

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
CAMP COURT, ABBOTTABAD.

Service appeal No. 1211/2016

Date of institution ... 27.07.2016  
Date of decision .... 29.06.2018

Dilawar Khan son of Muhammad Farid, Cook Govt. Degree College Oghi, Tehsil Oghi,  
District Mansehra. ... (Appellant)

Versus

1. The Government of Khyber Pakhtunkhwa through Secretary Higher Education  
Department, Khyber Pakhtunkhwa, Peshawar and 2 others.  
... (Respondents)

Mr. Muhammad Arshad Khan Tanoli,  
Advocate ... For appellant.  
Mr. Ziaullah,  
Deputy District Attorney ... For respondents.

MR. SUBHAN SHER, ... CHAIRMAN  
MR. AHMAD HASSAN, ... MEMBER.

JUDGMENT

SUBHAN SHER, CHAIRMAN:-

Stated here the short facts of the appeal in hand are that the appellant was serving as Cook in the respondent-department. On 27.04.2009, he remained absent from duty, so the respondents, keeping in view the importance and sensitivity of work of the appellant being a Cook in the hostel, he was suspended from service and his services were also placed at the disposal of Director Higher Education, Peshawar. So the appellant aggrieved from the said order impugned before this Tribunal vided service appeal no. 1967/2009 dated 24.05.2011 which was disposed off but with the directions to the respondents to pass the final order after adopting the legal procedure as prescribed under the law. When the matter reached to the respondents, they did not take any legal step,

MS  
27.07.2016  
29.06.2018

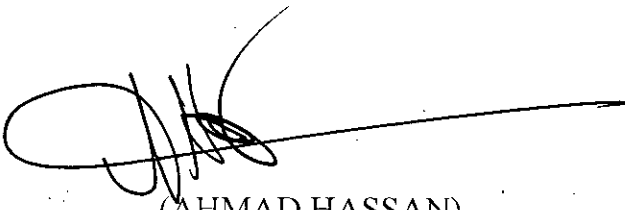
however, passed the impugned order dated 21.06.2011 whereby he was removed from service w.e.f 18.08.2009. Again this order was impugned before this Tribunal and this time too, the appeal was allowed on 19.01.2016 and the impugned order was set aside with the direction to the appellant to approach to the department within one month with further direction to the competent authority to dispose off the appeal of the appellant within one month. Again the respondents without taking proper, action passed the impugned order dated 17.11.2016 and the request in appeal was also regretted. So for the 3<sup>rd</sup> time, the appellant approached this Tribunal through instant appeal.

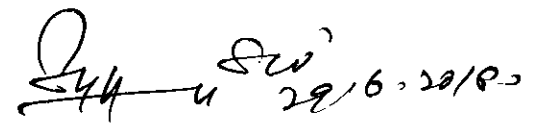
2. Arguments heard and record perused.
3. Mr. Muhammad Arshad Khan Tanoli, Advocate, counsel for the appellant contended that the appellant has been removed from service but without complying with the procedure as laid down in the Khyber Pakhtunkhwa Government Servant (E&D) Rules 2011. Further contended that the respondents were legally bound to conduct full fledged enquiry and give him opportunity of hearing and thereafter pass the order but they violated all the prevalent rules and regulation on the subject . He placed reliance on 1995 SCMR 776 and requested to set aside the impugned order and reinstate the appellants with all back benefits.
4. Mr. Ziaullah, Deputy District Attorney with the assistance of Mr. Malik Muhammad Saddique, Litigation Officer strongly opposed the contentions of the learned counsel for the appellant and argued that show cause notice given in 2009 and the enquiry was also conducted and in this way, the proceedings were conducted in accordance with the law. He requested the Tribunal to dismiss the appeal.
5. After hearing the parties and consulting the available record, on one hand, the contention of the learned counsel for the appellant seems to be roust as on the record,

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there is nothing to show that before imposing major penalty of removal from service, respondents had conducted an enquiry served charge sheet or statement of allegations and thereafter, given show cause notice but straightaway passed the impugned order and that too, w.e.f 18.08.2009. This order itself is invalid in the eyes of law for the omissions committed by the respondents particularly when it has been passed on 17.11.2016 but it was given retrospective effect from 18.08.2009. This view is supported by the numerous judgments of the august Superior Courts. Apart from this, the appellant has been punished for the absence of two days and as per judgment of the august Supreme Court of Pakistan 1995 SCMR 776, it was held that absence from duty for period less than a week, major penalty cannot be imposed

6. The pith of the foregoing discussion is that taking into consideration the arguments of the parties and going through the available record and taking guidance from the worthy rulings on the subject, the appeal is allowed and impugned order dated 17.11.2016 is set aside. The appellant is reinstated in service and the intervening period may be treated as "leave of the kind due". In the circumstances of the case, parties shall bear their own costs. No order as to costs. File be consigned to the record room.

  
(AHMAD HASSAN)  
Member

  
(SUBHAN SHER)  
Chairman  
Camp Court, Abbottabad.

ANNOUNCED  
29.06.2018

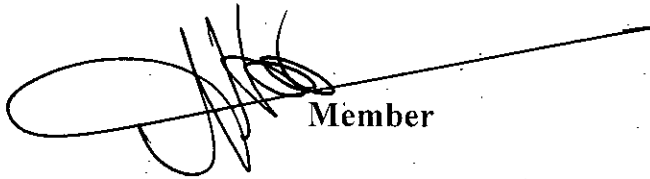
1211/2016

29.06.2018

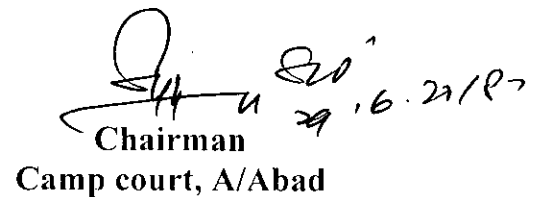
Counsel for the appellant Mr. Arshad Khan Taoli, Advocate present. Mr. Malik Muhammad Saddique, Litigation Officer on behalf of the respondents alongwith Mr. Ziaullah, Deputy District Attorney present.

Arguments heard and file perused.

Vide our detailed judgment of today placed on file, the appeal is allowed and impugned order dated 17.11.2016 is set aside. The appellant is reinstated in service and the intervening period may be treated as "leave of the kind due". In the circumstances of the case, parties shall bear their own costs. No order as to costs. File be consigned to the record room.



Member




Chairman  
Camp court, A/Abad

**ANNOUNCED**  
**29.06.2018**

21.03.2018

Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Khushi Muhammad, SO, Prof. Malak Muhammad Siddique, Dr. Noor Habib, Principal and Muhammad Shaukat, Lecturer for respondents present. Counsel for the appellant seeks adjournment. To come up for rejoinder and arguments on 19.04.2018 before the D.B at camp court, Abbottabad.

  
Member

  
Chairman  
Camp court, A/Abad

19.04.2018


Counsel for the appellant and Mr. Usman Ghani, District Attorney alongwith Prof. Muhammad Shaukat, Prof. Malik Muhammad Siddique, Muhammad Asif, Associate Prof. and Dr. Noor Habib, Principal for the respondents present. The court time is over. Adjourned. To come up for arguments on 25.06.2018 before the D.B at camp court, Abbottabad.

  
Member

  
Chairman  
Camp court, A/Abad

25.06.2018

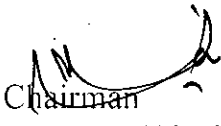
Appellant Dilawar Khan in person alongwith his counsel Mr. Muhammad Arshad Khan Tanoli Advocate present. M/S Muhammad Asif, Principal and Malik Muhammad Siddique Professor alongwith Mr. Ziaullah, Deputy District Attorney for the respondents present. Due to incomplete bench, arguments could not be heard. To come up for arguments on 29.06.2018 before the D.B at camp court, Abbottabad.

  
Member  
Camp court, A/Abad

1211/16

22.06.2017

Counsel for the appellant and Mr. Muhammad Bilal, Deputy District Attorney alongwith Muhammad Asif, Principal, GDC Oghi for the respondents present. Representative of the respondents requested for adjournment. Last Opportunity granted. To come up for written reply/comments on 24.08.2017 before S.B at camp court, Abbottabad.

  
Chairman

Camp court, A/Abad

24.08.2017

Appellant in person present. Mr. Muhammad Bilal, Deputy District Attorney alongwith Dr. Noor-Ul-Habib, Principal & Muhammad Asif Vice Principal & Malik Siddique Professor for the respondents present. Written reply on behalf of respondent No. 1 & 2 submitted. Learned Deputy District Attorney relies on the same on behalf of respondent No. 3. The appeal is assigned to D.B for rejoinder and final hearing for 21.12.2017 at camp court, Abbottabad.

21.12.2017

Appellant in person present. Mr. ~~Kabir Ullah Khattak~~, ~~Chairman~~ Additional Advocate General alongwith ~~Chairman~~ ~~Malik~~ ~~Abdullah~~ ~~Muhammad~~ Siddique, Professor for the respondents present. Arguments could not be heard due to incomplete bench. To come up for rejoinder and arguments on 21.03.2018 before D.B at Camp Court, Abbottabad.

  
(Gul Zeb Khan)


Member (Executive)  
Camp Court, Abbottabad.

19.1.2017

Learned counsel for the appellant argued that the appellant was serving as Cook when removed from service on the allegations of one day absence vide earlier order dated 18.08.2009 where against he preferred service appeal No. 1967/2009 which was decided on 24.05.2011 with the directions for denovo enquiry wherein appellant was again awarded the said penalty constraining him to prefer another service appeal No. 1790/2011 which was decided on 19.01.2016 with the directions to the respondents to decide the departmental appeal of the appellant within a month from the receipt of the judgment which was rejected on 21.06.2011 and hence the instant service appeal on 05.12.2016.

That the impugned order is against facts and law and liable to be set aside.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days notices be issued to the respondents. To come up for written reply/comments on 20.04.2017 before S.B at camp court, Abbottabad.

  
Chairman  
Camp court, A/Abad

20.04.2017

Appellant in person and Professor M. Siddique, and Ibrar Ali, AD alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Requested for adjournment. To come up for written reply/comments on 22.06.2017 at camp court, Abbottabad.

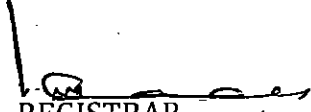
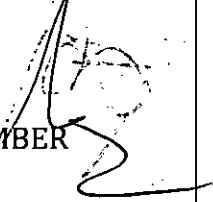
  
Chairman  
Camp Court, Abbottabad.

Appellant Deposited  
for security & process fee

Form- A  
FORM OF ORDER SHEET

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

Case No. 1211/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate.
1	2	3
1	05/12/2016	<p style="text-align: center;">The appeal of Mr. Dilawar Khan presented today by Mr. Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	08-12-2016	<p style="text-align: center;">This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>19-1-2017</u>.</p> <p style="text-align: right;"> MEMBER</p>



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

Service Appeal No. 1211 /2016

Dilawar Khan son of Muhammad Farid Cook Govt. Degree College Oghi, Tehsil Oghi, District Mansehra.

....APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Higher Education KPK Peshawar and others.

....RESPONDENTS

**SERVICE APPEAL**

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3.	Copy of order	12	"B"
4.	Copy of service appeal	13 to 15	"C"
5.	Copy of order dated 24/09/2011	16 to 17	"D"
6.	Copy of impugned removal from service order No. 1789-92 dated 21/06/2016	18	"E"
7.	Copy of service appeal No. 1790/2011	19 to 21	"F"
8.	Copy of order dated 19/01/20016	22 to 25	"G"
9.	Copies of application alongwith registered receipts	26	"H"
10.	Copies of letter No. 994 dated 13/08/2016 and departmental appeal	27 to 28	"I" & "J"
11.	Copy of rejection of departmental appeal letter dated 17/11/2016	29	"K"
12.	Copy of COC	30 to 32	"L"
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Dated: 2/02 /2016

Through

  
 (Muhammad Arshad Khan Tanoli)  
 Advocate High Court, Abbottabad

1

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

Service Appeal No. 12/11 /2016

Dilawar Khan son of Muhammad Farid Cook Govt. Degree College Oghi,  
Tehsil Oghi, District Mansehra.

*Dil*  
.....APPELLANT

Khyber Pakhtukhwa  
Service Tribunal

Diary No. 1255

Dated 05/12/2016

VERSUS

1. Govt. of Khyber Pakhtunkhwa, through Secretary Higher Education KPK Peshawar.
2. Director Higher Education, Khyber Pakhtunkhwa, Peshawar.
3. Principal Govt. Degree College Oghi.

.....RESPONDENTS

Filed to-day

*Dil*  
Registrar

*5/12/16*

**SERVICE APPEAL** UNDER SECTION 4 OF  
KPK SERVICE TRIBUNAL ACT, 1974, FOR  
DECLARATION TO THE EFFECT THAT THE  
APPELLANT WAS REMOVED FROM  
SERVICE VIDE IMPUGNED ORDER NO. 1789-  
99 DATED 21/06/2011 BY RESPONDENT NO.

3. WHICH IS AGAINST THE LAW, RULES AND PRECEDENT CASE LAW REPORTED 2008 SCMR 2014 AND 1995 SCMR 776, AND IMPUGNED REMOVAL FROM SERVICE ORDER 21/06/2011 IS LIABLE TO BE SET ASIDE.

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**PRAYER:** ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, OF THE APPELLANT, IMPUGNED REMOVAL FROM SERVICE ORDER NO. 1789-92 DATED 21/06/2011 MAY GRACIOUSLY BE DECLARED VOID AND THE SAME MAY BE SET ASIDE AND RESPONDENTS DEPARTMENT MAY BE DIRECTED TO RE-INSTATE THE APPELLANT IN SERVICE WITH ALL BENEFIT IN TERMS OF PAY ETC. BESIDES SALARY W.E.F 11/08/2009 TO TILL DATE MAY ALSO BE PAID TO THE APPELLANT. ANY OTHER RELIEF WHICH THIS HONOURABLE TRIBUNAL DEEM APPROPRIATE IN THE CIRCUMSTANCES MAY ALSO BE GRANTED.

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Respectfully Sheweth: -

1. That the appellant was serving as Cook in Govt. Degree College Oghi. Copy of appointment letter is attached as annexure "A".
2. That the appellant was relieved of from duties on 11/08/2009 without any order and was directed to report to the office of respondent No. 2 the respondent No. 2 directed respondent No. 3 to settle the matter of appellant at his own. Copy of order is attached as Annexure "B".
3. That the appellant challenged the relieving chit 11/08/2009 in the Honourable Service Tribunal Peshawar vide civil appeal No. 1967/2009. Copy of service appeal is attached as Annexure "C".
4. That the Honourable Service Tribunal directed the respondents to conduct fresh inquiry against the appellant and pay salary

vide order dated 24/05/2011 is attached as Annexure "D".

5. That instead of fresh inquiry respondent No. 3 removed appellant from service without show cause notice, personal hearing, charge sheet and statement of allegation vide impugned removal from service order No. 1789-92 dated 21/06/2011. Copy of impugned removal from service order No. 1789-92 dated 21/06/2016 is attached as Annexure "E".

6. That the appellant filed another service appeal No. 1790/2011 before this Honourable Tribunal. Copy of service appeal No. 1790/2011 is attached as Annexure "F".

7. That this Honourable Tribunal again directed respondent No. 1 to decide the departmental appeal which was previously addressed to DCO within a period of one month vide order dated 19/01/2016. Copy of order is attached as Annexure "G".

8. That in the mean while, the appellant submitted order of this Honourable Tribunal to respondents on 28/01/2016. Copies of application alongwith registered receipts are attached as Annexure "H".
9. That the appellant was directed by the respondents to file fresh departmental appeal vide letter No. 994 dated 13/08/2016. Copies of letter No. 994 dated 13/08/2016 and departmental appeal are attached as Annexure "I" & "J".
10. That without considering the appeal of the appellant respondent No. 2 regretted the departmental appeal vide dated 17/11/2016. Copy of rejection of departmental appeal letter dated 17/11/2016 is attached as Annexure "K".
11. That during pending of decision on departmental appeal as per direction of this Honourable Court, the petitioner filed COC No. 55/2016 in service appeal No.

1790/2011. Copy of COC is attached as Annexure "L".

12. That on receipt and production of rejection of appeal letter dated 17/11/2016, before this Honourable Tribunal, COC against respondent No. 1 was dismissed with the direction to file fresh appeal vide order dated 22/09/2016. Copy of order of this Honourable Court is attached as Annexure "M". Hence the instant service appeal is fixed inter-alia on the following grounds.

**GROUND:-**

- (a) That the impugned removal from service order dated 21/06/2011 is arbitrary, discriminatory, malafide, perverse against the precedent of case law settled by the apex courts reported 2008 SCMR 2014 and 1995 SCMR 776. Copies of judgments of august Supreme Court of Pakistan are attached as Annexure "N".

- (b) That another similar employee Dildar Ahmed Sweeper has been re-instated alongwith others except the appellat which is discriminatory and against the law.
- (c) That the appellat was removed from service merely on the allegation of so-called absence from service for 2 days. The appellat is crying at the top of his voice for redressal of his grievances almost on the all fora as well as in this Honourable Tribunal since 11/08/2009 to till date but respondents turned to deaf ear to the humble requests of the appellat.
- (d) That show cause notice and inquiry reports arbitrarily conducted against the appellat is attached as Annexure "O".
- (e) As per direction of this Honourable Tribunal dated 24/11/2011, no denovo departmental inquiry was conducted



by the respondent and the appellant has not been treated according to the norms of justice as well as Article 25 of the Constitution. The appellant is also entitled to be treated alike and hence, the appellant is entitled to be re-instated in service.

(f) That the respondents department has led the petitioner to the place which is utterly unknown to the principle of natural justice and fair play.

(g) That as per direction of this Honourable Tribunal salary for the period of suspension of the appellant has not so far been paid to the appellant which amounts to misconduct as well as disobedience of order of this Honourable Tribunal.

It is, therefore, humbly prayed that on acceptance of the instant service appeal, of the appellant, impugned removal from service order No. 1789-92 dated 21/06/2011 may graciously be

declared void and the same may be set aside and respondents department may be directed to reinstate the appellant in service with all benefit in terms of pay etc. Besides salary w.e.f 11/08/2009 to till date may also be paid to the appellant. Any other relief which this Honourable Tribunal deem appropriate in the circumstances may also be granted.

*Dik*  
...APPELLANT

Dated: 2/12 /2016

Through

*Muhammad Asghad Khan Tanoli*  
(Muhammad Asghad Khan Tanoli)  
Advocate High Court, Abbottabad

**VERIFICATION:-**

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.

*Dik*  
...APPELLANT

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

Service Appeal No. \_\_\_\_\_/2016

Dilawar Khan son of Muhammad Farid Cook Govt. Degree College Oghi,  
Tehsil Oghi, District Mansehra.

*D.K.*  
.....APPELLANT

**VERSUS**

Govt. of Khyber Pakhtunkhwa, through Secretary Higher Education KPK  
Peshawar and others.

....RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

I, Dilawar Khan son of Muhammad Farid Cook Govt. Degree College Oghi,  
Tehsil Oghi, District Mansehra, do hereby solemnly affirm and declare that  
the contents of forgoing appeal are true and correct to the best of my  
knowledge and belief and nothing has been concealed therein from this  
Honourable Court.

*D.K.*  
*Tanoli*  
DEPONENT

Identified by;

*(Signature)*  
(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad

**ATTESTED**

*(Signature)* -16

notary public  
Peshawar

(11)

Annexure "A"

27

OFFICE OF THE PRINCIPAL GOVT. COLLEGE OGHI DISTT. MANSHERA.

NO. 259 / 1

DATED: 29/11/2000.

ORDER:

Consequent upon the recommendation of Selection Committee the following candidates are hereby appointed against the vacant posts of Hostel Cook and Peon, respectively with effect from 01-12-2000.

S.NO.	CANDIDATE'S NAME & ADDRESS	POST
1.	Milwar Khan S/O Muhammad Farid Vill: & P/O Oghi Distt: Manshra.	Cook
2.	Anwar Said S/O Alf Said Vill: & P/O Oghi Distt: Manshra.	Naib Qasi Peon

TERMS AND CONDITIONS.

1. They should provide Health and Age Certificate from the Medical Superintendent Manshra.
2. No joining time is allowed unless which is absolutely admissible under the rules.
3. Their service is purely on temporary basis and likely to be terminated at any time without assigning any notice or reason thereof.

PRINCIPAL  
GOVT. COLLEGE OGHI  
29/11/2000

Enclt: No. 259-260 / Dated: 29/11/2000.

Copy to:

1. District Account Officer Manshra.
2. Candidates concerned.
3. P. File.

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

PRINCIPAL  
GOVT. COLLEGE OGHI  
29/11/2000

Annex  
Committee

P-(12)

Annex B

~~Handwritten signature~~

Office of the Principal Govt. Degree College Oghi District Manselhra.

No. 276

Dated: 11/8 /2009.

To

Mr. Dilawar Khan ✓  
Hostel Bearer,  
Govt Degree College Oghi.

Subject: Relieving Chit.

Memo:

Consequent upon the report of the enquiry committee of college council your services are no more required in this institution. You are hereby relieved from your duties and directed to report to the Worthy Director Higher Education N.W.F.P Peshawar with immediate effect.

gdy-  
Principal.

Govt. Degree College Oghi.

Encls: No. 277-78 /Dated: 11/8 /2009

Copy to:

1. Worthy Director Higher Education N.W.F.P Peshawar for favour of farther necessary action please.
2. The hostel Warden to relieve him immediately.

Principal  
Principal

Govt. Degree College Oghi.

Attested  
Muhammad Arshad Khan Tanoli

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Dist. Bar Abbottabad

C

P (13)

Annex "C"

BEFORE THE SERVICE TRIBUNAL NWFP  
PESHAWAR

Appeal No. ....

Dilawar Khan, Cook, Government College Oghi, District  
Mansehra.....Appellant

Versus

- (1) Secretary Higher Education Peshawar.
- (2) Director Higher Education, NWFP, Peshawar.
- (3) Principal Government Degree College Oghi.
- (4) Mr. Khurshid Khan, Vice Principal, Government College Oghi.
- (5) Director Physical Education, Government Degree College Oghi.

.....Respondents

APPEAL U/S IV OF THE SERVICES TRIBUNAL  
ACT 1974 AGAINST THE ILLEGAL RELIEVING  
ORDER OF THE PRINCIPAL, GOVERNMENT  
DEGREE COLLEGE OGHI.

Respectfull / Sheweth!

- 1. That the appellant is serving as a cook in Government Degree College Oghi. (Annexure "A").
- 2. That the committee of the Government College Oghi conducted the inquiry without any legal and proper procedure. (Annexure "B").
- 3. That no any E&D rule has been followed in the said inquiry.
- 4. That no any charge sheet/ statement of allegation has been issued to the appellant before conducting the inquiry.

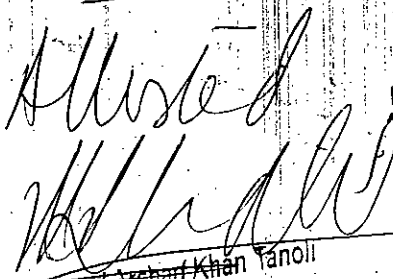
That no any proper letter regarding the inquiry has been issued by the competent authority to the inquiry officer to conduct such type of inquiry.

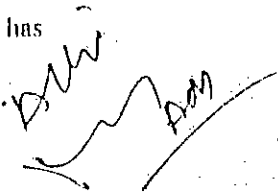
*Muhammad Arshad Khan Tanoli*  
 Muhammad Arshad Khan Tanoli  
 Advocate High Court  
 Office No. 33 Adjacent to  
 Distt Bar Abbottabad

*ANTH*  
*Del*

P-14

6. That the appellant has not been informed about any type of inquiry against the appellant.
7. That the inquiry committee issued a final show-cause notice after conducting of inquiry which was to be issued before the inquiry so the inquiry and show-cause notice are against the law and rules. (Annexure "C").
8. That the suspension of the appellant was issued on 01.05.2009 where the final show-cause notice has been issued on 06.07.2009, and stated in show-cause notice that the order of suspension of the appellant is attached with the show-cause notice. (Annexure "D").
9. That the suspension order is illegal, against the law and rules.
10. That during the suspension period the pay cannot be stopped according to the judgment of Honourable Supreme Court but the Ex-Principal stopped the pay of appellant and violated the judgment of Honourable Supreme Court which comes under the contempt of court.
11. That the suspended official cannot be debarred from the attendance. the attendance of the suspension person is must but he cant work.
12. That the authority (Principal) of the college do not permit the appellant to attend the college which is against the rule.
13. That the suspension order has not been extended after the period of three months so the same order has become null and void.

  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad



14. That the college authority has relieved the appellant during the suspension period and directed to report the Director College Peshawar for duty and the appellant reported to the Director Colleges Peshawar and he the Director Colleges order the Principal to solve the matter at his own level. (Copy is appended as annexure "E").
15. That the pay of the appellant is stopped uptill now which is against the natural justice of law.
16. That the appellant filed the appeal before Secretary Higher Education, NWFP Peshawar but not action has been taken so far. (Copy is appended as annexure "F").

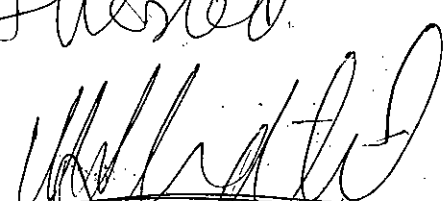
That in view of the above facts it is humbly prayed that respondent No.3 may be ordered to release the pay of the appellant and re-instate the appellant from the date of his suspension and allow to continue his work at the College according to the rule and law.

Dated: 20/12/09

DILAWAR KHAN  
.....APPELLANT

Through:-

M. Naseem Akhtar Advocate,  
Old College Road, Manshera.

Attested  


Muhammad Arshad Khan, Janoh  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

aws  
ASUN



P-16

# Annex "D"



S.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 where necessary. 3
------------------------------------	------------------------------------	--

08

24.05.2011

Appeal No.1967/2009  
(Dilawar Khan-vs-Secretary Higher Education Peshawar etc.)

Counsel for the appellant and Mr.Misbah-ud-Din, Librarian on behalf of the respondents with Mr.Tahir Iqbal, AGP present. Arguments heard at some length, and record perused.

The grievance of the appellant, Dilawar Khan, a Cook in the Government Degree College Oghi, District Mansehra, is twofold, namely. his suspension and stoppage of pay.

The respondents, in their written reply/comments, have alleged that departmental proceedings have been initiated against the appellant for his continuous and wilful absence from duty, and, further, that though the pay was initially stopped but has later on been released. The learned AGP referred to Annexure-K, in this respect, and stated that the Principal, Government Degree College, Oghi has already asked the Manager National Bank of Pakistan Oghi, vide his memo. dated 18.8.2009, to release pay of the appellant alongwith another.

Notwithstanding the fact that suspension is not a final order within the meaning of section 4 of the NWFP (Khyber Pakhtunkhwa) Service Tribunals Act, 1974 and hence not appealable, the respondents have also adopted a novel way of relieving the appellant to report to the Director Higher Education Department, at the conclusion of departmental proceedings, instead of passing an appropriate order under the provisions of law. Therefore, on the one hand, the respondents are directed to conclude departmental proceedings against the appellant in accordance with law within shortest possible time, including, passing a final order under the law, but not later than a month from the receipt of the order; and, on the other, they should also ensure release of pay of the appellant for the

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*Signature*

**Muhammad Arshad Khan Jaroli**  
Advocate High Court  
Office No. 33, Adjacent to  
Distt Bar Abbottabad

*Signature*

for the purpose. This exercise should also be undertaken within the period specified above. The appellant may have recourse to legal remedy available to him under the law if he is aggrieved of the final order of the authority. The appeal is disposed of in the above terms, with no order as to costs.

ANNOUNCED

24.05.2011

(Syed Manzoor Ali Shah)  
Member

(Qalandar Ali Khan)  
Chairman  
Camp Court Abbottabad

Certified to be true copy

Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application	26-5-2011
Number of Words	800
Copying Fee	6-00
Witness	6-00
Total	12-00
Name of Copyist	7
Date of Completion of Copy	30-5-2011
Date of Delivery of Copy	30-5-2011

Attested by  
*[Signature]*

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

*[Signature]*  
Am

P-18

Office Of The Principal Govt. Degree College Oghi,  
District Manshra.

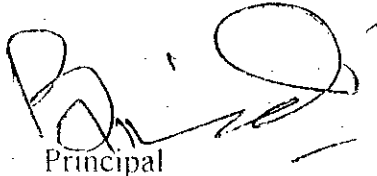
Annex "E"

Office Order:

In the light of recommendation of the inquiry committee and in compliance of the orders passed by the honourable Khyber Pukhtoon Khawa, Services Tribunal, vide judgment dated 24/05/2011 in appeal No. 1967/2009 and after completion of all codal formalities and ascertaining the facts that official concerned remained willfully absent from his official duty unlawfully and without prior sanction of competent authority and is guilty of gross misconduct and negligence.

I, Biradar Khan, Principal, Govt. Degree College Oghi being in the capacity of competent authority, in exercise of powers U/S (3) of the Removal From Service (Special powers) ordinance 2000-2001, is pleased to impose the major penalty of Removal from Services upon Mr. Dilawar Khan (Cook) w.e.f. 18/08/2009.

[Redacted]

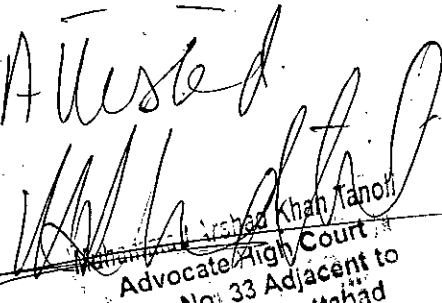
  
Principal

Govt. Degree College Oghi.

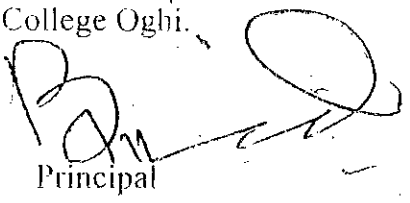
Endst No. 1789-92 /Dated 21/06/ /2011.

Copy of the above is forwarded to:

1. The Chairman Services Tribunal Khyber Pukhtoon Khawa, Peshawar.
2. The Secretary Higher Education Khyber Pukhtoon Khawa, Peshawar.
3. The Director Higher Education, Khyber Pukhtoon Khawa, Peshawar.
4. Mr. Dilawar Khan (Cook), Govt. Degree College Oghi.

Attested  
  
Advocate High Court

Office No. 33 Adjacent to  
Distt Bar Abbottabad

  
Principal

Govt. Degree College Oghi.

~~P-19~~

Annex<sup>cc</sup> F<sup>30</sup>

BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTOONKHAWA PESHAWAR

P-19

Appeal No. 1790/2011

Dilawar Khan, Cook Govt. Degree College, Oghi Tehsil Oghi  
District Mansehra..... *Appellant*

**Versus**

- (1) Secretary Higher Education Khyber Pakhtoonkhawa  
Peshawar.
- (2) Principal Govt. Degree College Oghi.
- (3) Director Higher Education, Khyber Pakhtoonkhawa,  
Peshawar.
- (4) D.C.O Mansehra.

.....*Respondents*

**APPEAL UNDER SECTION IV OF THE SERVICE  
TRIBUNAL ACT 1974 AGAINST THE  
IMPUGNED ORDER NO. 1789-92 DATED  
21.06.2011 OF REMOVAL FROM SERVICE,  
WHICH IS LIABLE TO BE SET-ASIDE.**

Respectfully Sheweth:-

1. That the appellant is serving as a Cook in the Govt.  
Degree College, Oghi.
2. That the appellant was relieved without any order and  
directed to report to the Director, High Education,  
Peshawar for further adjustment.

*Attested*

*[Signature]*

Advocate High Court  
Office No 33 Adjacent to  
Dist. Bar Abbottabad

3. That the Director Higher Education Peshawar, order the Principle Degree College. Oghi to solve the matter at his own level. (Copy of order is Annexure "A").
4. That the appellant challenge the relieving order in the Honourable Service Tribunal Peshawar. (Annexure "B").
5. That the Service Tribunal Order to conduct the fresh inquiry against the appellant and pay his outstanding salary with the period of one month. (Annexure "C").
6. That instead of conducting the fresh inquiry the Principle issued the order of removal from service without any inquiry, show-cause notice and personal hearing and charge sheet and statement of allegation. So, the removal order is illegal, unlawful and against the law and rule which is liable to be set-aside.
7. That the Respondent No.2 ignored the order of Honourable Services Tribunal and he has rendered himself to the contempt of court.
8. That the appellant filed the Departmental appeal but no action has been taken so far. (Annexure "D").
9. That being aggrieved the present appeal is filed on the following grounds:

**GROUND:**

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Dist. Court Abbottabad  
(ii)

That the appellant served the department to the entire satisfaction of his superiors.

That the removal order is illegal, unlawful and against the norms of justice.

Attested  
[Signature]

P-201A

(iii) That any other grounds will be discussed at the time of arguments.

It is, therefore, most humbly prayed that in view of the above facts the impugned removal Order may kindly be set-aside.

Dated: 16 / 11 / 2011

*Dilawar Khan*  
DILAWAR KHAN  
APPELLANT

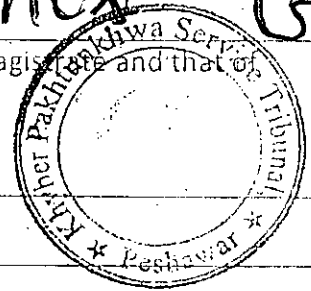
Through:-

*M. Naseem Akhtar*  
M. Naseem Akhtar Advocate,  
Old College Road, Mansehra.

*Attested*  
*Muhammad Arshad Khan Tanoli*

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

P-2022 Annex G



S.No. of proceedings	Date of Order or proceedings.	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR  
CAMP COURT ABBOTTABAD.

SERVICE APPEAL NO 1790/2011

(Dilawar Khan-vs-Secretary Higher Education Khyber Pakhtunkhwa, Peshawar and 3 others).

19.01.2016

JUDGMENT

MUHAMMAD AZIM KHAN AFRIDI, CHAIRMAN:

Appellant with counsel, Malik Muhammad Saddique, Professor, Syed Habibullah Shah, Principal and Muhammad Shaukat Awan, Focal Person alongwith Mr. Muhammad Saddique, Senior Government Pleader for respondents present.

Dilawar Khan, hereinafter referred to as the appellant, has preferred the instant appeal under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act, 1974 against impugned order dated 21.06.2011 vide which he was removed

Brief facts giving rise to the present appeal are that the appellant was serving as a Cook in the Government Degree College, Oghi when relieved from duty without any order with the directions to report to the Director Higher Education Peshawar for further adjustment who ordered the Principal, Govt. Degree College, Oghi to solve the matter at his own level. That the appellant was constrained to challenge the said relieving order in the Service Tribunal and vide order dated 24.5.2011 the Tribunal directed that the appellant be paid the outstanding salary within a period of one month and fresh inquiry be conducted

*Attested*  
*[Signature]*  
1974  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt. B. Abbottabad

KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL,  
PESHAWAR

against the appellant. That without conducting the fresh inquiry the appellant was removed from service and as such the respondent No.2, Principal, Govt. Degree College, Oghi ignored the order of the Service Tribunal. That the departmental appeal of the appellant dated 22.6.2011 was not responded and hence the instant service appeal.

Learned counsel for the appellant has argued that the appellant was denied his pay and thus constraining him to prefer service appeal No.1967/2009 decided on 24.5.2011 wherein the respondents were directed to conclude the departmental proceedings against the appellant in accordance with law within shortest possible time including passing a final order but not later than a month from the receipt of the order. He further argued that the learned Tribunal also directed that release of pay of the appellant shall be ensured. That instead of acting upon the directions of the Tribunal the authority passed the impugned order which is contrary to the norms of law, justice and fair play. That co-accused Sweeper was pardoned and as such discriminatory treatment was meted with the appellant. Reliance was placed on case-law reported as 2008 SCMR 214 and 1995 SCMR 776.

Learned Senior Govt. Pleader argued that the impugned order was passed by the competent authority and that the departmental appeal dated 22.6.2011 was preferred to DCO Mansehra which was not the appellate authority of Principal, Govt. Degree College, Oghi. That the appellant remained absent for two days and that his attitude during the inquiry proceedings was aggressive and rebellious and that he wilfully avoided the inquiry proceedings and as such the impugned order is valid and reasonable.

perused the record.

Perusal of the departmental appeal of the appellant dated 22.6.2011

...nor addressed to the appellate authority nor

ATTACHED

*[Handwritten signature]*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

*[Handwritten signature]*

Muhammed Wahad Khan Janoll  
Advocate High Court  
Office No. 33 Adjacent to  
Dist. Court Peshawar



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forwarded or heard by the said authority. Keeping in view the peculiar circumstances of the case and without entering into the merits of the case including impugned order dated 21.6.2011, emerging on the basis of two days absence of appellant, we deem it appropriate to observe that the departmental appeal of the appellant addressed to the DCO Mansehra dated 22.6.2011 should have been transmitted by the relevant authority to respondent No.1. Since the appellate authority was not in a position to hear the departmental appeal as such we direct that the respondent No.1 shall, on receipt of the same, decide the same within a month. Respondent No.2 shall ensure transmission of copy of this judgment alongwith copy of departmental appeal to respondent No.1 within a week from receipt of the same. The appeal is disposed of in the above terms. No order as to costs. File be consigned to the record room.

7

*Sd/- Muhammad Azim Khan Afridi*  
*Chairman*  
*Sd/- Abdul Latif, Member*

Certified to be true copy

*[Signature]*  
 Ijaz Ahmad  
 Khayber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

ANNOUNCED  
19.01.2016

*Attested*  
*[Signature]*

Date of Presentation of Application 26-01-2016  
 Number of Words 1200  
 Copying Fee 5000  
 Urgent 2000  
 Total 10000  
 Name of Copyist [Signature]  
 Date of Completion of Copy 26-01-2016  
 Date of Delivery of Copy 26-01-2016

Muhammad Arshad Khan Tanoli  
 Advocate High Court  
 Office No. 33 Adjacent to  
 Dist. Bar Abbottabad

*Attested*  
*[Signature]*  
 Muhammad Arshad Khan Tanoli  
 Advocate High Court  
 Office No. 33 Adjacent to  
 Dist. Bar Abbottabad

Of the Post Office Insurance which will unless they are a member of an insure

P-26

Annex H

To,

The Secretary  
Higher Education  
KPK Peshawar

Director Higher  
Education KPK  
Peshawar.

✓ Principal Govt.  
Degree College Oghi.

Subject: DEPARTMENTAL APPEAL AS PER DIRECTION OF  
HONOURABLE SERVICE TRIBUNAL KPK DATED  
22/09/2016

Respected Sir,

1. That the applicant/ appellant was removed from service on 27/04/2009 from Govt. Degree College Oghi. The appellant filed service appeal before the Honourable service tribunal for redressal of his grievance. As per law, on the basis of so called absence, for two days, the appellant can not be removed from service as the appellant was on leave on 27/04/2009.
2. That the Honourable Service tribunal again converted service appeal of the appellant as departmental appeal and directed the Deptt to decide appeal of the appellant within one month vide order dated 19/01/2016 and 22/09/2016. Copies of order of service tribunal KPK one attached.

It is prayed that service record of the appellant may graciously be looked into and after accepting the appeal, the appellant may be re-instated in-service with all service back benefits in terms of pay etc.

Your Obediently  
*Dilawar Khan*  
EX COOK Q.D.C. Oghi  
(DILAWAR KHAN)

*Muhammad Arshad Khan Tanoli*  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Association

Dated: 03/10/16 /2016

Received  
Reg

provide the Reg Receipts to  
this office that sent to the  
Secretary & Director Higher Edu.  
to D.C. Peshawar. 12/10/16



**GOVT. DEGREE COLLEGE OGI DISTRICT MANSEHRA.**

Phone # 0997 320014 email: govt.degreecollegeoghi@yahoo.com / gdcoghi@gmail.com



*Arshad*

No. 994

*P-28*

Dated: 13/8 /2016.

**REMINDER**

*Annex I*

To

Mr. Dilawar Khan, (Ex. Cook)  
Govt. Degree College Oghi.

*P-27-*

Subject: **JUDGEMENT OF SERVICE APPEAL No. 1790/2011.**

Memo

You have been informed vide our reminder letter No. 776 dated 26/2/2016, (by post) letter No. 910 dated 6/5/2016 (by hand) for the submission of fresh Departmental appeal to Directorate Higher Education Khyber Pakhtunkhwa, Peshawar in order to proceed further into the matter. Which is still awaited.

You are once again directed to submit fresh departmental appeal to the Directorate Higher Education Khyber Pakhtunkhwa, Peshawar.

Principal

Govt. Degree College Oghi

*13-8-16*

*Muhammad Arshad Khan Tanoli*

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Court, Peshawar

The Post Office Insurance Office (2) - The Special Office which will insure unless they are a member of an insure of the Post Office

P-28

To,

The Secretary  
Higher Education  
KPK Peshawar

Director Higher  
Education KPK  
Peshawar.

✓ Principal Govt.  
Degree College Oghi.

Annex "J"

Subject:

DEPARTMENTAL APPEAL AS PER DIRECTION OF  
HONOURABLE SERVICE TRIBUNAL KPK DATED  
22/09/2016

Respected Sir,

1. That the applicant/ appellant was removed from service on 27/04/2009 from Govt. Degree College Oghi. The appellant filed service appeal before the Honourable service tribunal for redressal of his grievance. As per law, on the basis of so called absence, for two days, the appellant can not be removed from service as the appellant was on leave on 27/04/2009.
2. That the Honourable Service tribunal again converted service appeal of the appellant as departmental appeal and directed the Deptt to decide appeal of the appellant within one month vide order dated 19/01/2016 and 22/09/2016. Copies of order of service tribunal KPK one attached.

It is prayed that service record of the appellant may graciously be looked into and after accepting the appeal, the appellant may be re-instated in-service with all service back benefits in terms of pay etc.

Your Obediently  
Dilawar Khan  
ex COOK G.D.C. Oghi  
(DILAWAR KHAN)

Muhammed Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt. Court Abbottabad

Dated: 03/10/2016 /2016

Received  
Reg

provide the Reg. Receipts to  
this office that sent to the  
Secretary & Director Higher Edu.  
KPK Peshawar. 11/10/2016



**DIRECTORATE OF HIGHER EDUCATION  
KHYBER PAKHTUNKHWA,  
KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 9210215

No. 30887 (CA-VII/Estt: Branch/A-167/ Dated Peshawar the 17/11 /2016

To

The Principal,  
GDC, Oghi(Mansehra).

P 29

Annex <sup>62</sup> <sup>22</sup> K <sup>23</sup>

**SUBJECT: DEPARTMENTAL APPEAL AS PER DIRECTIONS OF HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, DATED 22.04.2016.**

Memo:

I am directed to refer to your letter No.1076 dated 04.10.2016, on the subject noted above and to inform Mr. Dilawar Khan, Ex-Cook, GDC, Oghi, Mansehra that his request for re-instatement is hereby regretted.

Endst.No

30888

16/11/16  
BY: DIRECTOR (ESTABLISHMENT)

Copy of the above is forwarded to the Section Officer (Litigation) Govt: of Khyber Pakhtunkhwa, Higher Education Department, Peshawar w/r to his letter No.SO(Lit)HFD/2-101/SA# 55/2016 Dilawar Khan/2741-42 dated 18.10.2016,

16/11/16  
BY: DIRECTOR (ESTABLISHMENT)

*Muhammad Arshad Khan Tanoli*

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad



No. 1154/1

Dated: 23/11/2016.

To

Mr. Dilawar Khan,  
Ex. Cook,  
Govt. Degree College Oghi.

Subject: Departmental Appeal As PER DIRECTIONS OF HONORABLE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA, DATED 22-04-2016.

Memo

Copy of the overleaf i.e letter No. 30887/CA-VII/Estt.Branch/A-167 dated Peshawar the 17/11/2016 regarding Departmental Appeal as per directions of the honourable Service Tribunal Khyber Pakhtunkhwa, Peshawar dated 22-04-2016 issued by the Dy. Director Establishment Directorate of Higher Education Peshawar is forwarded to you for your information

Principal

Govt. Degree College Oghi

Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No: 33 Adjacent to  
Distt Bar Abbottabad

P-30  
④

Annex "L"

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

COC No. \_\_\_\_\_  
IN  
Service Appeal No. 1790/2011

Dilawar Khan Cook Govt Degree Collage Oghi Tehsil and District Mansehra.

*Dil*  
...APPELLANT

VERSUS

Mst. Farah Hamid Secretary Higher Education Khyber Pakhtunkhwa, Peshawar.

....ACCUSED/RESPONDENTS

**SERVICE APPEAL**

**APPLICATION** FOR INITIATION OF CONTEMPT OF  
COURT PROCEEDING AGAINST ACCUSED/  
RESPONDENT FOR NOT COMPLYING WITH  
JUDGMENT DATED 19/01/2016 OF THIS  
HONOURABLE tribunal COURT IN SERVICE APPEAL  
NO. 1790/2011.

Respectfully Sheweth;-

1. That the applicant was dismissed from service by the  
principle Govt. Degree College, Oghi on the allegation  
of two days absence from duty.

*Attested*

*Muhammad Arshad Khan Tashori*  
Advocate High Court  
Office No. 33 Adjacent to  
Dist. Jir. Abbottabad

That the applicant filled service appeal No. 1790/2011  
before this Honourable Tribunal for his re-instatement  
in service. Copy of Service Appeal is annexed as  
Annexure "A".

②

~~P-32~~

P-31

3. That this Honourable service tribunal decided that accused/respondent shall, on receipt of judgment dated 19/01/2016 decide the case of the applicant within the period of one month. But the same has yet not been decided by the accused/respondent. Copy of judgment of this Honourable court dated 19/01/2016 is attached as annexure "B".
4. That the applicant submitted judgment of this Honourable tribunal to the accused/respondent through registered letter on 28/01/2016. Copy of application and registered receipts is attached as annexure "C". but accused/ respondent has yet not decided the appeal.
5. That the conduct of accused /respondent amounts to contempt of court.

In view of the above it is prayed that Contempt of Court proceeding may graciously be ordered to be initiated against the accused/respondent for not complying with the judgment dated 19/01/2016 of this Honourable Tribunal Court.

*[Signature]*  
...APPLICANT

Dated: \_\_\_\_\_/2016

Through;

*Attested*  
*[Signature]*  
Muhammad Arshad Khan Tanoli  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad

*[Signature]*  
(Muhammad Arshad Khan Tanoli)  
Advocate High Court, Abbottabad  
&  
*[Signature]*  
(Kalimullah)  
Advocate District Court Abbottabad



⑬ P-32

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

COC No. \_\_\_\_\_  
IN  
Service Appeal No. 1790/2011

Dilawar Khan Cook Govt Degree Collage Oghi Tehsil and District Mansehra.

...PETITIONER

VERSUS

Mst. Farah Hamid secretary Higher education Khyber Pakhtunkhwa Peshawar.

....ACCUSED/RESPONDENTS

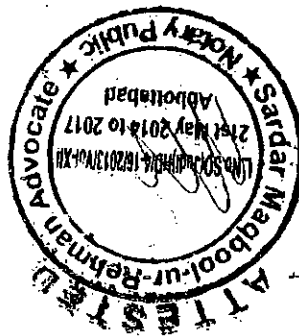
**AFFIDAVIT:**

I, Dilawar Khan Cook Govt. Degree Collage Oghi Tehsil and District Mansehra, do hereby affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing material has been suppressed from this Honourable Court.

*Dilawar Khan*  
DEPONENT

*Attested*  
*Muhammad Arshad Khan Tanzeel*

Muhammad Arshad Khan Tanzeel  
Advocate High Court  
Office No. 33 Adjacent to  
Distt Bar Abbottabad



15/3/15

BEFORE THE SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA PESHAWAR

Execution Petition No. 55/2018

COC No. \_\_\_\_\_

IN

Service Appeal No. 1790/2011

Dilawar Khan Cook Govt Degree Collage Oghi Tehsil and District Maudera

...APPELLANT

VERSUS

Mst. Farah Hamid Secretary Higher Education Khyber Pakhtunkhwa, Peshawar.

....ACCUSED/RESPONDENTS

SERVICE APPEAL.

APPLICATION FOR INITIATION OF CONTEMPT OF  
COURT PROCEEDING AGAINST ACCUSED/  
RESPONDENT FOR NOT COMPLYING WITH  
JUDGMENT DATED 19/01/2016 OF THIS  
HONOURABLE tribunal COURT IN SERVICE APPEAL  
NO. 1790/2011.

Respectfully Sheweth;-

1. That the applicant was dismissed from service by the principle Govt. Degree College, Oghi on the allegation of two days absence from duty.
2. That the applicant filled service appeal No. 1790/2011 before this Honourable Tribunal for his re-instatement in service. Copy of Service Appeal is annexed as Annexure "A".

ATTESTED

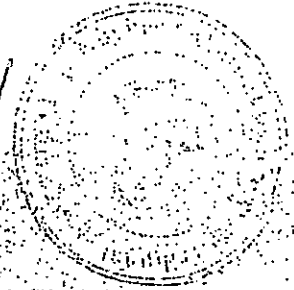
EM. GHANER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Attested  
Arshad Khan Tanzeem  
Advocate High Court  
Office No. 33 Adjacent to  
Dist. Bar Abbottabad

~~P-384~~ P-384

Annex "M" 3

Appeal No. 1790/2011  
E.P. No 55/2016



22.09.2016

Petitioner in person; M/S Prof. Malik Muhammad Siddique and Muhammad Shaukat Awan, Focal person alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Learned Sr.GP informed the Tribunal that respondent No. 1 has not received any departmental appeal till date from the office of respondent No. 2. Representatives of the respondents as well as learned Sr.GP suggested that the petitioner can provide a copy of the said appeal which shall be transmitted to respondent No. 1 within a week.

In view of the afore-stated position it is directed that the petitioner shall submit a copy of the said departmental appeal to respondent No. 2 for further transmission to respondent No. 1 and in case the petitioner is not in a position to supply a copy of departmental appeal then he shall submit a fresh departmental appeal which shall be transmitted to respondent No. 1 by respondent No. 2. To come up for further proceedings on 24.11.2016 before S.B. at camp court, Abbottabad.

*Sd/-*  
Chairman  
Camp Court  
Abbottabad

Certified to be true copy

EN-100/11  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation ..... 28-9-16  
Number of .....  
Copies ..... 6  
Urgency .....  
Total .....  
Per .....  
By .....  
Date of ..... 28-9-16  
28-9-16

*Attended*

*[Signature]*

Muhammad Arshad Khan  
Advocate High Court  
Office No 33 Adjacent  
Distt Bar Abbottabad

Annex "0"

1  
Final Report of Enquiry Committee

P-37

Final Report of Enquiry Committee, about Mr. Dilawar Khan Hostel Bearer and Mr. Dildar Sweeper is here by submitted for disciplinary action against them.

Detail History.

1. Mr. Dilawar Khan Hostel Bearer and Mr. Dildar Sweeper both are serving in th hostel.

During the night between 26/04/2009 and 27/04/2009 the warden was on station leave and left for his home because of Sunday. While leaving the hostel he strictly advised Mr. Dilawar Khan to be present in the hostel and prepare food for the hostel students. As all the boarders were present in the Hostel because of preparation for the forth coming Inter Exam commencing on 28/04/2009. Moreover the Examination staff for two halls in connection with the Inter Examination was also expected to come on 28/04/2009. Mr. Dilawar ignored the instructions of the hostel warden and remained absent from the duties on said night deliberately.

At night the students were hungry as they were not served with the meal. So they went to the home of Mr. Dilawar situated nearby. Though Mr. Dilawar was present at home at that night as he admitted himself before the inquiry committee. He denied to come to the Hostel and posed that he is not home. And handed over the keys of the hostel kitchen to the students through his brother.

The hostel students than contacted the warden through mobile and told about the whole situation. As the warden was very far from, as mentioned earlier so he requested the Worthy Principal to solve the problem, because the Worthy Principal is residing at the short distance from the college. On the request of the warden Worthy Principal and Senior Clerk came to hostel at 9:30 PM and made some arrangements for food/meals for students.



Despite of all the above situation on next day Mr. Dilawar again remained absent from hostel without prior permission of the competent authority.

2. Mr. Dildar sweeper remained absent from the hostel deliberately for three days inspite strict directives of hostel warden. Because of shortage of menial staff in the hostel, it is practice from

the beginning that whenever the cook bearer of any other class IV proceeds on leave. Other class IV are liable to perform his duties in addition to their own. But Mr. Dildar always denied to perform additional duties. On that very night chowkidar of college was on casual leave and Mr. Didar was asked verbally to perform the duties of chowkidar but he straight away refused and said that he is sweeper and not a chowkidar.

Worthy Principal reported the whole situation to the Worthy Director Higher Education vide letter No. 184 dated 8/6/2009 in response the Principal was asked to initiate disciplinary action against both the class IVs under disciplinary rules and regulation. So the Principal constituted an enquiry committee comprising of following staff members.

Enquiry Committee:

1. Prof. Dr. Noor Habib 
2. Prof. Dr. Muhammad Siddiq
3. Prof. Muhammad Haneef (Hostel Warden) 
4. Mr. Misbahud Din (Librarian)
5. Mr. Umar Bashir (DPE)

### Allegation/ Charges.

In the light of enquiry, the enquiry committee came to the conclusion that:

Both the class IV Mr. Dilawar Khan and Mr. Dildar were asked to clear their position vide final show cause notice No. 218 dated 6/7/2009. They were personally heard but instead of clearing their position their answers were irrelevant, arrogant and not convincing.

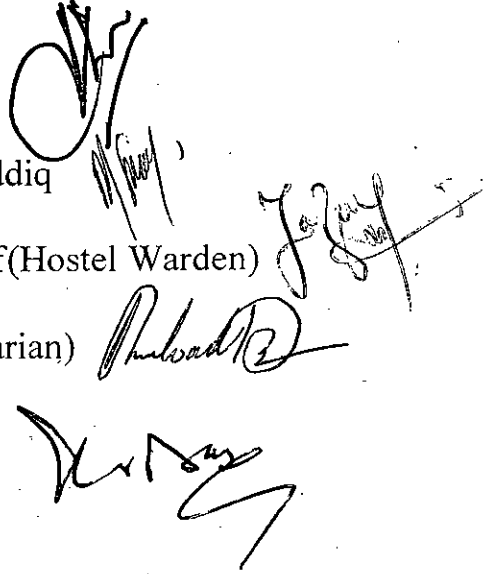
2. Before final show cause notice they were delivered three explanations repeatedly about their negligence in duties. But they tore out the explanation letter before the class IV who delivered it.

The attitude of both the class IV was highly objectionable and arrogant. The enquiry committee also tried to treat them sympathetically but their behaviour was utterly unworthy and disappointing.

Keeping in view the gravity of their offence, the enquiry committee suggests that the said class IV may be terminated from their post immediately.

**Enquiry Committee:**

1. Prof. Dr. Noor Habib
2. Prof. Dr. Muhammad Siddiq
3. Prof. Muhammad Haneef (Hostel Warden)
4. Mr. Misbahud Din (Librarian)
5. Mr. Umar Bashir (DPE)



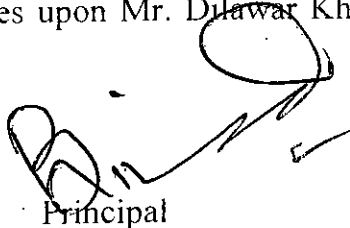
P-40

**Office Of The Principal Govt. Degree College Oghi,**  
**District Mansehra.**

**Office Order:**

In the light of recommendation of the inquiry committee and in compliance of the orders passed by the honourable Khyber Pukhtoon Khawa, Services Tribunal, vide judgment dated 24/05/2011 in appeal No. 1967/2009 and after completion of all codal formalities and ascertaining the facts that official concerned remained willfully absent from his official duty unlawfully and without prior sanction of competent authority and is guilty of gross misconduct and negligence.

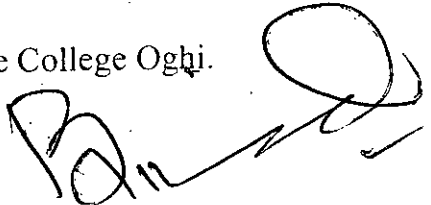
I, Biradar Khan, Principal, Govt. Degree College Oghi being in the capacity of competent authority, in exercise of powers U/S (3) of the Removal From Service (Special powers) ordinance 2000-2001, is pleased to impose the major penalty of Removal from Services upon Mr. Dilawar Khan (Cook) w.e.f. 18/08/2009.

  
Principal  
Govt. Degree College Oghi.

Endst No. \_\_\_\_\_ /Dated \_\_\_\_\_ /2011.

Copy of the above is forwarded to:

1. The Chairman Services Tribunal Khyber Pukhtoon Khawa, Peshawar.
2. The Secretary Higher Education Khyber Pukhtoon Khawa, Peshawar.
3. The Director Higher Education, Khyber Pukhtoon Khawa, Peshawar.
4. Mr. Dilawar Khan (Cook), Govt. Degree College Oghi.

  
Principal  
Govt. Degree College Oghi.



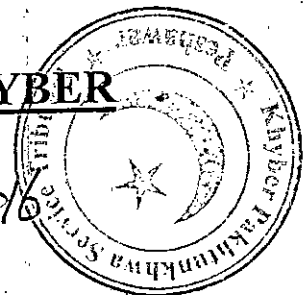




①

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

*Execution Petition No. 55/2016*



COC No. \_\_\_\_\_

IN

Service Appeal No. 1790/2011 **K.P. Province**

**Service Tribunal**

Diary No. 256

dated 24-4-16

Dilawar Khan Cook Govt Degree Collage Oghi Tehsil and District Mansehra

...APPELLANT

VERSUS

Mst. Farah Hamid Secretary Higher Education Khyber Pakhtunkhwa, Peshawar.

....ACCUSED/RESPONDENTS


**SERVICE APPEAL**

**APPLICATION** FOR INITIATION OF CONTEMPT OF  
COURT PROCEEDING AGAINST ACCUSED/  
RESPONDENT FOR NOT COMPLYING WITH  
JUDGMENT DATED 19/01/2016 OF THIS  
HONOURABLE tribunal COURT IN SERVICE APPEAL  
NO. 1790/2011.

Respectfully Sheweth;-

1. That the applicant was dismissed from service by the principle Govt. Degree College, Oghi on the allegation of two days absence from duty.
2. That the applicant filled service appeal No. 1790/2011 before this Honourable Tribunal for his re-instatement in service. Copy of Service Appeal is annexed as Annexure "A".

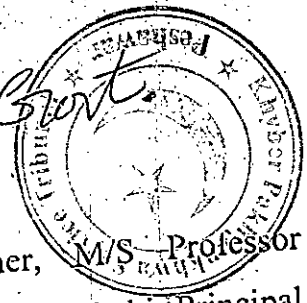
**ATTESTED**

  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

EP 55/16

24.11.2016

*Dilawar Khan vs Govt.*



Counsel for the petitioner, M/S Professor Muhammad Siddique, Syed Habibullah Shahj, Principal and Muhammad Shaukat, Lecturer alongwith Mst. Bushra Bibi for the respondents present. Representative of the respondents submitted copy of office order dated 17.11.2016 vide which the departmental appeal of the petitioner has been rejected.

In view of the above, learned counsel for the petitioner requested for withdrawal of the petition as he intends to re-agitate the grievances of the petitioner afresh.

Disposed off accordingly. File be consigned to the record room.

*[Signature]*  
Chairman  
Camp Court, A/Abad  
24.11.16

**ANNOUNCED**  
24.11.2016

Certified to be true copy  
*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 05-12-2016  
Number of Words 6800  
Copying Fee 0  
Urgent 2  
Total 8  
Name of Copyist [Signature]  
Date of Completion of Copy 05-12-16  
Date of Delivery of Copy 05-12-16

کورٹ فیس  
قیمتی

# وکالت نامہ

Before The Service Tribunal KPK, Peshawar بعدالت

Dilawar Khan نام Govt of KPK عنوان

(Appellant) منجانب:

Service Appeal نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی وجواب دہی کل کاروائی متعلقہ آن مقام

Kalimullah Advocate, Abbottabad

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب

موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء

وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور

کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داخستہ مجھ کو منظور و قبول

ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف

پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جز و بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست براد استجارت ناش بصیغہ مفلسی کے دائرہ کرنے اور اس کی

پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

بمقام: ایبٹ آباد

المقوم:

دیلوار خان

دیلوار خان

دیلوار خان

کورٹ فیس قیستی

# وکالت نامہ

Before The P Service Tribunal, KPIS, Peshawar بعدالت

Diwan Khan نام Govt of KPIS & Others عنوان:

(Appellant) منجانب:

Service Appeal نوعیت مقدمہ:

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام

Muhammad Arshad Advocate High Courts Abbottabad

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب

موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء

وصولی چیک روپیہ دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور

کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داخستہ مجھ کو منظور قبول

ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام ذورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف

پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جزو بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست برآمد استجارت نالش بصیغہ مفلسی کے دائرہ کرنے اور اس کی

پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المقوم:

Accepted  
Muhammad Arshad

Muhammad Arshad  
Advocate High Court  
Office No: 33 Adjacent to  
Distt. Bar Association

**BEFORE THE HONOURABLE SERVICE TRIBUNAL, CAMP COURT,  
ABBOTTABAD.**

S.A#1211 /2016

~~Mr.~~ Dilawar Khan.....Petitioner.

Versus

Govt. of Khyber Pakhtunkhwa  
Through Secretary and Director,  
Higher Education Peshawar .....

Respondents..

**Subject: PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 & 2,**

**PRELIMINARY OBJECTIONS: -**

**Respectfully Sheweth: -**

1. That the appellant has got no cause of action/locus standi to file the instant appeal.
2. That the Honourable Tribunal lacks Jurisdiction to adjudicate the instant case.
3. That the appellant is trying to mislead the Honourable Tribunal and concealed material facts.
4. That the appellant has been estopped by his own conduct to file the instant appeal.
5. That the instant case is hit by doctrine of laches.
6. That the appeal is badly time barred.

**Facts:-**

- 1) Correct that the appellant was working as cook in Government Degree College, Oghi (Mansehra).
- 2) That the para 2 of the appeal is incorrect. The appellant was relieved from duties, upon the report of the Enquiry Committee of the College Council and directed to report to the Director, Higher Education, Peshawar vide office order No.276 dated 11-08-2009 ( copy of the minutes of the College Council meeting office order No. 276 dated 11/08/2008 is attached as Annex-A).
- 3) That the para No. 4 of the appeal is correct upto the extent that the appellant challenged the relieving order in the Honourable Service Tribunal, Peshawar.
- 4) That the para 5 of the appeal is correct to the extent that the Honourable Service Tribunal, Camp Court, Abbottabad vide Judgment dated 24/05/2011 directed the respondents to conduct departmental proceedings in accordance with law and also ensure release of pay of the appellant.
- 5) That para No.6 of the appeal is incorrect. A Proper Enquiry Committee was constituted comprising of 5 senior members of the staff of the College. A Proper Notice No. 1781 dated 08-06-2011 was served upon on the appellant regarding constitution of Enquiry Committee to the appellant to attend the proceeding of the Inquiry Committee on 14-06-2011 (Annex-B). Finally, in the light of the recommendations of Inquiry Committee the appellant was removed from Service vide order No. 1789-92 dated 21/06/2011 (Annex-C).


- 6) Correct that the appellant filed another Service Appeal No.1790/2011 before the Honourable Service Tribunal.
- 7) Correct that Honourable Tribunal again directed respondent No.1 to decide the departmental appeal within a month. It is pertinent to mention that the departmental appeal of the appellant was regretted (Annex-D).
- 8) Subject to proof.
- 9) Correct that the appellant was directed to file fresh departmental appeal.
- 10) Correct to the extent of Rejection order which is in accordance with Law.
- 11) Correct to the extent that the appellant filed contempt of Court before the Honourable Service Tribunal. It is worthy to mention that the appellant was time and again informed to file fresh departmental appeal before the competent authority but the appellant feel hesitation to file fresh departmental appeal.
- 12) Already explained in the preceding paras.

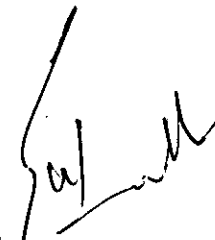
**Grounds:-**

- A. Incorrect. The impugned removal from Service Order dated 21/06/2011 was issued in accordance with law and rules. The competent authority comply all the codal formalities.
- B. Pertains to the record. However each and every case has its own merits.
- C. Incorrect. The appellant was removed from Service due to non compliance of official orders, negligence and remaining wilfully absent from his duties, and on the recommendations of the Enquiry Committee on charges of gross mis-conduct and negligence.
- D. Incorrect. Enquiry was conducted against the appellant in accordance with law and rules.
- E. Incorrect. In compliance of the order passed by the Honourable Service Tribunal, a denovo inquiry was conducted (copy is attached as Annex-E).
- F. Incorrect and already explained in the preceding para.
- G. Pertain to the record of respondent No.3.

**Prayer:-**

It is, therefore, humbly prayed that the instant case is based on mis-conception/mis-statement and hence liable to the dismissed with costs.

  
Secretary,  
Higher Education Department  
Respondent No.1

  
Director,  
Higher Education Department  
Respondent No.3

Amex-A Amexure "B"

Amex-H

Office Of The Principal Govt. Degree College Oghi District Mansehra.

101

Minutes of College Council Meeting.

A college council meeting was held on 06/06/2009 under the chairmanship of the Principal Govt. Degree College Oghi, in order to find out the solution of theft case of computer and speakers.

The following decision were unanimously taken/devised by the members of the college council.

After deep inquiry of the enquiry committee the college council has come to the conclusion that the main culprits of this all situation are the following two class IV servants.

1. Dilawar Khan Hostel Bearer
2. Dildar Sweeper

Who had intentionally created this situation and polluted the atmosphere of the college and politicized the whole environment and created harmful condition for the college administration.

The college council has also proposed punishment for both of above as they are liable to be punished under the disciplinary rules of the civil services either they both should be transferred to any other station from this college. The both are directed to report to the Director Higher Education NWFP Peshawar for there new posting/adjustment to any other institution or termination from service. Because their services are no more required here in this institution.

1. Prof: Qari Muhammad Siddiq Assistant Professor. *M. Siddiq*
2. Prof: Dr. Noor Habib Assistant Professor. *Dr. Noor Habib*
3. Prof: Syed Habib Ullah Shah Assistant Prof.
4. Mr. Mukhtar Nabi Lecturer
5. Mr. Umer Bashir DPE *Umer Bashir 6/6*

MB

*[Signature]*  
Principal

Govt. Degree College Oghi.



# Annexure "A" B.

گورنمنٹ ڈگری کالج اوچی، ضلع مالکان

نمبر: 1781 (نوٹس) تاریخ: 08/06/2011

عدالت سروسز ٹریبونل غیر کھٹوں خواہ لیٹا اور کا  
فیصلہ بعد آپ کی درخواست مورخہ 04/06/2011 کو کالج  
ٹھکانے میں موصول ہوا۔ فیصلہ کی روشنی میں ایک انکوائری  
کمیٹی تشکیل دی گئی ہے۔ آپ کو مطلع کیا جاتا ہے کہ  
مورخہ 14/06/2011 بوقت 9 بجے صبح انکوائری کمیٹی کے سامنے  
پیش ہو کر اپنے موقف کی وضاحت کریں۔ تاکہ مزید  
کارروائی عمل میں لائی جاسکے۔ لہجورٹ دیگر کمیٹی ایک  
خلاف یک طرفہ انتظامی کارروائی کا حق محفوظ رکھتی ہے۔

محمد حسین  
انکوائری کمیٹی  
گورنمنٹ ڈگری کالج اوچی

- کافی برائے:
- 1۔ دلاور خان (ڈک)
  - 2۔ آفس ڈیپارٹمنٹ
  - 3۔ محمد حسین انکوائری کمیٹی

Dilawar  
Khan

08/6/11

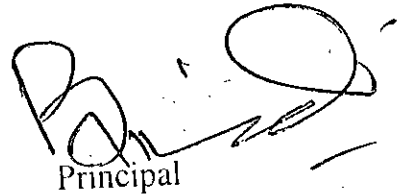
10:18 AM

Office Of The Principal Govt. Degree College Oghi,  
District Mansehra.

**Office Order:**

In the light of recommendation of the inquiry committee and in compliance of the orders passed by the honourable Khyber Pukhtoon Khawa, Services Tribunal, vide judgment dated 24/05/2011 in appeal No. 1967/2009 and after completion of all codal formalities and ascertaining the facts that official concerned remained willfully absent from his official duty unlawfully and without prior sanction of competent authority and is guilty of gross misconduct and negligence.

I, Biradar Khan, Principal, Govt. Degree College Oghi being in the capacity of competent authority, in exercise of powers U/S (3) of the Removal From Service (Special powers) ordinance 2000-2001, is pleased to impose the major penalty of Removal from Services upon Mr. Dilawar Khan (Cook) w.e.f. 18/08/2009.

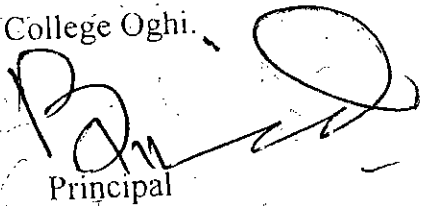


Principal  
Govt. Degree College Oghi.

Endst No. 1789-92 /Dated 21/06/ /2011.

Copy of the above is forwarded to:

1. The Chairman Services Tribunal Khyber Pukhtoon Khawa, Peshawar.
2. The Secretary Higher Education Khyber Pukhtoon Khawa, Peshawar.
3. The Director Higher Education, Khyber Pukhtoon Khawa, Peshawar.
4. Mr. Dilawar Khan (Cook), Govt. Degree College Oghi.



Principal  
Govt. Degree College Oghi.

Annes - D

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**DIRECTORATE (**  
**KHYBER PAKHTUNKHWA**  
**KHYBER ROAD PESHAWAR**

Phone # 091-9210242, 9211025/Fax # 9210215

No. 30887 CA-VII/Estt: Branch/A-167/ Dated Peshawar the 17/11 /2016

To

The Principal,  
GDC, Oghi(Mansehra).

**SUBJECT: DEPARTMENTAL APPEAL AS PER DIRECTIONS OF HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, DATED 22.04.2016.**

Memo:

I am directed to refer to your letter No.1076 dated 04.10.2016, on the subject noted above and to inform Mr. Dilawar Khan, Ex-Cook, GDC, Oghi, Mansehra that his request for re-instatement is hereby regretted.

Endst.No

30888

*R* 16/11/16  
e// DY: DIRECTOR (ESTABLISHMENT)

Copy of the above is forwarded to the Section Officer (Litigation) Govt: of Khyber Pakhtunkhwa, Higher Education Department, Peshawar w/r to his letter No.SO(Lit)HED/2-101/SA# 55/2016 Dilawar Khan/2741-42 dated 18.10.2016,

*R* 16/11/16  
e// DY: DIRECTOR (ESTABLISHMENT)

~~Annexure~~ ~~Annexure~~ Final / Personal Hearing in c/w Disciplinary  
 Action against Two Class IV of Colley Hostel was  
 made. Which is given as under. (Annex - B)

① دروزن درجہ چہارم ملزمین۔ دلاور خان اور ولداد اپنی صفائی میں بار بار کیوسٹر  
 جوڑی کی واردات کو دہرا رہے تھے۔ جبکہ انکی مدد ملی اور نخواستہ کی ہندش کا  
 اس واردات سے کوئی تعلق نہیں۔

② رات مذکورہ کو دروزن ملزمین ہاسٹل سے غیر حاضر تھے۔ دلاور خان کے  
 بقول اس نے واردات صائب سے چھٹی لی تھی۔ جبکہ واردات صائب  
 چھٹی دینے والی بات سے انکاری ہے۔ جبکہ دلاور خان سے مکمل طور پر  
 اپنی ڈیوٹی ماننے سے انکاری ہے۔

③ ان کے بقول واردات صائب اتوار مورخہ 26 اپریل 2009ء کو گھر گئے۔  
 جبکہ بقول ان کے وہ بروز ہفتہ گھر گئے تھے۔

④ یہ درست ہے۔ کہ گھر کے میرے گھر گئے تھے۔ اور کھانا پکانے کا کہہ رہے  
 تھے۔ میں نے اپنے بھائی کے ذریعے جا بیاں لڑکوں کے حوالے کیں۔ میں  
 یہ تسلیم کرتا ہوں۔ کہ میں گھر پر موجود تھا۔ کیونکہ میں چھٹی پر تھا۔

⑤ 27 اپریل 2009ء صبح سویرا کی صبح میں لڑکوں کو چائے بنا کر نہیں دی۔  
 اور دوپہر کا کھانا میں آدرا ہونے لڑکوں کو بنا کر دیا تھا۔

⑥ واردات کی شکایت پر کہ ہاسٹل خالی ہے۔ پرنسپل صائب اور باجوہا نزیب  
 8:15 بجے کالج ہاسٹل آئے۔ اور ہاسٹل کو خالی پایا۔ کیونکہ دونوں ملزمین  
 ڈیوٹی پر موجود نہیں تھے۔

⑦ دلاور کے بقول کہ میں خاکروب ہوں۔ جو کیداری کی ڈیوٹی میرا کام نہیں۔  
 دوسری بار بھی رات کی ڈیوٹی کرنے سے انکاری ہوا۔

⑧ بقول ان دونوں کے کہ پرنسپل صائب اور تمام پرنسپل صائبان کو بھی تھانے  
 لایا جاتا، مارے پیٹے اور قید ہند میں رکھا جاتا۔ جس طرح ہم دونوں کے  
 ساتھ کیا گیا ہے۔

⑨ دونوں ملزمین متعلقہ جواب دینے کے بجائے پرنسپل اور انکو امری کیسے کہ



Before The Honourable Service Tribunal Camp Court  
Abbottabad

S.A : 1211 / 2016


Dilawar Khan ----- Petitioner

vs  
Govt. of Khyber Pakhtunkhwa through  
Secretary Higher Education Peshawar & others ----- Respondents.

Reply by Respondent No. 3

Respectfully Sheweth:

- 1- That the titled case is fixed for hearing today on 24.08.2017 before this Honorable Tribunal.
2. That the reply by the respondent No. 3 Principal Govt Degree Oghi Mansehra is same submitted by the Higher Education Department.

  
Principal  
Govt Degree College Oghi  
(Respondent No. 3)

PRINCIPAL  
GOVT DEGREE COLLEGE OGI  
MANSEHRA

24.8.2017.

Before The Honourable Senior Tribunal Camp Court  
Abbottabad

S.A : 12 11 / 2016


Dilawar Khan ----- Petitioner

vs  
Govt. of Khyber Pakhtunkhwa through  
Secretary Higher Education Peshawar & others ----- Respondents.

Reply by Respondent No. 3

Respectfully Sheweth :-

- 1- That the titled case is fixed for hearing today on 24.08.2017 before this Honorable Tribunal
2. That the reply by the respondent No. 3 Principal Govt Degree Oghi Manshera is same submitted by the Higher Education Department.

  
Principal  
Govt Degree College Oghi  
Manshera  
(Respondent No. 3)

24.8.2017.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No 1396 /ST

Dated 11 /07/2018

To

The Principal Govt. Degree College,  
Government of Khyber Pakhtunkhwa,  
Oghi.

Subject: ORDER/JUDGEMENT IN APPEAL NO. 1211/2016, MR. DILAWAR KHAN.

I am directed to forward herewith a certified copy of Judgment/Order dated 29/06/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

*dlw*  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.