant, District Accounts Office, Abbott Abad, C/o Jan Karyana Store, Ittehad Colony, Ittehad Road, Peshawar City.


**DEPUTY DIRECTOR
TREASURIES & ACCOUNTS
N.W.F.P., PESHAWAR**


Annex - III

223
Annex-IIIPh.No.0997-920134-36
Fax No.0997-920136**SENIOR DISTRICT ACCOUNTS OFFICE MANSEHRA**
No.SDAO/Man 435-36
Dated:10.02.2009.To The Director Treasuries & Accounts,
NWFP, Peshawar.Subject: **DISCIPLINARY PROCEEDINGS UNDER REMOVAL FROM**
SERVICE SPECIAL POWER ORDINANCE, 2000.

Memorandum.

Kindly refer to your letter No.5-44/DT&A/07/Absence/Proceedings dated
16.01.2009 on the above subject.I being an Enquiry Officer issued a notice to Mr. Muhammad Nadeem,
Sub Accountant vide No.SDAO/Man/366-68 dated 27.01.2009 giving him one week time
to expedite the reply. But no response has been received from the official concerned up
till now.The District Comptroller of Accounts Abbottabad vide No.696-
97/DC.A/ATD dated 09.02.2009 stated that the official concerned is absent from duty till
date. His willful absence from duty reveals that he is not interested in the government job
(Annexure 1-7)Hence action under rule 3 of special power ordinance 2000. removal from
service is recommended please.

sd

(MUHAMMAD AYAZ)
Senior District Accounts Officer
Mansehra.No. _____ Copy forwarded to the District Comptroller of Accounts Abbottabad for
information please.
(MUHAMMAD AYAZ)
Senior District Accounts Officer
Mansehra.

224
18

D.No. 435-36/DAO/MA/Admin.

**ENQUIRY REPORT IN CASE OF MR. MUHAMMAD NADEEM,
SUB ACCOUNTANT, DISTRICT COMPTROLLER OF ACCOUNTS
OFFICE, ABBOTTABAD.**

Di. 48-7-2009
7-10-11-2007

One Mr. Muhammad Nadeem, working as Sub Accountant in the District Comptroller of Accounts Office, Abbottabad applied for one year leave without pay and absented himself without any application from 12.09.2008 onwards without waiting for sanction of his leave by the Competent Authority.

He was charged as under :

- i. As reported by the District Comptroller of Accounts, Abbottabad Mr. Muhammad Nadeem, Sub Accountant has applied for one year leave without pay & remained absent from office since 12.09.2008 without waiting for sanction of leave by the competent authority.
- ii. He was directed to immediately report for duty and indicate the cause of absence vide letter No.KC/5-44/DT&A/07/absence dated 24.11.2008 but no reply / response was received.
- iii. He was again directed to report for duty vide letter No.KC/5-44/DT&A/07/Absence dated 22.12.2008 but no reply / response was received.

Vide letter No.KC/5-44/DT&A/07/Absence dated 24.11.2008 he was directed by the District Comptroller of Accounts, Abbottabad to immediately report for duty by indicating the cause of his absence but no reply / response was received from him by the District Comptroller of Accounts, Abbottabad.

Again he was directed to report for duty vide letter No.KC/5-44/DT&A/07/Absence dated 22.12.2008 but of no response.

The competent authority therefore, decided to initiate disciplinary proceedings under Section-3 of NWFP, Removal from Service (Special Powers) Ordinance, 2000 and appointed the undersigned as Inquiry Officer to probe into conduct of the accused employee vide Deputy Director, Treasuries & Accounts, NWFP, Peshawar No.5-44/DT&A/07/Absence/ Proceedings dated 06.01.2009 (received on 17.01.2009) for submission of report within 25 days.

Findings.

Upon receipt of inquiry papers, I served the charge sheet upon the accused employee Mr. Muhammad Nadeem, Sub Accountant with statement of allegations vide my office No.SDAO/Man/366-68 on 27.01.2009 at his given residential address / through the District Comptroller of Accounts,

Abbottabad to come up with the reply to charges for his defence within one week's time besides stating if he wish to be heard in person.

But even much after the stipulated period, neither he nor any communication from him has been received in his defence so far.

Photocopy of office attendance register for the month of September, 2008 has been obtained which is annexed herewith.

Conclusion.

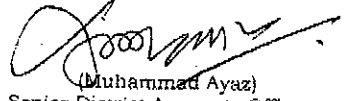
From the above findings, perusal of record and fact of non-appearance of accused employee besides the fact he never bothered to make any contact with his parent/controlling offices or respond to notices etc. Thereby, it can be established and concluded that he is found guilty of misconduct.

The charge of misconduct therefore, stand established and proved within the meanings of Sub Section (a) & (b) of amended Section-3 of NWFP (Special Powers) Ordinance, 2000.

As such the accused is liable for imposition of major penalty of Removal / dismissal from service.

Submitted please.

Dated: 10-2-2009


(Muhammad Ayaz)
Senior District Accounts Officer,
Manshra.
(Inquiry officer)

Copy of report to be submitted to the District Comptroller of Accounts, Abbottabad.

Annex-1V

RR-11

N.-W.F.P. PUBLIC SERVICE COMMISSION
APPLICATION FORM

APPLICATION NO. 16318

APPLICATION FEE

Rs. 200/-

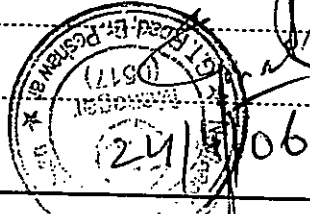
FOR BANKS USE ONLY

Amount paid in words

Three hundred

Signature of Bank's Officer

Seal of the Branch



Post applied for Sub-Accountants.

Advertisement No. 03/2006.

Serial No. of Post 37.

(31)

Space for recent passport size attested photograph.

1. Name in block letters

MUHAMMAD NADEEM

2. Father's Name in block letters

MUHAMMAD ASLAM

3. (a) Postal Address

C/O Jain Karyama Store - Juchad colony
Juchad Road - Peshawar city

(b) Permanent address, if different from 3(a)

Village Kukmar, UIC Kukmar,
Distt & Tehsil Abbottabad

(c) No. of National Identity Card

17301-0892607-7

(d) Telephone No.

Residence 0345-9089836

Office 091-6224116

4. Religion

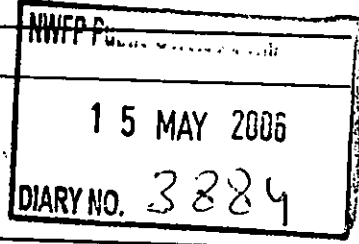
ISLAM.

5. (a) Date of birth as per Secondary School Certificate.

12th April 1984

(b) Age on reckoning date.

22 Year 1 Month 4 Days



6. (a) Place of birth, District/ Agency and Province.

Abbottabad (NWFP)

(b) Nationality of your wife/ husband.

NIL.

7. (a) District/Agency of your Domicile.

Abbottabad.

(b) Zone of your Domicile. Tick mark (✓) the appropriate box (see details of Zone under Para 10 of Instructions attached with this form).

1 2 3 4 5

NIL.

(c) Zone of domicile of your husband (for married female candidates).

1 2 3 4 5

Registered

Telephone: 9217653
9217652



N.W.F.P. Public Service Commission

Scouts Building behind Hayatabad Police Station,
Phase-IV, Sector P-I, Hayatabad, Peshawar.
(Telegraphic address "Publicservis" Peshawar)

No. 11237

Dated: 12/3

To

Muhammad Nadeem O/O Muhammad Aslam
O/O Jan Karyana Store Ithad Colony
Ithad road Peshawar City.

13

Subject: ~~Rectt of sub Accountant b.11 on contract basis.~~

1. You in response to your application for the above post, required at the Commission's Office at **Bungalow No. 186, Sector P-1, Phase-IV, Hayatabad, Peshawar near Scouts Building** at 08:30 hours on 10.4.2007 for oral test (interview). Please bring original certificates, degree and testimonials which will be returned to you on conclusion of your interview.

2. You should rectify the following deficiencies failing which the Commission will reject your application and shall not interview you for the above post:-

- (a) Attested photo copy of Matric, D.Com and B.Com DMCS before interview
- (b) _____
- (c) _____
- (d) _____
- (e) _____

On pages 14/15/8

Superintendent

Annex - IV

Annex-IV

(10)

No. 750

For Insurance Notices see reverse.
Stamps affixed except in case of
uninsured letters of not more than
the initial weight prescribed in the
Post Office Guide or on which no
acknowledgement is due.

Rs. Ps.

27

Received a registered*
addressed to

Sms ACU

Date-Stamp

Initials of Receiving Officer *Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary.*

Insured for Rs. (in figures) 1.5 (in words) One and a half

uninsured.

Insurance fee Rs. Ps. (in words)

Weight 51 Kilo Grams

Name and address of sender

[Blank lines for name and address]