


# FORM OF ORDER SHEET

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

**Appeal No. 2439 /2023**

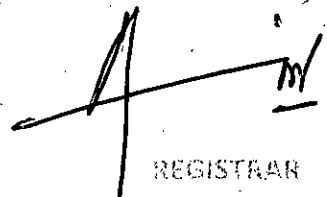
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/11/2023	<p>The appeal of Mr. Noor Muhammad Yasir resubmitted today by Mr. Tariq Altaf Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshai is given to the counsel for the appellant.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Mior Muhammad Yasir Assistant Programmer DC Office Kohat received today i.e on 19/10/2023 is incomplete on the following points which is returned to the counsel for the appellant for completion and resubmission within 7 days.

- ✓ 1- Check list is not attached with the appeal.
- ✓ 2- Appeal has not been flagged/marked with annexures marks.
- ✓ 3- Annexures of the appeal are unattested.
- 4- Annexures of the appeal are not in sequence be annexed serial wise as mentioned in the memo of appeal.
- 5- Copy of departmental appeal against the Impugned final seniority list is not attached with the appeal be placed on it.
- ✓ 6- Copies of enquiry report first show cause notice and reply to the show cause notice mentioned in para-5 of the appeal are not attached with the appeal be placed on it.
- ✓ 7- Index of the appeal is incomplete.
- ✓ 8- Six more copies/sets of the appeal along with annexures i.e complete in all respect may also be submitted with the appeal.

No. 3434 /S.T.

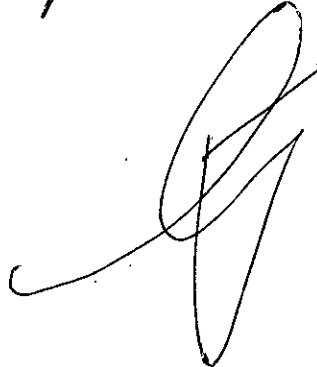
Dt. 19/10 /2023.



REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Tariq Altaf Adv.  
High Court Kohat.

*Note*  
*Re. Subani Heed after Removal*  
*all objections.*



**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL PESHAWAR**

In Service Appeal No. 2439 /2023

**Noor Muhammad Yasir.....Appellant**  
**V E R S U S**  
**Government of KPK & others.....Respondents**  
**I N D E X**

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Service Appeal		1-8
2.	Affidavit		9
3.	Application for suspension		10-11
4.	Affidavit		12
5.	Copy of CNIC, Service card, Inquiry, Show Cause Notice, newspaper cutting and reply to notice	A	13-19
6.	Copy of Inquiry Proceedings, Personal hearing, Show Cause Notice and reply	B	20-26
7.	Copy of the impugned Office Order dated 19.05.2023	C	27
8.	Copy of Departmental Appeal	D	28-29
9.	Other relevant documents	E	30-43
10.	Wakalat Nama		44

*Noor Muhammad*  
Appellant

Through

  
**TARIQ ALTAF**

Advocate, High Court  
At District Courts Kohat

①

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL PESHAWAR**

In Service Appeal No. 2489 /2023

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 8365

Dated 17-10-2023

Noor Muhammad Yasir, Assistant Programmer BPS-16  
DC Office Kohat.

.....Appellant

**V E R S U S**

1. Government of Khyber Pakhtunkhwa, Home & Tribal Affairs Department, KPK, Peshawar.
2. Secretary Home, Home & Tribal Affairs Department, KPK, Peshawar.
3. Deputy Commissioner Kohat.
4. Accountant General, Khyber Pakhtunkhwa, Peshawar.

.....Respondents

SERVICE APPEAL UNDER  
SECTION 4 OF KPK SERVICE  
TRIBUNAL ACT 1974 AGAINST  
THE IMPUGNED ORDER DATED  
19.05.2023, WHEREBY MAJOR  
PENALTY WAS IMPOSED ON  
THE APPELLANT OF STOPPAGE  
OF 02 ANNUAL INCREMENTS  
AS WELL AS RECOVERY OF

17/10/23

(2)

SALARY W.E.F 01.08.2021 TO  
22.02.2023, WHEREBY THE  
APPELLANT FILED  
DEPARTMENTAL APPEAL  
BEFORE THE RESPONDENT NO  
1, WHICH WAS NOT  
RESPONDED TILL DATE,  
HENCE THE INSTANT APPEAL.

**Prayer in Appeal:**

On acceptance of this service appeal, the impugned Order dated 09.05.2023, may kindly be set aside / cancelled and the penalty imposed upon the appellant may kindly be withdrawn.

**Respectfully Sheweth:**

1. That the Appellant is a peaceful and law abiding citizen of Pakistan and is entitled for all the legal and fundamental rights constitution of Islamic Republic of Pakistan 1973.
2. That the appellant is serving Assistant Programmer (BPS-16) and presently posted in Deputy Commissioner Office Kohat.

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3. That prior to the present posting of the appellant in Deputy Commissioner Office Kohat, the appellant remained posted in Deputy Commissioner Office Hangu for a period of almost 05 years and during his entire course of service, the appellant performed his duties with zeal, devotion, honesty and upto the entire satisfaction of his superiors.
4. That since the appointment of the appellant there is no complaint whatsoever with regard to his duties has been made to his high ups, which shows his professionalism and dedication towards duties.
5. That an inquiry was initiated against the appellant in respect of absence from the duty, moreover a show cause notice upon the appellant, which was duly replied by the appellant in which the appellant stated that;

**"I apologies on late reply and later on it was published in newspaper AAJ dated: February 06,2023 from Secretary IT office as I was not familiar to the importance of notice and got misguided. When I saw the first notice at my home late evening, vary next day AD-IT (Arms) was personally visited at Computer Arms section at Home & Tribal Affairs and**

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showed my appearance but did not meet Section Officer (General). Yesterday, after publication in newspaper I met Section Officer (General) and informed my negligence.

It is therefore, requested that I may please be exonerated from the charges of absentee allegations and to instruct the office to check the record and drop the access of notice if any issue to the undersigned and may be enquire again from License Clerk Arms branch, Kohat and other staff members, will be grateful".

(Copy of CNIC, Service card, Inquiry, Show Cause Notice, newspaper cutting and reply to notice are attached as annexure A)

6. That after completion of inquiry proceeding, the appellant was given opportunity of personal hearing, thereafter the inquiry office issued inquiry proceedings along with findings and recommendation, on the recommendation of the inquiry proceedings another show cause notice was issued to the appellant, in which major penalty was imposed on the appellant, which was duly replied by the appellant. (Copy of Inquiry Proceedings, Personal hearing, Show

5

**Cause Notice and reply are attached as annexure B)**

7. That thereafter the respondent No 2 issued office Order No. E&A(HD)10-1/2023 dated 19.05.2023, whereby major penalty was imposed upon the appellant of **“Stoppage of 02 Annual Increments as well as Recovery of salary w.e.f 0108.2021 to 22.02.2023”**. (Copy of the impugned Office Order dated 19.05.2023 is attached as annexure C)
8. That the Appellant being aggrieved, filed Departmental representation / review Petition against the Impugned Order dated 19.05.2023, which was not responded by the respondents under the statutory period. **(Copy of Departmental Appeal is attached as annexure D)**
9. That the appellant aggrieved from the illegal order dated 19.05.2023 of the respondents, having no other alternate, efficacious remedy available but to approach this Hon;ble Tribunal, inter alia on the following grounds:



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**GROUND S:**

- A) That the Impugned office Order dated 19.05.2023 based on recommendations of enquiry committee are nullity in eye of law and rules, hence liable to be set aside / withdrawn / cancelled.
- B) That the appellant is not treated in accordance with and fundamental rights of the appellant has been violated by the respondents.
- C) That the Applicant has not been treated in accordance with law as the inquiry officer, who was only supposed to inquire into the genuineness of the charges leveled against the applicant, had instead, assumed the role of competent authority by recommending more than one penalty, thus, his rights secured and guaranteed under the law and Constitution are badly violated.
- D) That it is harsh enough that two simultaneous punishments i.e. stoppage of annual increments for 02 years & recovery of salary w.e.f 01-08-2021 to 22-02-2023 have been imposed on the applicant which is against the principle of natural justice, as such, Notification No.E&A(Hd)10-1/2023 Dated 19-

(7)

05-2023 suffers from material irregularities, therefore liable to be set aside.

- E) That imposing such two punishments, prima-facie cannot coexist at the same time, therefore, Notification No.E&A(Hd)10-1/2023 Dated 19-05-2023 is against the norms of justice and settled principles of law.
- F) That the fundamental right of the Appellant has blatantly violated by the Respondents and the Appellant has been discriminated and has been denied his due rights under the Constitution of Islamic Republic of Pakistan, 1973.
- G) That the Appellant from his time of first appointment till now is performing his duties without any break.
- H) That vested rights have been accrued in favour of the Appellant because he was performing his duties efficiently and with devotion and also without any complaint from any quarter.
- I) That any other ground not raised here specifically may graciously be allowed to be raised at the time of arguments.

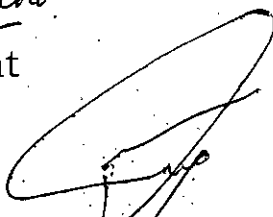
8

It is, therefore, most humbly prayed that  
On acceptance of this service appeal, the  
impugned Order dated 09.05.2023, may  
kindly be set aside / cancelled and the  
penalty imposed upon the appellant may  
kindly be withdrawn.

Any other relief may deemed fit in the  
circumstances of the law may also be granted  
in favour of the appellant against respondent.

*Noor Mahd*  
Appellant

Through

  
**TARIQ ALTAF**  
Advocate, High Court  
At District Courts Kohat

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

In Service Appeal No. \_\_\_\_\_/2023

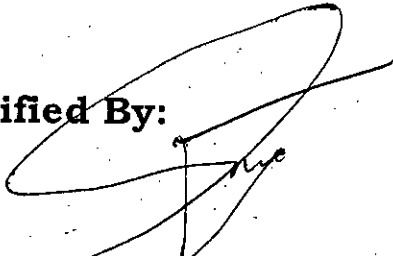
**Noor Muhammad Yasir.....Appellant  
VERSUS  
Government of KPK & others.....Respondents**

**AFFIDAVIT**

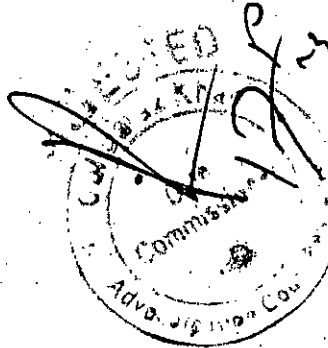
I, Noor Muhammad Yasir, Assistant Programmer BPS-16 DC Office Kohat, do hereby solemnly affirm and declare on oath that the contents of accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

*Noor Muhammad*  
**DEPONENT**

**Identified By:**



**TARIQ ALTAF**  
Advocate, High Court



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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA**  
**SERVICES TRIBUNAL PESHAWAR**

CM No. \_\_\_\_\_/2023

In

Service Appeal No. \_\_\_\_\_/2023

**Noor Muhammad Yasir.....Appellant**

**V E R S U S**

**Government of KPK & others.....Respondents**

**APPLICATION FOR SUSPENSION OF THE**  
**IMPUGNED ORDER DATED 19.05.2023,**  
**TILL THE FINAL DECISION OF THE**  
**SERVICE APPEAL.**

**Respectfully Sheweth:-**

1. That the above noted service appeal is being filed before this Honourable Tribunal, in which no date of hearing has yet been fixed.
2. That the facts and grounds of the service appeal may kindly be read as an integral part of this application.
3. That the applicant has got a good prima facie case in her favour, and is sanguine about its success.

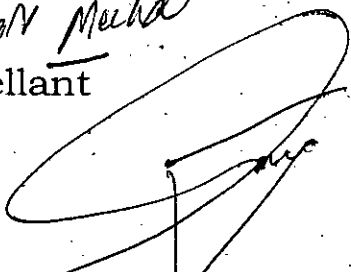
11

4. That the balance of convenience also lies in favour of the applicant.
5. That if the Impugned order dated 19.05.2023 not suspended, than the applicant would suffer irreparable loss, because the appellant has not yet relieved his charge.

It is, therefore, respectfully prayed that on acceptance of this application, the impugned order dated 19.05.2023 may kindly be suspended and the Appellant may graciously be restored into his original position, till the final decision of the case.

Noor Mehd  
Appellant

Through

  
**TARIQ ALTAMASH**  
Advocate, High Court  
At District Courts Kohat

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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

CM No. \_\_\_\_\_/2023

In

Service Appeal No. \_\_\_\_\_/2023

**Noor Muhammad Yasir.....Appellant**

**V E R S U S**

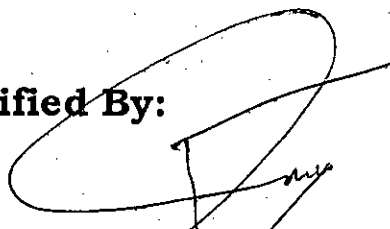
**Government of KPK & others.....Respondents**

**AFFIDAVIT**

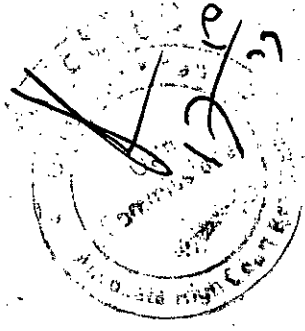
I, Noor Muhammad Yasir, Assistant Programmer BPS-16 DC Office Kohat, do hereby solemnly affirm and declare on oath that the contents of accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable court.

*Noor Muhammad*  
**DEPONENT**

**Identified By:**



**TARIQ ALTAF**  
Advocate, High Court



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Annex-A A

**PAKISTAN** National Identity Card  
 Name: **Noor Muhammad Yasir**  
 Family Name: **Ghous Muhammad Khan**  
 Gender: **M** Country: **Pakistan**  
 Identity No: **14301-2051227-9** Date of Birth: **25/03/1981**  
 Date of Issue: **10.02.2018** Date of Validity: **10.02.2026**

14301 2051227-9  
 QR Code  
 گمشدہ کارڈ لئے پر قریبی لیڈ بکس میں ڈال دیں  
 10:01150872  
 143 01 205106

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**HOME DEPARTMENT**  
 EXPIRES: 04-04-2026  
**NOOR MUHAMMAD YASIR**  
**ASSISTANT PROGRAMMER**

Personal No: 016674 Issue Date: 06/04/2023  
 Father/Husband Name: GHOUS MUHAMMAD KHAN  
 CNIC No: 14301-2051227-9 Date of Birth: 25/03/1981  
 Mark of Identification: Nil  
 Emergency Contact No: 0335-5844784 Blood Group: B+  
 Present Address: HAJI NOOR MUHAMMAD, JANGAL KHEL, KOHAT  
 Computerization of Arms License (Reg Act)  
 Note: For Information - Verification, Please Contact HR Wing, Government Department

ATTESTED





REGISTERED

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IMMEDIATE

Government of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department.

No. SO(Prison-I)/HD/8-4/2020  
Dated Peshawar, 23<sup>rd</sup> February, 2023


To,

✓  
Mr. Yasir Noor S/O Ghaus Muhammad Khan,  
Computer Programmer,  
Street Haji Noor Muhammad, Jungle Khel Kohat.

Subject:- INQUIRY.

I am directed to refer to the subject noted above and to state that the Secretary to Government of Khyber Pakhtunkhwa, Home & T.As Department Khyber Pakhtunkhwa vide Notification No. E&A(HD) 10-1/2017 dated 22-02-2023 nominated the undersigned as inquiry officer.

2. You are hereby directed to present before the Inquiry Committee on 28-02-2023 at 1:40 hrs. Furthermore, you are directed to present all the documents in your self defense.

  
Section Officer (Prison-I) / Inquiry Officer, 23/2/23  
Home & T.As Department  
Khyber Pakhtunkhwa

Endst: even No & date:-

Copy forwarded to the:-

1. Deputy Commissioner Kohat with the request to nominate a suitable officer alongwith the relevant record.
2. Deputy Secretary (Chinees) / Inquiry Officer Home & T.As Department Khyber Pakhtunkhwa.
3. Section Officer (General) <sup>with the</sup> request to be present and also provide original record in the instant case.
4. PS to Special Secretary-I, Home Department Khyber Pakhtunkhwa.

  
ATTESTED

Section Officer (Prison-I) / Inquiry Officer



(15)  
GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

Registry.

>>>><

No. E & A (HD) 10-1 / 2023

Dated Peshawar the April 12<sup>th</sup>, 2023

To,

✓  
Mr. Noor Muhammad Yasir Assistant Programmer  
Deputy Commissioner Office, Kohat

Subject: - **SHOW CAUSE NOTICE.**

I am directed to enclose herewith a copy of show cause notice duly signed by the competent authority for your compliance within stipulated time period and further necessary action.

Encl: As above

SECTION OFFICER (GENERAL)

Copy to:-

PA to Deputy Secretary (Admn), Home Department.

SECTION OFFICER (GENERAL)

ATTESTED

Scanned with CamScanner

(16)

Recd.



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

No. B & A (HD) 7-149/22/P  
Dated Peshawar the December 21, 2022

To

Mr. Yousaf Noor Muhammad  
S/O Ghous Muhammad Khan  
Street Haji Noor Muhammad, Jungle Khel, Kohat.

Subject- NOTICE

You have been found absent from duty from the last one and a half years without any application/intimation/prior approval of the competent authority. This act on your part is tantamount to misconduct and liable to be proceeded under E&D Rules-2011.

You are therefore, directed to immediately report for duty and also explain the reason of absence within three days of the receipt of this notice, failing which disciplinary proceeding will be initiated against you under E&D Rules-2011.

SECTION OFFICER (GENERAL)

Copy to:

1. Deputy Commissioner, Kohat w/r to his letter No.689/DC-KI/LC dated 7/2/2022.
2. PA to Deputy Secretary (Admn) Home Department

ATTESTED

SECTION OFFICER (GENERAL)

حکومت لو اسٹیک ہولڈرز کے ساتھ بیٹھ کر پالیسی بنانی چاہیے۔ انہوں نے کہا کہ ٹیکس ایڈوانزرز ایسوسی ایشن کے پلیٹ فارم سے معیشت کی ترقی کیلئے تجاویز پر مبنی مراسلہ تمام ذمہ داران کو بھجوایا جائے گا۔

کے خلاف میاں محمد آصف - عبدالرحمن خواجہ، مفتی فعال کرنا وقاص اور دیگر پر مشتمل ٹیکس بار کے وفد سے گفتگو کرتے ہوئے کیا۔ انہوں نے کہا کہ کا اظہار

حکومت خیبر پختونخوا محکمہ داخلہ و قبائلی امور

# نوٹس برائے غیر حاضری

آپ سکی یا سر نور محمد ولد غوث محمد خان اسسٹنٹ پروگرامر محکمہ داخلہ و قبائلی امور خیبر پختونخوا ایشادور سکھہ حاجی نور محمد جنگل خیل کوہاٹ پچھلے ڈپڑھ سال سے غیر حاضر ہیں۔ جس کی اطلاع آپ کے گھر کے پتہ پر بذریعہ مراسلہ نمبر E&A(HD)7-149/22/P.F مورخہ 21-12-2022 کو کر دی گئی تھی لیکن نہ آپ حاضر ہو سکے نہ کوئی اطلاع دی۔ اب میں حاکم مجاز (سیکرٹری محکمہ داخلہ حکومت خیبر پختونخوا) بذریعہ اخبار نوٹس دیتا ہوں کہ آپ اس نوٹس کے اشاعت کے پندرہ دنوں کے اندر اندر حاضر ہو جائیں اور اپنی پوزیشن واضح کریں۔ بصورت دیگر آپ کے خلاف گورنمنٹ آف خیبر پختونخوا (ای اینڈ ڈی) رولز 2011 کی دفعہ 9 کے تحت یکطرفہ کارروائی کی جائے گی جو آپ کی ملازمت سے برطرفی پر منتج ہو سکتی ہے۔

سیکرٹری محکمہ داخلہ و قبائلی امور  
حکومت خیبر پختونخوا

INF(P)476/2023      www.khyberpakhtunkhwa.gov.pk

ATTESTED

سندوں

الرحمان

ارپٹ مینو کے سابق نے کہا کہ ر سے بنے کی حیثیت کے ذریعے جائیں تاکہ مانے کہا کہ ر میں پیچھے ری کی بجائے عات مارکیٹ تھ سے قائلین کو اپنے طور پر چاہیے اور اس یا جائے۔

آپ  
حاضر  
کی جائے  
عام  
اپنی  
2011  
ہو سکتی  
شمار  
1  
2  
3  
ڈ

حکمہ داخلہ

تفصیلاً نمبر 48

کے سیکشن آفیسر جنرل کے نام جاری ہونے  
والے الگ الگ سرکولر میں کہا گیا ہے کہ اسلحہ  
لائسنس برانچ کے کمپیوٹر پروگرامر اویس خٹک جو  
اس وقت ڈی سی آفس نوشہرہ میں تعینات ہیں اور  
اسلحہ لائسنس کمپیوٹر انزیشن پروگرامر محمد یاسر جو اس  
وقت ڈی سی آفس کوہاٹ میں تعینات ہیں سے  
متعلق انکوائری رپورٹ مکمل ہو چکی ہے۔

ATTESTED

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The Section Officer (General)

Home & Tribal Affairs,

Peshawar.

Reply of Notice No. E&A HD 149/21-12-2022

With esteem regard in your honor, I am to submit that I am performing my duty timely & regularly. I leave no stone unturned to satisfy my superiors in my work and behavior, no complain has been against me in the past 6 years. I am a regular employee but the complainant without having any justification teases one and owned partial biased attitude.

Sir, it is beyond my thoughts that how I remained absent for such a long period.

Casually, already and well-informed License Clerk, in case of emergency, I have aged ailing parents and my prior responsibility to take care of them individually.

I apologies on late reply and later on it was published in newspaper AAJ dated: February 06,2023 from Secretary IT office as I was not familiar to the importance of notice and got misguided. When I saw the first notice at my home late evening, vary next day AD-IT (Arms) was personally visited at Computer Arms section at Home & Tribal Affairs and showed my appearance but did not met Section Officer (General). Yesterday, after publication in newspaper I met Section Officer (General) and informed my negligence.

It is therefore, requested that I may please be exonerated from the charges of absentee allegations and to instruct the office to check the record and drop the access of notice if any issue to the undersigned and may be enquire again from License Clerk Arms branch, Kohat and other staff members, will be grateful.

I am committed and devoted towards my duties as I have to take care of dependents relying on me and survive on this pay.

Noor Mohammad Yasir

Assistant Programmer

Arms Branch, Kohat Div.

Copy to:

The Secretary IT, Home & Tribal Affairs.

The Deputy Commissioner, Kohat.

License Clerk, Arms, Kohat.

  
**ATTESTED**

INTRODUCTION / BACKGROUND.

Annex-B

B

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1. The undersigned has been nominated as Inquiry Officer vide Home & Tribal Affairs Department Khyber Pakhtunkhwa vide Notification No.E&A/HD/10-1/2017 dated 22.2.2023 to conduct facts finding inquiry against Mr.Noor Muhammad Yasir, Assistant Programmer (BPS-16) of computerization of Arms License, presently posted in DC Office Kohat, regarding his willful absence as well as casual attitude towards official duties (Page-2/C). Charge Sheet and Statement of allegations is (Page-3-4/C). Surrender letter of DC Kohat is at (Page-5/C). Notice to the accused i.e Mr.Noor Muhammad Yasir, Assistant Programmer (BPS-16) of computerization of Arms License, presently posted in DC Office Kohat, is at (Page-6/C). Publication of absence is at (Page-7/C). Reply of the accused Mr.Noor Muhammad Yasir, Assistant Programmer (BPS-16) of computerization of Arms License, presently posted in DC Office Kohat, is at (Page-8/C).

B. PROCEEDINGS.

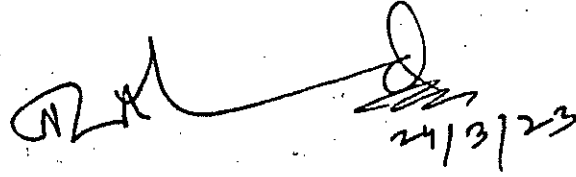
2. On receipt of Inquiry Notification 23.2.2023, summon notices were issued to the accused, Deputy Commissioner Kohat and Section Officer (General) Home & Tribal Affairs Department, Khyber Pakhtunkhwa were issued (Page-9/C) vide Section Officer (Prisons-I), Home & Tribal Affairs Department letter No.SO(Prisons-I)HD/8-4/2020 dated 23.2.2023 to attend the office of Inquiry Officers on 28.2.2023 at 1400 hours. The DC Kohat and Section Officer (General) were requested to produce the original record.

3. The accused Official and Section Officer (General) representative attended the office on 28.2.2023. The Deputy Commissioner Kohat Representative did not attend the office. The accused recorded his statement (Page-10/C). He stated that:

"The Deputy Commissioner Kohat has showed me absence from duty, which is not possible, the complainant must have misunderstood and reported false news about my absence".

ATTESTED



  
24/3/23

(21)

4. Another notice to Deputy Commissioner Kohat was issued for 1.3.2023 along with original record (P-11/C). The Deputy Commissioner Kohat representative attended the office on 1.3.2023. He recorded his statement, but could not produce attested copy of record i.e attendance Register etc. He has been directed to produce attested copies of the record. The Deputy Commissioner Kohat representative (MirAjam Khan License Clerk) produced the original record on 3.3.2023 at 1500 hours through his Naib Qasid as special messenger.


5. Attendance Register photo copies is at (P-15-54/C). Transfer order of the accused from Deputy Commissioner Hangu to Deputy Commissioner Kohat office is at (P-13/C). Charge Assumption in Deputy Commissioner Kohat office of the accused on 15.7.2021 is (P-14/C).

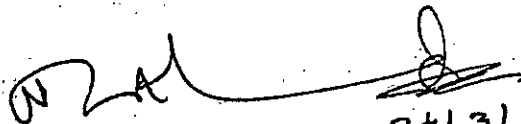
**C. FINDINGS.**

6. After perusal of record, written statement of the accused, written statement of DC Kohat representative, the following are the findings:

- i. The accused remained absent w.e.f 1.8.2021 to 19.2.2023 (1 year 9 months & 19 days) as per record of DC Kohat (see vide pages 16/c to 54/c).
- ii. SO (Admn) Home Department issued Notice to the accused on 21.12.2022 to immediately report for duty and also to explain reason of absence within three days of the receipt of Notice (vide page 07/C). But the accused didn't bother to respond.
- iii. SO (Admn) Home Department published Notice to the accused in daily "Aaj" on 06.02.2022 to report for duty within 15 days and explain reason of absence (vide page 07/C).
- iv. The accused responded on 09 Feb, 2023 with reason of absence being the aged ailing parents and apologized for his late reply. The accused vide his reply to the newspaper notice, has requested for exoneration. (vide page 08/C).
- v. The accused recorded his statement before the inquiry committee on 23<sup>rd</sup> Feb, 2023 and stated that it is incorrect that he remained absent from duty for 19 months (vide page 10/C).

**ATTESTED**

  
26.03.23

  
24/3/23




22

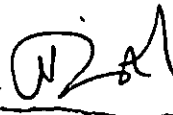
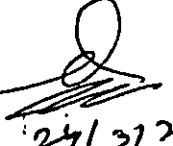
D. Recommendations

7. The following are recommendations of Inquiry Committee.

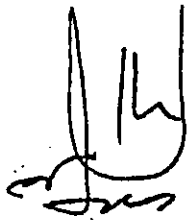
1. the accused remained willfully absent from duty for 01 year, 09 months and 22 days which clearly indicates lack of interest. His recorded statement shows variation vis-a - vis his submitted reply in response to Daily Aaj published notice.
2. According to the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, Rules 4.1 (a) (ii) & iii, the following penalties have been imposed on the accused namely Noor-Muhammad Yasir, Assistant Programmer (BPS-16) office of Deputy Commissioner Kohat:-
  - i. Withholding of promotion for 2 years and stoppage of 2 annual increments with immediate effect.
  - ii. Recovery of salary w.e.f 1.8.21 to 22.2.2023.

The inquiry is submitted please.

  
24-03-23

  
  
24/3/23

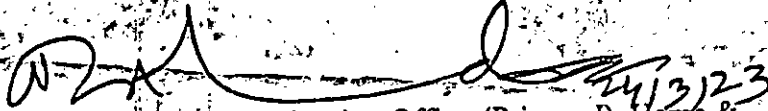
  
**ATTESTED**



24.03.23

(23)

Mr. Israr Ahmad (PMS) BPS-18, Deputy Secretary (PFSC) Home & Tribal Affairs  
Department, Khyber Pakhtunkhwa, Peshawar.



2. Mr. Nisar Ahmad (PMS) BPS-17, Section Officer (Prisons-I), Home & Tribal Affairs  
Department, Khyber Pakhtunkhwa

  
**ATTESTED**



24

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

091-9214104

091-9210201

No. E & A (HD) 7-149/2021/PF/Noor  
Dated Peshawar the May 09<sup>th</sup>, 2023

To,

Mr. Noor Muhammad Yasir Assistant Programmer  
Deputy Commissioner office, Kohat

Subject: - PERSONAL HEARING.

I am directed to refer to your application dated 05-05-2023; you are hereby directed to attend the office of undersigned for personal hearing before the competent authority on 15-05-2023 at 10:00 A.M.

Copy to:-

  
SECTION OFFICER (GENERAL)

- 1- PS to Home Secretary, Home Department, Khyber Pakhtunkhwa.
- 2- PA to Deputy Secretary (Admin), Home Department.

  
SECTION OFFICER (GENERAL)

ATTEST

(25)

## SHOW CAUSE NOTICE

I, Muhammad Abid Majeed, Home Secretary, Khyber Pakhtunkhwa as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, do hereby serve upon you, Noor Muhammad Yasir Assistant Programmer (BPS-16) of Computerization of Arms License Home Department as follows:

- 1- (i) That consequent upon the completion of inquiry conducted against you by the Inquiry Committee for which you were given opportunity of hearing vide communication No. SO(Prison-I)/HD/8-4/2020 dated 23/2/2023 ; and
- (ii) ~~On-going-through~~ the report and findings of the inquiry Officer/Inquiry Committee, the material on record and other connected papers including your defence before the inquiry officer/inquiry committee;

I am satisfied that you have committed the following acts/omissions specified in Rule 3 (d) of the said rules.

Guilty of habitually absenting yourself from duty without prior approval of leave

2- As a result therefore, I, as competent authority, have tentatively decided to impose upon you the penalty of stoppage of 2 (two) annual increments under Rule-4 of the said rules.

*with immediate effect and recovery of salary*

3- ~~You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.~~

4- If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5- A copy of the findings of the inquiry officer/inquiry committee is enclosed.

*Jr*  
**ATTESTED**

*M. A. Majeed*  
**(MUHAMMAD ABID MAJEED)**  
**HOME SECRETARY**

Mr. Noor Muhammad Yasir

Scanned with CamScanner

To

The Secretary to the Govt. of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department.

Attention: Section Officer (General).

26

Subject: REPLY TO SHOW CAUSE NOTICE.

Dear Sir,

Reference to your office letter No. E & A (HD) 10 - 1/2023 dated Peshawar the April 12th, 2023, whereby a copy of show cause notice and inquiry report were duly enclosed: It is hereby submitted that the aforementioned letter was received on April 17th, 2023.

The undersigned is directed in the above mentioned show cause notice the penalty shall not be imposed owing to following reason as per rules/regulations and humanitarian ground:

1. That undersigned had performed his duties with full devotion and remain present in the office during the mentioned period.
2. It has been mentioned in the aforesaid show cause notice that he undersigned has been issued a letter No. 689/DC-K/LC dated 07th Feb, 2022 which I didn't received till date and after passing of 10 months I received a notice from your good self dated 21st Dec, 2022 regarding absence from duty for the last 01 and half year and referring to the letter of Deputy Commissioner, Kohat. It is humbly requested that the matter may be cited realistically that claiming of absence from duty for 18 months these 10 months creates confusion in the whole case and shows my ignorance. I have been present in office but has been ignored like other IT personals in arm license section of the DC Office, Kohat. Furthermore, I am an eye-witness of maintaining an attendance register for the last 02 years of arms license section after my personal hearing in front of the inquiry committee. It is eminence to mention that even my absentee evidence has not been produced by the staff members of this office as mentioned in the proceedings S# 04 of the show cause notice.
3. That undersigned appeared before the inquiry committee and explain his position but undersigned points and explanation was not considered nor mention in the show cause notice.
4. That imposition of penalty i.e. stoppage of 02 annual increment and recovery of salary w.a.f 01/08/2021 to 22/02/2022 will be an unjust and one sided decision which definitely will affect the financial position of undersigned in this high inflation era.

It is therefore, requested to please drop the false alarm of this Show Cause Notice against undersigned and in future I will keep my own present register for the team satisfaction.

Submitted for your kind consideration and orders please

April 19th, 2023

P/C.

Noor Muhammad Yasir,  
Assistant Programmer,  
Arms Branch, Kohat Div.

Copy to the:

1. The Deputy Commissioner, Kohat.
2. The Section Officer (General), Home & Tribal Affairs Department.
3. AD-IT (Arms), Home & Tribal Affairs Department.
4. License Clerk, Arms, Kohat. (The Complainant).

ATTESTED



Annex - C' C' (27)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

Dated Peshawar the May 19, 2023

**NOTIFICATION**

No. FA(HD) 10-1/2023- Whereas, Mr. Noor Muhammad Yousfi Assistant Programmer (BS-16) of Computerization of Arms License Home Department was proceeded against under the provisions of Government Servants (Efficiency & Discipline) Rules, 2011 for offences mentioned in the Statement of Allegations.

AND WHEREAS, Mr. Israr Ahmad (PMS-35-18) Deputy Secretary (SO) and Mr. Nisar Ahmed (PMS-35-17) Section Officer (Prison) were appointed as Inquiry Committee to conduct inquiry against the said official for charges levied against him in accordance with rules.

AND WHEREAS, on the basis of findings and recommendations of the Inquiry Committee, Issue notice against the said official for Statement of Allegation to which the accused official was also heard in person.

NOW, THEREFORE, after having considered the charges, evidence on record, findings of inquiry officers, the reply of the accused official and also hearing him in person, the competent authority in exercise of powers under Rule-14 (5) (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose penalty of "Stoppage of 02 annual increments as well as recovery of salary w.e. from 01/08/2021 to 22/02/2023" upon Mr. Noor Muhammad Yousfi Assistant Programmer (BS-16) of Computerization of Arms License Home Department presently posted in DC office Kohat with immediate effect.

Home Secretary

Enact: No. No. FA(HD) 10-1/2023 Dated Peshawar the May 19, 2023.

Copy forwarded to :-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. PSO to Home Secretary Home Department
3. Deputy Commissioner Kohat
4. Official Concerned.
5. Bill Assistant Home Department
6. Master file.

id  
st.

ATTESTED

SECTION OFFICER (G)

**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**HOME & TRIBAL AFFAIRS DEPARTMENT**

Dated Peshawar the May 19, 2023

**NOTIFICATION:**

NO. E&A(HD)10-1/2023: Whereas, Mr. Noor Muhammad Yasir Assistant Programmer (BS:16) of Computerization of Arms License Home Department was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the statement of allegations.

AND WHEREAS, Mr. Israr Ahmad (PMS-BS-18) Deputy Secretary (FCS) and Mr. Nisar Ahmad (PMS-BS-17) Section Officer (Prison-I) were appointed as inquiry committee to conduct inquiry against the said official for charges level against him in accordance with rules.

And whereas, on the basis of findings and recommendations of the inquiry committee. Issues notice alongwith charge sheet/ statement of allegation to which he replied. The accused official was also heard in person

Now, therefore, after having considered the charges evidences on record, findings of inquiry officers, the reply of the accused officials and also hearing him in person, the competent authority in exercise of powers under rule-14 (5) (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011, has been pleads to impose penalty of "Stoppage of 02 annual increments as well as recovery of salary w.e.f. from 01.08.2021 to 22.02.2023" upon Mr. Noor Muhammad Yasir Assistant Programmer (BS-16) of computerization of Arms License Home Department presently posted in DC officer Kohat with immediate effect.

Home Secretary

Endst: No. E&A(HD)10-1/2023

Dated Peshawar the May 19, 2023

Copy forwarded to

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. PSO to Home Secretary Home Department.
3. Deputy Commissioner Kohat.
4. Official Concerned.
5. Bill Assistant Home Department.
6. Master File.

Sd/-

Section Officer (G)

**ATTESTED**

To

The Secretary to Govt. of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department  
Peshawar

Annex- 7

28

**THROUGH PROPER CHANNEL**

**Subject: REVIEW PETITION/DEPARTMENTAL REPRESENTATION AGAINST NOTIFICATION NO.E&A(HD)10-1/2023 DATED 19-05-2023**

**Respectfully Sheweth:**

**The applicant submits as under:**

1. That applicant is serving as Assistant Programmer (BPS-16) and presently posted in Deputy Commissioner Office Kohat.
2. That prior to present posting of applicant in Deputy Commissioner office Kohat, the applicant remained posted in Deputy Commissioner office Hangu for a period of almost 05 years and during his entire course of service, the Appellant performed his duties with zeal, devotion, honesty and upto the entire satisfaction of his superiors.
3. That during the said period of posting, there has been no complaint with regard to his duties, which shows his professionalism and dedication towards duties.
4. That the Applicant has not been treated in accordance with law as the inquiry officer, who was only supposed to inquire into the genuineness of the charges leveled against the applicant, had instead, assumed the role of competent authority by recommending more than one penalty, thus, his rights secured and guaranteed under the law and Constitution are badly violated.
5. That it is harsh enough that two simultaneous punishments i.e. stoppage of annual increments for 02 years & recovery of salary w.e.f 01-08-2021 to 22-02-2023 have been imposed on the applicant which is against the principle of natural justice, as such, Notification No.E&A(Hd)10-1/2023 Dated 19-05-2023 suffers from material irregularities, therefore liable to be set aside.
6. That imposing such two punishments, prima-facie cannot coexist at the same time, therefore, Notification No.E&A(Hd)10-1/2023 Dated 19-05-2023 is against the norms of justice and settled principles of law.

**ATTESTED**

Page 1 of 2

Recd: 19/6/23

D. NO - 15118  
19/6/23



29

It is therefore, requested that on acceptance of instant representation, subject Notification being made against the rules regulating Efficiency & Discipline of civil servants, may graciously be reviewed and examined in its true perspective, to meet the ends of justice.

Dated: 13-06-2023

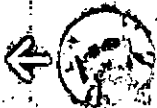
*o/c*

*Noor Muhammad Yasir*  
Noor Muhammad Yasir  
Assistant Programmer BPS-16  
DC Office Kohat

*J*  
ATTESTED

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Annex-E

30

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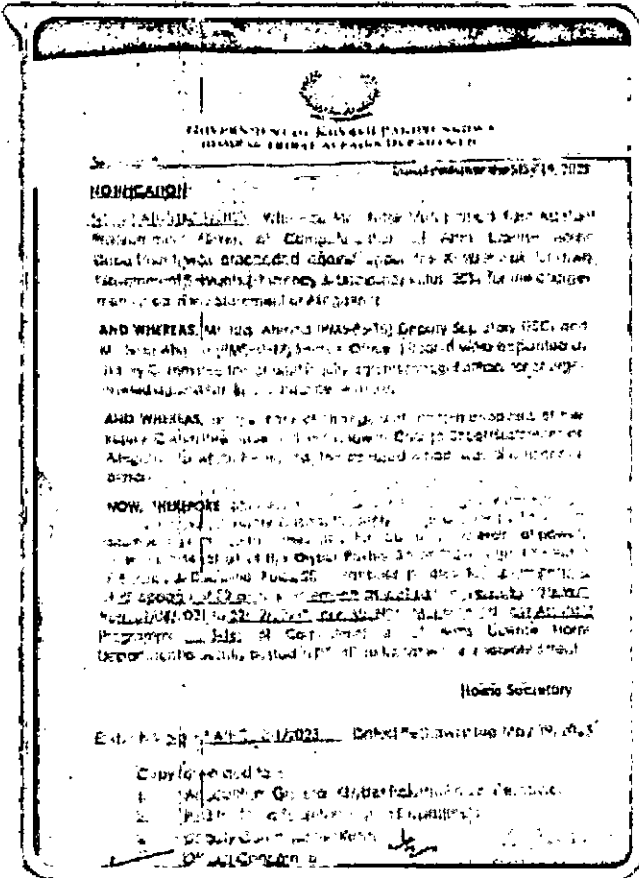
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May 31, 2023



ATTESTED

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Message



**Government of Khyber Pakhtunkhwa**  
**Accountant General Khyber Pakhtunkhwa, Peshawar**  
**Monthly Salary Statement (September-2023)**

31



**Personal Information of Mr NOOR MUHAMMAD YASIR d/w/s of GHANM MUHAMMAD KHAN**

Personnel Number: 00815674 CNIC: 1430120512279 NTN:  
 Date of Birth: 28.03.1981 Entry into Govt. Service: 21.11.2016 Length of Service: 06 Years 10 Months 011 Days

**Employment Category: Active Temporary**

**Designation: ASSISTANT PROGRAMMER R0789205-GOVERNMENT OF KHYBER PAKH**

**DDO Code: PR5996-Computerization of Arms License Reg Act)**

**Payroll Section: 006**

**GPF Section: 004**

**Cash Center:**

**GPF AC No: 815674**

**GPF Interest applied**

**GPF Balance:**

**125,251.00 (provisional)**

**Vendor Number: -**

**Pay and Allowances:**

**Pay scale: BPS Fur - 2022**

**Pay Scale Type: Civil**

**BPS: 16**

**Pay Stage: 3**

Wage type	Amount	Wage type	Amount
1001 Basic Pay	34,850.00	1104 House Rent Allow 45% KP21	9,024.00
1210 Convey Allowance 3005	5,000.00	1500 Computer Allowance	1,500.00
1474 Medical Allowance 2011	1,500.00	2315 Special Allowance 2021	1,500.00
2341 Dispt. Rel All 15% 2022KP	1,748.00	2347 Adhoc Rel All 15% 2022PS17	1,748.00
2378 Adhoc Relief All 2023 15%	12,197.00		0.00

**Deductions - General**

Wage type	Amount	Wage type	Amount
3016 GPF Subscription	-4,960.00	3501 Benevolent Fund	-1,500.00
3609 Income Tax	-627.00	3601 Org of Sta/Gen Asstain(RPF)	-20,000.00
4004 R. Benefits & Death Comp	-650.00		0.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance

**Deductions - Income Tax**

Payable 7,520.19 Recovered till SEP-2023: 1,881.00 Exempted: 0.39- Recoverable: 5,639.58

**Gross Pay (Rs.): 75,067.00 Deductions (Rs.): -27,737.00 Net Pay (Rs.): 47,330.00**

**Payee Name: NOOR MUHAMMAD YASIR**

**Account Number: 02187901282703**

**Bank Details: HABIB BANK LIMITED, 210218 HANGU ROAD, KOHAT, HANGU ROAD, KOHAT, KOHAT**

**Leaves: Opening Balance: Aailed: Earned: Balance:**

**Permanent Address:**

**City: KOHAT**

**Domicle: -**

**Housing Stms: No Official**

**Temp. Address:**

**City:**

**Email: nooryasir3210@gmail.com**

*[Signature]*  
**ATTESTED**

**Government of Khyber Pakhtunkhwa**  
**Accountant General Khyber Pakhtunkhwa, Peshawar**  
**Monthly Salary Statement (June-2023)**

32



Personal Information of Mr. NOOR MUHAMMAD YASIR (D/O/S of GHAFIS MUHAMMAD KHAN)

Personnel Number: 00815674 CNIC: 1430120512279 NTN:  
 Date of Birth: 28.03.1981 Entry into Govt. Service: 21.11.2016 Length of Service: 06 Years 07 Months 011 Days

Employment Category: Active Temporary

Designation: ASSISTANT PROGRAMMER 80789205-GOVERNMENT OF KHYBER PAKH

DDO Code: PR5996-Computerization of Arms License RegAct)

Payroll Section: 006 GPF Section: 004 Cash Center:  
 GPF AC No: 815674 GPF Interest applied GPF Balance: 99,270.00 (approx.)  
 Vendor Number: . . .

Pay and Allowances: Pay Scale: BPS For : 2022 Pay Scale Type: Civil BPS: 16 Pay Stage: 5

Wage type	Amount	Wage type	Amount
0001 Basic Pay	59,370.00	1004 House Rent Allow-45% KP21	9,024.00
1210 Convey Allowance 2005	5,000.00	1500 Computer Allowance	1,500.00
1974 Medical Allowance 2011	1,500.00	2315 Special Allowance 2021	3,500.00
2341 Diaprt. Red All 15% 2022KP	3,748.00	2342 Adhoc Red All 15% 22(PS17)	3,748.00

Deductions - General

Wage type	Amount	Wage type	Amount
3016 GPF Subscription	-4,960.00	3501 Benevolent Fund	-1,500.00
3600 Income Tax	-434.00	3004 R. Benefits & Death Comp.	-650.00

Deduction - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 4,934.98 Recovered till JUN-2023: 4,935.00 Exempted: 0.52 Recoverable: 0.00

Gross Pay (Rs.): 67,390.00 Deductions: (Rs.): -7,544.00 Net Pay: (Rs.): 59,846.00

Payee Name: NOOR MUHAMMAD YASIR

Account Number: 02137901282703

Bank Details: HABIB BANK LIMITED, 220218 HANGU ROAD, KOHAT. HANGU ROAD, KOHAT, KOHAT

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: KOHAT District: Housing Status: No Official

Temp. Address

City: Email: mooryas1321@gmail.com

*[Signature]*  
**TESTED**



33

OFFICE OF DEPUTY COMMISSIONER,  
DISTRICT KOHAT

No. 689 /DC-KT/LC.


Dated Kohat the, 7-12 2022

The Secretary,  
Home & TAs Department Government of  
Khyber Pakhtunkhwa, Peshawar

**SUBJECT:- SURRENDER OF SERVICE OF MR. NOOR MUHAMMAD YASIR ASSISTANT PROGRAMMER (BPS-16) COMPUTERIZATION OF ARMS LICENSE BRANCH DC OFFICE KOHAT.**

Respected Sir,

Reference to the subject noted above and to say that Mr. Noor Muhammad Yasir Assistant Programmer (BPS-16) has not jointed his official duty, though he has assumed charge on 13-07-2021, but still absent from official duty. Therefore, his services may please be surrendered for the best public interest please.

  
Deputy Commissioner  
Kohat

CC:

1. The Deputy Secretary (Admin) Home & TAs Department Government of Khyber Pakhtunkhwa, Peshawar.
2. The Section Officer (General) Home & TAs Department Government of Khyber Pakhtunkhwa, Peshawar.

  
**ATTESTED**

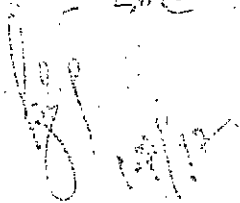
Deputy Commissioner  
Kohat

16/11

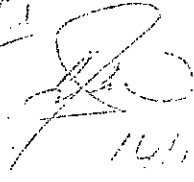
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14/11



34

GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

No. E & A (HD) 7-149/2/P.F

Dated Peshawar the December 21, 2022

To,

Mr. Yasir Noor Muhammad  
S/O Ghous Muhammad Khan  
Street Haji Noor Muhammad, Jungle Khel, Kohat.

22/12/2022

Subject:- NOTICE

You have been found absent from duty from the last one and half years without any application/intimation/prior approval of the competent authority. This act on your part is tantamount to misconduct and liable to be proceeded under E&D Rules-2011.

You are therefore, directed to immediately report for duty and also explain the reason of absence within three days of the receipt of this notice, failing which disciplinary proceeding will be initiated against you under E&D Rules-2011.

  
SECTION OFFICER (GENERAL)

Copy to :

- 1- Deputy Commissioner, Kohat w/r to his letter No.689/DC-Ki/LC dated 7/2/2022.
- 2- PA to Deputy Secretary (Admn) Home Department

  
SECTION OFFICER (GENERAL)

  
**ATTESTED**

CHARGE SHEET

35

I, Khushal Khan, PAS, T.St, Home Secretary, Khyber Pakhtunkhwa Peshawar,  
as competent authority, hereby charge you, Mr. Yasir Noor Muhammad Assistant  
Programmer (BPS-16) Home Department, as follows:

2- That you, while posted as Assistant Programmer in DC Office Kohat  
committed the following irregularities:

- i- Absent from duty since 13/7/2021 as per report of DC Kohat.
- ii- Lack of interest towards official duties

3. By reasons of the above, you appear to be liable under rule 3 (d) of the  
Khyber Pakhtunkhwa Government, Servants (Efficiency and Discipline) Rules, 2011 and  
have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules  
ibid.

4. You are, therefore, required to submit your written defense within seven  
days of the receipt of this Charge Sheet to the inquiry officer /inquiry committee, as the  
case may be. Your written defence, if any, should reach the enquiry Officer/enquiry  
committee within specified period of time, failing which it shall be presumed that you  
have no defence to put in and, in that case, ex-parte action shall be taken against  
you.

5. A statement of allegations is enclosed.

JULY  
17.2.2023  
(KHUSHAL KHAN, PAS, T.St)  
HOME SECRETARY

Mr. Yasir Noor Muhammad  
Assistant Programmer (BPS-16)  
Home Department

*Jr*  
ATTESTED

36

DISCIPLINARY ACTION

I, Khushal Khan, PAS, T.St, Home Secretary, Khyber Pakhtunkhwa Peshawar, as Competent Authority, am of the opinion that, Mr. Yasir Noor Muhammad Assistant Programmer (BPS-16) Home Department has rendered himself liable to be proceeded against within the meaning of Rule-3(d) of Government Servants (Efficiency & Discipline) Rules-2011, as he has committed the following misconduct/inefficiency:

STATEMENT OF ALLEGATIONS

- i- Absent from duty since 13/7/2021 as per report of DC Kohat.
- ii- Lack of interest towards official duties.

2. For the purpose of inquiry against the said accused with reference to the above allegation, an Inquiry Officers/Inquiry Committee, consisting of the following, is constituted under rules-10(1) (a) of the rules ibid:

- i- Mr. Usman DS (FSC)
- ii- Mr. Nisar, SO (Prison-I)
- iii- \_\_\_\_\_

3. The inquiry officer/inquiry committee shall, in accordance with the provisions of the rules ibid, provide reasonable opportunity of hearing to the accused, record its finding and make, within thirty days of the receipt of this order, recommendations 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 inquiry officer/inquiry committee.

  
17.2.2023  
(KHUSHAL KHAN, PAS, T.St)  
HOME SECRETARY

Mr. Yasir Noor Muhammad  
Assistant Programmer (BPS-16)  
Home Department

  
**ATTESTED**





37

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

29

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No. E & A (HD) 10-1 / 2022

Dated Peshawar the February 22<sup>nd</sup> 2023

To,

*P*  
*23-2-23*

Mr. Yasir Noor Muhammad Assistant Programmer  
Deputy Commissioner Office, Kohat

Subject: - CHARGE SHEET/STATEMENT OF ALLEGATIONS.

I am directed to enclose herewith a copy of charge sheet and statement of allegations duly signed by the competent authority for your compliance within stipulated time period and further necessary action.

Encls. as above

*g*  
SECTION OFFICER (GENERAL)

SECRET

*g*  
*22/2/23*

1. Mr. Israr Ahmad (PMS-BS-18) Deputy Secretary (FSC)/Inquiry Officer for information.
2. Mr. Nisar Ahmad (PMS-BS-17) Section Officer (Prisons)/Inquiry Officer for information.
3. PA to Deputy Secretary (Admn), Home Department.

*22/2/23*

*g*  
SECTION OFFICER (GENERAL)

*g*  
**ATTESTED**

4. Another notice to Deputy Commissioner Kohat was issued for 1.3.2023 alongwith original record (P-11/C). The Deputy Commissioner Kohat representative attended the office on 1.3.2023. He recorded his statement, but could not produce attested copy of record i.e attendance Register etc. He has been directed to produce attested copies of the record. The Deputy Commissioner Kohat representative (Mir Ajam Khan License Clerk) produced the original record on 3.3.2023 at 1500 hours through his Naib Qasid as special messenger.

5. Attendance Register photo copies is at (P-15-54/C). Transfer order of the accused from Deputy Commissioner Hangu to Deputy Commissioner Kohat office is at (P-13/C). Charge Assumption in Deputy Commissioner Kohat office of the accused on 15.7.2021 is (P-14/C).

C. FINDINGS.

6. After perusal of record, written statement of the accused, written statement of DC Kohat representative, the following are the findings:

- i. The accused remained absent w.e.f 1.8.2021 to 19.2.2023 (1 year 9 months & 19 days) as per record of DC Kohat (see vide pages 16/c to 54/c).
- ii. SO (Admn) Home Department issued Notice to the accused on 21.12.2022 to immediately report for duty and also to explain reason of absence within three days of the receipt of Notice (vide page 07/C). But the accused didn't bother to respond.
- iii. SO (Admn) Home Department published Notice to the accused in daily "Aaj" on 06.02.2022 to report for duty within 15 days and explain reason of absence (vide page 07/C).
- iv. The accused responded on 09 Feb, 2023 with reason of absence being the aged ailing parents and apologized for his late reply. The accused vide his reply to the newspaper notice, has requested for exoneration. (vide page 08/C).
- v. The accused recorded his statement before the inquiry committee on 23<sup>rd</sup> Feb, 2023 and stated that it is incorrect that he remained absent from duty for 19 months (vide page 10/C).

*[Signature]*  
**ATTESTED**

*[Signature]*  
26-03-23

*[Signature]*  
24/3/23

SHOW CAUSE NOTICE

39

I, Muhammad Abid Majeed, Home Secretary, Khyber Pakhtunkhwa as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, do hereby serve upon you, Noor Muhammad Yasir Assistant Programmer (BPS-16) of Computerization of Arms License Home Department as follows:

- 1- (i) That consequent upon the completion of inquiry conducted against you by the Inquiry Committee for which you were given opportunity of hearing vide communication No. SO(Prison-I)/HD/8-4/2020 dated 23/2/2023; and
- (ii) On going through the report and findings of the inquiry Officer/Inquiry Committee, the material on record and other connected papers including your defence before the inquiry officer/inquiry committee;

I am satisfied that you have committed the following acts/omissions specified in Rule 3 (d) of the said rules.

Guilty of habitually absenting yourself from duty without prior approval of leave

2- As a result therefore, I, as competent authority, have tentatively decided to impose upon you the penalty of *Stoppage of 2 (two) annual increments* under Rule-4 of the said rules.

3- You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person..

4- If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

5- A copy of the findings of the inquiry officer/inquiry committee is enclosed.

  
(MUHAMMAD ABID MAJEED)  
HOME SECRETARY

Mr. Noor Muhammad Yasir  
Assistant Programmer (BPS-16)  
DC Office Kohat

  
ATTESTED



GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

>>>>>>

No. E & A (HD) 10-1 / 2023

Dated Peshawar the April 12<sup>th</sup>, 2023

108  
40

To,

Mr. Noor Muhammad Yasir Assistant Programmer  
Deputy Commissioner Office, Kohat

Subject: - SHOW CAUSE NOTICE.

I am directed to enclose herewith a copy of show cause notice duly signed by the competent authority for your compliance within stipulated time period and further necessary action.

Encl: As above

*[Signature]*  
SECTION OFFICER (GENERAL)

Copy to:-

PA to Deputy Secretary (Admn), Home Department.

*[Signature]*  
SECTION OFFICER (GENERAL)

*[Signature]*  
**ATTESTED**



41

GOVERNMENT OF KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

091-9214104

091-9210201

Dated Peshawar the May 19, 2023

NOTIFICATION

No. E&A(HD)10-1/2023:- Whereas, Mr. Noor Muhammad Yasir Assistant Programmer (BS-16), of Computerization of Arms License Home Department was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 for the charges mentioned in the Statement of Allegations.

**AND WHEREAS,** Mr. Israr Ahmad (PMS-BS-18) Deputy Secretary (FSC) and Mr. Nisar Ahmad (PMS-BS-17) Section Officer (Prison-I) were appointed as Inquiry Committee to conduct inquiry against the said official for charges leveled against him in accordance with rules.

**AND WHEREAS,** on the basis of findings and recommendations of the inquiry Committee, issue notice alongwith Charge Sheet/Statement of Allegation to which he replied. The accused official was also heard in person.

**NOW, THEREFORE,** after having considered the charges, evidence on record, findings of inquiry officers, the reply of the accused official and also hearing him in person, the competent authority in exercise of powers under Rule-14 (5) (ii) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, has been pleased to impose penalty of "Stoppage of 02 annual increments as well as recovery of salary w.e. from 01/08/2021 to 22/02/2023" upon Mr. Noor Muhammad Yasir Assistant Programmer (BS-16) of Computerization of Arms License Home Department presently posted in DC office Kohat with immediate effect.

Home Secretary

Endst: No. No. E&A(HD)10-1/2023 Dated Peshawar the May 19, 2023.

Copy forwarded to :-

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. PSO to Home Secretary Home Department.
3. Deputy Commissioner Kohat.
4. Official Concerned.
5. Bill Assistant Home Department.
6. Master file.

  
**ATTESTED**

  
SECTION OFFICER (G)

To

The Secretary to Govt. of Khyber Pakhtunkhwa  
Home & Tribal Affairs Department  
Peshawar

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**THROUGH PROPER CHANNEL**

**Subject: REVIEW PETITION/DEPARTMENTAL REPRESENTATION AGAINST NOTIFICATION NO.E&A(HD)10-1/2023 DATED 19-05-2023**

Respectfully Sheweth:

The applicant submits as under:

1. That applicant is serving as Assistant Programmer (BPS-16) and presently posted in Deputy Commissioner Office Kohat.
2. That prior to present posting of applicant in Deputy Commissioner office Kohat, <sup>the</sup> he remained posted in Deputy Commissioner office Hangu for a period of almost 05 years and during his entire course of service, the Appellant performed his duties with zeal, devotion, honesty and upto the entire satisfaction of his superiors.
3. That during the said period of posting, there has been no complaint with regard to his duties, which shows his professionalism and dedication towards duties.
4. That the Applicant has not been treated in accordance with law as the inquiry officer, who was only supposed to inquire into the genuineness of the charges leveled against the applicant, had instead, assumed the role of competent authority by recommending more than one penalty, thus, his rights secured and guaranteed under the law and Constitution are badly violated.
5. That it is harsh enough that two simultaneous punishments i.e. stoppage of annual increments for 02 years & recovery of salary w.e.f 01-08-2021 to 22-02-2023 have been imposed on the applicant which is against the principle of natural justice, as such, Notification No.E&A(Hd)10-1/2023 Dated 19-05-2023 suffers from material irregularities, therefore liable to be set aside.
6. That imposing such two punishments, prima-facie cannot coexist at the same time, therefore, Notification No.E&A(Hd)10-1/2023 Dated 19-05-2023 is against the norms of justice and settled principles of law.

SA  
30/6

R. Khan  
15/11/23

Dated 19-8-23 Page 1 of 2

Chief Secy	
Deputy Secy	
Deputy Secy	(AS)

19/6/23

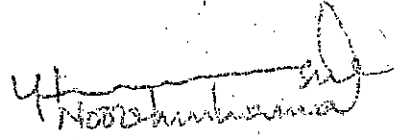
ATTESTED

43

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It is therefore, requested that on acceptance of instant representation, subject Notification being made against the rules regulating Efficiency & Discipline of civil servants, may graciously be reviewed and examined in its true perspective, to meet the ends of justice.

Dated: 13-06-2023

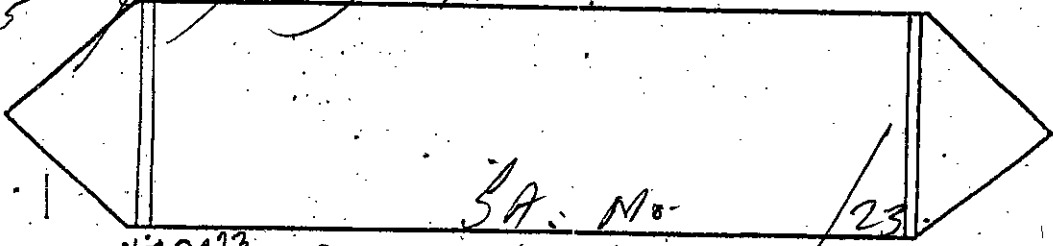


Noor Muhammad Yasir  
Assistant Programmer BPS-16  
DC Office Kohat

  
ATTESTED

(44)

بعدالت صاحب ۱۹۱۴ سر ویس سر مسٹر



Appellant

2023 پنجاب

بنام گورنمنٹ و مینر

گورنمنٹ

موزخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ  
 آن مقام کے لئے کیے گئے۔  
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
 کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو فرچہ دہر جانہ التوائے مقدمہ کے سبب سے وہوگا۔  
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
 مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

المرقوم 18/11/23

واہ العباد

بمقام ۱۹۱۴ سر ویس سر مسٹر کے لئے منظور ہے۔

BC# 10-4789

CNIC # 14301-1964916-1

Call # 03339612466

Attested and Accepted

گورنمنٹ