

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No.531/2016

Date of Institution ... 19.05.2016
Date of Decision ... 02.08.2021

Khalid Khan Ex-Naib Qasid GHS Bela Momandan Peshawar, Resident
of Bela Momandan, P.O Zarif Korona Tehsil & District Peshawar.

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Elementary
& Secondary Education Peshawar and two others.

(Respondents)

Roeeda Khan,
Advocate

... For appellant.

Javid Ullah,
Assistant Advocate General

... For respondents.

ROZINA REHMAN
ATIQU UR REHMAN WAZIR

... MEMBER (J)
... MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER (J): Appellant has filed the instant service
appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974
against the order dated 27.11.2015 whereby he was removed from
service.


2. Brief facts of the case are that appellant was appointed as Naib
Qasid in a Government School and during the course of his service, he
was proceeded against departmentally on the charges of absence from
duty. Ultimately, he was removed from service vide impugned order



dated 27.11.2015. Feeling aggrieved, he filed departmental appeal which was not responded to, hence, the instant service appeal.

3. Learned counsel for the appellant argued that father and uncle of the appellant had donated 11 Kanals of land to the Education Department, for construction of School. Appellant was appointed as Naib Qasid (Class-IV) in the said school on the quota reserved for employment for children of land owner and that he served for more than 04 years. He submitted that the absence of appellant from duty was never intentional and willful rather his absence was due to the wave of terrorism which fact was beyond control of the appellant and that the situation which prevented the appellant from performing his duty was beyond control of the appellant. Learned counsel contended that the penalty so imposed does not commensurate with nature of charge and the penalty so awarded is harsh. Lastly, learned counsel submitted that no charge sheet and statement of allegations were served upon appellant and he was condemned unheard.

4. Conversely, learned A.A.G submitted that appellant was appointed as Naib Qasid in G.H.S Bela Momandan Peshawar who was not performing his duty, therefore, he was rightly removed from service after adopting the procedure under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. He submitted that notice was served at his home address but he did not respond, therefore, an absentee notice was published in the newspaper and a proper inquiry was conducted. During inquiry, statement of father of appellant was also recorded and as per statement of appellant's father,

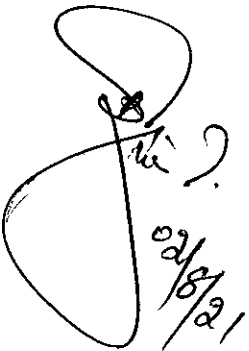

02/11/21



he had left for abroad while his other brother was working in the school as substitute.

5. Arguments of the learned counsel for parties heard. Record perused.

6. It is pertinent to mention here that appellant and his brother Mohib Ullah were employed as Class-IV in G.H.S Bela Momandan Peshawar, land for which measuring 11 Kanal was donated by his father and uncle. Perusal of record would reveal that the present appellant and his brother Mohib Ullah had not been performing their duties since October, 2014 which is evident from the statement of Rehmat Sher (Retired Headmaster) who was serving there in the said school. Appellant went to Saudi Arabia to perform Hajj in October, 2014 but he did not come back to resume his duty. Admittedly, his brother and father were performing duty in the said school as substitute but this fact was never communicated by the concerned Headmaster to the competent authority in order to initiate departmental proceedings against the appellant and his brother. After getting knowledge, the competent authority adopted proper procedure as per Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. Accordingly, willful absence from duty by appellant was followed by a notice issued by the competent authority on his home address directing him to resume duty but no response was received from absentee within the stipulated time, therefore, notice was published in the newspaper directing him to resume duty. In the instant case, codal formalities were complied with, where-after, an inquiry was also conducted in order to check the absence of the appellant and in this regard, Principal G.H.S.S Chaghar Matti

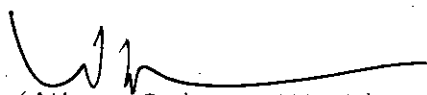

02/8/21

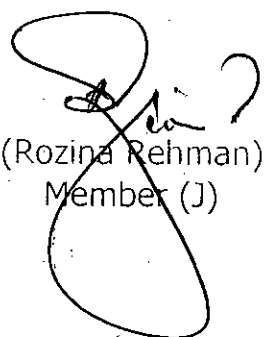


Peshawar was directed to visit G.H.S Bela Momandan and to enquire into the case of two Class-IV employees i.e. present appellant and his brother Mohib Ullah. He recorded statement of Ex-D.D.O, Headmaster, C.T Incharge of the said School and father of the employees as well. The Inquiry Officer met with the father of the appellant who informed him that the appellant alongwith his brother Mohib Ullah had left for abroad and their other two brothers namely Mohsin Khan and Rooh Ulah were working in the school as substitute. The concerned Headmaster and the Incharge compelled by the situation, ignored the absence of Class-IV employees as their brothers were working in the school and the competent authority was never informed about their absence.

7. In the light of above discussion, we do not find any viable reason to interfere in the impugned order; resultantly, this appeal having no substance, is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
02.08.2021


(Atiq ur Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

Service Appeal No. 531/2016

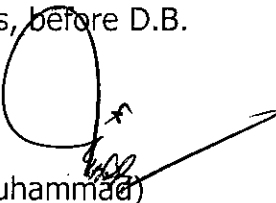
S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	02.08.2021	<p><u>Present:</u></p> <p>Roeeda Khan, Advocate ... For Appellant</p> <p>Javid Ullah, Assistant Advocate General ... For respondents</p> <p>Vide our detailed judgment of today of this Tribunal placed on file, we do not find any viable reason to interfere in the impugned order; resultantly, this appeal having no substance, is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 02.08.2021</p> <p>(Atiq ur Rehman Wazir) Member (E)</p> <p>(Rozina Rehman) Member (J)</p>


13.01.2021

Nemo for appellant.

Asif Masood Ali Shah learned Deputy District Attorney
alongwith Toseef ur Rehman ADEO for respondents present.

Notice be issued to appellant/counsel for 30.03.2021 for
arguments, before D.B.



(Mian Muhammad)
Member (E)


(Rozina Rehman)
Member (J)

30.03.2021

Due to non availability of the concerned D.B, the case is
adjourned to 18.05.2021 for the same.

18.5.21

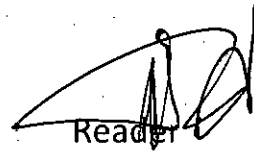

Due to COVID-19, the case
is adjourned to 2.8.2021 for the same.


Reader

02.07.2020 Due to Covid-19, the case is adjourned. To come up for the same on 27.08.2020 before D.B.

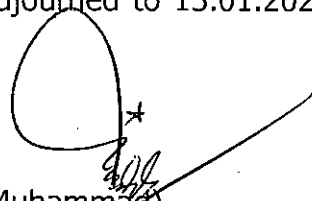
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27.08.2020 Due to summer vacation, the case is adjourned to 04.11.2020 for the same as before.

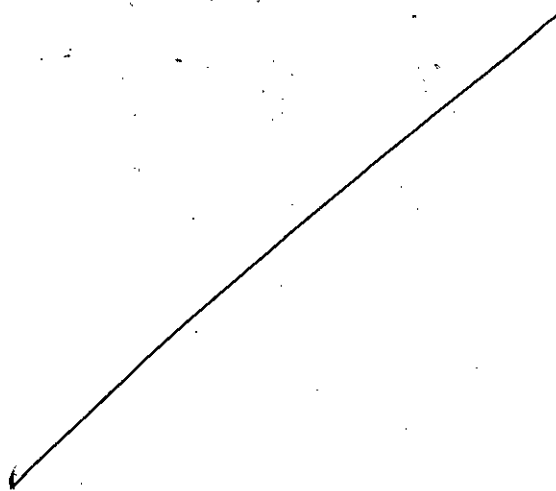
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04.11.2020 Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 13.01.2021 for hearing before the D.B.


(Mian Muhammad)
Member


Chairman



14.10.2019

Appellant absent. Learned counsel for the appellant absent. Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Arshid ADEO present. Adjourn. To come up for arguments on 21.11.2019 before D.B. Appellant be put to notice for the date fixed.



Member



Member

20.11.2019

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG for the respondents present. Notice be issued to appellant and his counsel for attendance and arguments for 20.01.2020 before D.B.



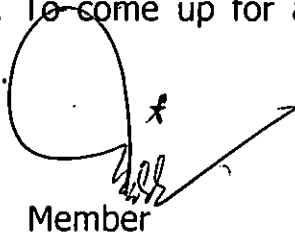
(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

04.03.2020

Counsel for the appellant present. Mr. Muhammad Jan, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.04.2020 before D.B.



Member



Member

7-4-2020

Due to COVID 19, The case is adjourned to 2-7-2020 for same as before.

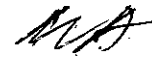


16.05.2019

Appellant in person and Mr. Muhammad Jan, DDA alongwith Mr. Arshad Ali, ADO for respondents present. Appellant seeks adjournment as his learned counsel is not available today. Adjourned to 03.07.2019 for arguments before D.B.



(Ahmad Hassan)
Member



(M. Amin Khan Kundi)
Member

03.07.2019

Counsel for the appellant and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 28.08.2019 for arguments before D.B.



(Hussain Shah)
Member



(M. Amin Khan Kundi)
Member

28.08.2019

Counsel for the appellant present. Mr. Ziaullah, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. Case to come up for arguments on 14.10.2019 before D.B.



Member



Member

19.12.2018 Mrs. Roeda Khan advocate submitted fresh Wakalat nama in favor of appellant Mr. Kabirullah Khattak learned Additional Advocate General for the respondents present. Being freshly engaged, learned counsel for the seeks adjournment. Adjourned. To come for arguments on 14.02.2019 before D.B.


(Hussain Shah)
Member


(Muhammad Amin Kundi)
Member

14.02.2019 Appellant in person present. Mr. Kabirullah Khattak, Additional AG for the respondents present. Due to strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Adjourned to 25.03.2019 for arguments before D.B.


(HUSSAIN SHAH)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

25.03.2019 Due to non available of D.B the case is adjourned for the same on 16.05.2019

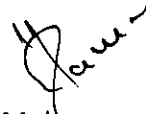

Reader

07.08.2017

Counsel for the appellant present. Mr. Kabirullah Khattak, Assistant AG for the respondents present. Record mentioned in previous order sheet dated 19.04.2017 not produced by the respondents. The respondents are again directed to produce the same on the next date of hearing. Learned counsel for the appellant also seeks adjournment. Adjourned. To come up for record and arguments on 15.11.2017 before D.B.



(Muhammad Amin Khan Kundi)
Member (J)



(Muhammad Hamid Mughal)
Member (J)

15.11.2017

Brother of the appellant and Mr. Ziaullah, DDA alongwith Mr. Arshad Ali, ADO(Lit) for respondents present. Representative of the respondents submitted record which is placed on file. Appellant seeks adjournment. Adjourned. To come up for arguments on 16.01.2018 before D.B.



(Ahmad Hassan)
Member



(Muhammad Hamid Mughal)
Member

16.01.2018

Clerk to counsel for the appellant present. Mr. Kabir Ullah Khattak, learned Additional AG alongwith Mr. Arshid Ali ADO for the respondents present. Clerk to counsel for the appellant seeks adjournment on the ground that learned senior counsel is not available today. Adjourned. To come up for arguments on 19.03.2018 before D.B.



(Gul Zeb Khan)
Member



(Muhammad Hamid Mughal)
Member

25.08.2016

Counsel for the appellant and Mr. Raham Taj, ADO
alongwith Addl. AG for respondents present. Written reply
submitted. The appeal is assigned to D.B for rejoinder and
final hearing on 13.12.2016.


Chairman

13.12.2016

Counsel for the appellant and Additional AG for the respondents
present. Learned counsel for the appellant submitted rejoinder which is
placed on file. To come up for arguments on 19.4.17 before D.B.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AMIR NAZIR)
MEMBER

19.04.2017

Counsel for the appellant present. Mr. Hameed-ur-Rehman,
AD (litigation) alongwith Mr. Ziaullah, Government Pleader for the
respondents also present. Attendance record of the appellant is not
available on file. Respondents are directed to produce attendance
register alongwith all complete record of the appellant on or before the
next date of hearing. To come up for record and arguments on
07.08.2017 before D.B.



(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

23.5.2016

Counsel for the appellant present. Learned counsel for appellant argued that the appellant was serving as Lab. Assistant when subjected to enquiry and removed from service vide impugned order dated 27.11.2015 on the allegations of willful absence which order was communicated to the appellant on 12.1.2016 where-against he preferred departmental appeal on 08.2.2016 which was not responded and hence the instant service appeal on 19.05.2016.

Appellant Deposited
Security & Process Fee


26/5/16

That the appellant was neither absent willfully nor the prescribed procedure for enquiry was followed and harsh punishment in the shape of removal from service was imposed which is unwarranted under the law. Placed reliance on cases-law reported as 2008-PLC(C.S)-1055 and NLR 1991-TD-274.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 27.07.2016 before S.B.


Chairman

27.07.2016



Appellant with counsel and Addl. AG for the respondents present. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 25.08.2016 before S.B.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 531/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	19/05/2016	<p>The appeal of Mr. Khaled Khan presented today by Mr. Aslam Khan Khattak Advocate, may be entered in the Institution register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	23.5-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>23.5.16</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. 531 of 2016

Khalid Khan, Ex-Naib Qasid, ... Appellant

VERSUS

Govt of KPK through Secretary Elementary &
Secondary Education Peshawar & others


... .. Respondents

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3.	Donation of Land	"B"	8
4.	Extract from service Book showing date of appointment of appellant	"C"	9-10
5.	Departmental appeal	"D"	11
6.	Vakalat Nama	-	12

Dated 19/05/2016

خالد
Appellant
Through


Aslam Khan Khattak
Advocate, Peshawar

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. 531 of 2016

K.P. Province
Service Tribunal
Diary No. 507
Dated 19-5-2016

Khalid Khan, Ex-Naib Qasid, GHS Bela Momandan
Peshawar,
Resident of Bela Momandan, P.O Zarif Korona Tehsil
& District Peshawar.

... .. Appellant

VERSUS

- 1- Govt of KPK through Secretary Elementary &
Secondary Education Peshawar.
- 2- Director of Elementary and Secondary Education
Peshawar.
- 3- District Education Officer (Male) Peshawar
... .. Respondents

APPEAL AGAINST THE IMPUGNED
ORDER DATED 27/11/2015 VIDE
ANNEXURE "A" COMMUNICATED TO
THE APPELLANT ON 12/01/2016 WHEREBY
THE APPELLANT HAS BEEN REMOVED
FROM SERVICE WITH IMMEDIATE
EFFECT.

Prayer:

On acceptance of appeal, the impugned
order dated 27/11/2015 vide Annexure "A"
may be set aside and the appellant may be
reinstated in service with all back benefits.

Filed to-day
19/5/16

Respectfully Sheweth:

Brief facts leading to the instant appeal are as under:

- 1- That Ajmal the father of appellant and also his uncle Janat Gul has jointly donated 11 Kanlas land to the Education Department for construction of School at Bela Momandan Peshawar vide Annexure "B".
- 2- That thereafter the appellant was appointed as Laboratory Assistant in the said School on Quota reserved for employment for children of land donor vide order dated 26/02/2011 as revealed from extract of appellant's service book vide Annexure "C".
- 3- That the appellant throughout his whole service has performed his duty to the entire satisfaction of his superiors.
- 4- That the appellant has now been removed from service vide impugned order dated 27/11/2015 at Annexure "A" communicated to him on 12/01/2016 and 90 days have been elapsed and no reply has so far been received and hence this appeal inter-alia on the following grounds:

GROUNDS:

- A) That the father and uncle of appellant has donated 11 Kanals land to the education department on which the concerned authority has first constructed Primary School which has been upgraded as Middle and then as GHS Bela Momandan Peshawar and the appellant was appointed as Laboratory Attendant in the said School on the quota reserved for employment for children of land donor where the appellant has satisfactorily served for more than 10 years upto the entire satisfaction of his superiors and so his removal from service on the basis of absence from duty which was never intentional but the terrorists had not permitted him to perform the duty. So the impugned order dated 27/11/2015 may be set aside and the appellant may be taken on duty with all back benefit.
- B) That the charges of absence from duty is a petty misconduct and removal from service on such allegation is indeed an extreme harsh punishment which is not permissible under the law.
- C) That the charges of absence from duty of even proved would not justify the imposition of major penalty of removal from service but in such circumstances the absence period from duty shall be treated as leave without pay.

D) That no charge sheet and statement of allegations have been served upon the appellant and also no show cause notice has been served upon him and nor any notice has been published in news paper regarding the absence of appellant from duty and only one sided action has been taken against him which is not permissible under any law of land and so the impugned order dated 27/11/2015 may be set aside to meet the ends of justice.

E) That no regular enquiry in the matter has been conducted which led to the conclusion that the charges leveled against the appellant have not been proved and so the impugned order dated 27/11/2015 is not sustainable under the law.

F) That the impugned order dated 27/11/2015 vide Annexure "A" is illegal, malafide, without jurisdiction and without lawful authority and is liable to be set aside.

G) That the appellant seeks leave of this Hon'ble Tribunal to rely on additional grounds at the time of arguments.

It is, therefore, prayed that on acceptance of appeal, the impugned order dated 27/11/2015 vide Annexure "A" may be set aside and the appellant may be reinstated in service with all back benefits. Or he may allowed pension with all back benefits for his more than Ten years service in the department.

Dated 19/05/2016

NG
Appellant
Through

ash
Aslam Khan Khattak
Advocate, Peshawar

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Appeal No. _____ of 2016

Khalid Khan, Ex-Naib Qasid, ... Appellant

VERSUS

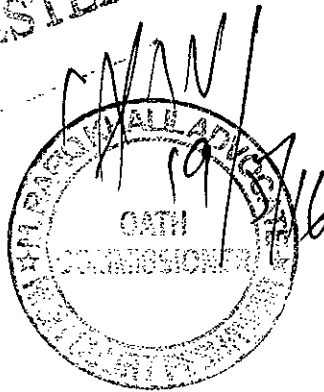
*Govt of KPK through Secretary Elementary &
Secondary Education Peshawar & others*

... .. Respondents

AFFIDAVIT

I, Khalid Khan, Ex-Naib Qasid, GHS Bela Momandan Peshawar, Resident of Bela Momandan, P.O Zarif Korona Tehsil & District Peshawar do hereby solemnly affirm and state on oath that the impugned order dated 27/11/2015 was communicated to me on 12/01/2016. My above statement is true and correct to the best of my knowledge and belief and nothing wrong has been stated by me in the matter.

ATTESTED



خالد
DEPONENT

BEFORE THE COURT SERVICE TRIBUNAL PESHAWAR

In Service Appeal No. 531/2016

Khalid Khan VERSUS Secretary Elementary & Secondary
Education Peshawar & others

**APPLICATION FOR CONDONATION OF
DELAY (IF ANY).**

Respectfully Sheweth:

- 1) That the applicant file the instant appeal in this Hon'ble Court, in which no date has been fixed yet.
- 2) That the impugned order dated 27/11/2015 has been communicated to the Appellant on 12/01/2016 against which the Appellant filed Departmental appeal on 08/02/2016.
- 3) That there are specific provisions in service law as well as there are many Judgment of the superior Court that limitation has been counted from the date of communication.
- 4) That there are also many Judgment of the superior court that cases should be decided on merit rather than on technicality.
- 5) That the absentee period of the Appellant was not intentionally but due to the reason mention in ground-A of Service Appeal as well as in Para-B of Departmental Appeal.

It is, therefore, humbly prayed that on acceptance of this application the delay in filing of appeal may kindly be condone.

Appellant
Through
Aslam Khan Khattak
Advocate, Peshawar

Amirul Hossain A
7

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) PESHAWAR

NOTIFICATION:-

1. WHEREAS Mr. Khalid Khan N.Q GHS Bela Momandan Peshawar was absent from his duty w.e.f September 2014.
2. AND WHEREAS Mr. Taj Ali Khan GHSS Ghakal Peshawar was appointed as inquiry officer vide this office notification issued under endst: No. 12932-33 dated 21-05-2015 to dig out the case of above named class IV servant who was absent from his duty and provided detailed report and documentary proof to proceed further.
3. AND WHEREAS he was proceeded against under Khyber Pakhtunkhwa Govt: Servant (Efficiency & discipline) Rules 2011, for the charged of "willful absence" from duty and show cause notice served upon him vide this office No 6100 dated 08-08-2015
4. AND WHEREAS the inquiry officer had submitted inquiry report vide his letter No. 864 dated 24-06-2015.
5. AND WHEREAS the absentee notices issued to Mr. Khalid Khan N.Q on his home address vide this office letter No 10480 dated 18/09/2015 but he did not join duty nor response to this notice.
- 6 AND WHEREAS the absentee notice in respect of Mr. Khalid Khan N.Q was published in "Daily Aaj" dated 03-11-2015.
7. AND WHEREAS, I Abdul Basit DEO (M) Peshawar being Competent authority, after having considered the charges, evidence on record, enquiry report, facts of the case, and am of the view that the charge of misconduct against the accused official has been proved.
8. AND NOW THEREFORE, in exercise of the Powers conferred upon me under Rules 4(b) (iii), of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, I Abdul Basit the competent Authority, District Education Officer (Male) Peshawar, am pleased to impose major penalty of "REMOVAL FROM SERVICE" upon Mr. Khalid Khan N.Q GHS Bela Momandan Peshawar with immediate effect.

The period of his absence with effect from Sep: 2014 till date is hereby treated as unauthorized absence from duty without pay.

Note: Entry to this effect should be made in his service book.

ABDUL BASIT
District Education Officer
(Male) Peshawar.

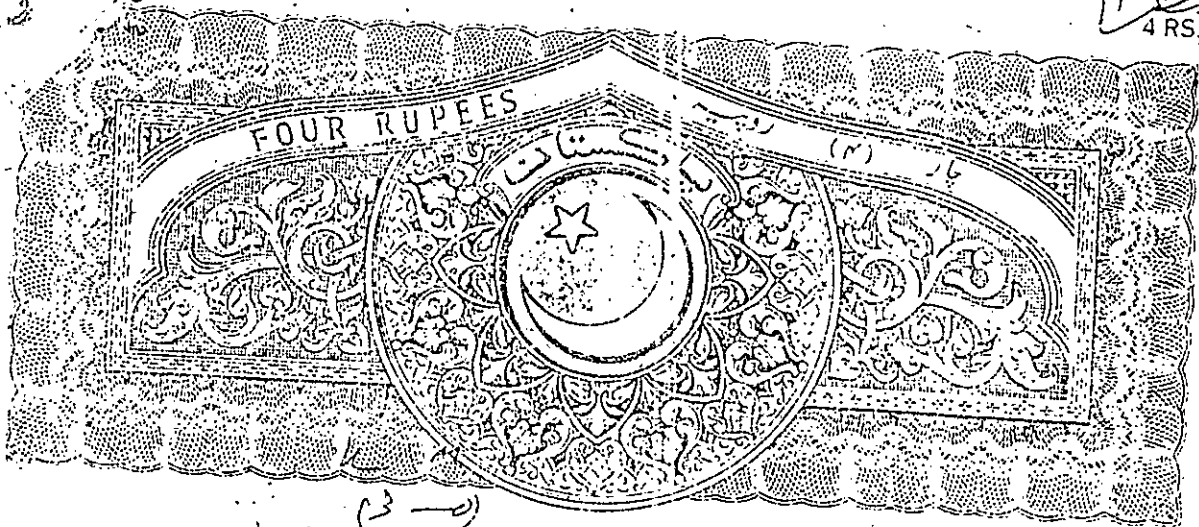
Attested
ABE

Endst: No. 5815-20 / Dated Peshawar the 27/11/2015

Copy forwarded to the:-

- 1 Accountant General Khyber Pakhtunkhwa Peshawar.
- 2 PS to Secretary E&SED Khyber Pakhtunkhwa Peshawar.
- 3 PA to Director E&SE Khyber Pakhtunkhwa Peshawar.
- 4 Principal GHSS Garhi Sher Dad Peshawar DDO for GHS Bela Momandan.
- 5 Head Master GHS Bela Momandan Peshawar with the remarks that the amount for the period as mentioned above may be recovered and deposited into government treasury under intimation to this office.
- 6 Official Concerned.

Dy: District Education Officer
(Male) Peshawar.



B
4 RS.
⑧

Ammerwa

B
⑧

(۱-۳)
 ماہرین و ادارہ ۲۔ مندرجہ ذیل بین الاقوامی کرنسیوں اور اسی پر مبنی کرنسیوں پر مشتمل
 سکول (مدرستہ) میں سمجھانے کیلئے دی گئی۔ اس حوالہ طلبہ کی سکول
 بیت کو یاد ہے۔ اور سکول میں اس کو مدد ملے گی۔ ترقی دی جا رہی ہے۔
 اس کے ساتھ ساتھ اس سکول میں سمجھانے کیلئے مذکورہ چار کتابیں
 اور اس وقت کر دی گئی ہیں۔ حکمہ رقم سکول میں لے کر دینی ترقی
 کے لئے ترقی کے لئے (اجل خانہ) کو اس سکول میں درجہ چھام
 کو آسانی کیلئے مختص کیا گیا ہے۔ اور اس پر مبنی رقموں کے لئے اس کے
 لئے ماہرین یا ماہرین کے وارڈن۔ مالٹیاں دیا گیا ہے۔ اس وقت
 کا مذکورہ بالا رقم کے ساتھ کوئی ترقی نہیں ہے۔ اس مذکورہ اسی
 اور اس پر مبنی رقم سکول میں لے کر دینی ترقی کے لئے اس کے لئے
 اور اس کے لئے حکمہ رقم سکول میں لے کر دینی ترقی کے لئے اس کے لئے
 تاکہ اس وقت فریڈ سے آئے۔ (۱۳-۹-۶۷) ۲۲-۹-۶۷

لازمہ۔ بین الاقوامی کرنسیوں پر مشتمل
 سکول میں سمجھانے کیلئے دی گئی۔

لازمہ۔ بین الاقوامی کرنسیوں پر مشتمل
 سکول میں سمجھانے کیلئے دی گئی۔

Attested
as

اجل خانہ
 حنفی خانہ

NIC: 139-91-006206

NIC: 137-48-407256

Attested
 (111)
 Asstt. Distt. Officer
 (Dev.)
 Literacy & Education
 Peshawar

Annexure

9

This certificate is valid for a period of five years and the signature to lines 9 and 10 shall be attested.

Name: Khalid Khan

Race: _____

Residence: Village Bela Mahmandan 4/0 Tarif Karawa Teh: and Dist: Peshawar


Father's name and residence: Ajmal


Date of birth by Christian era as normally ascertained: 32 years According to the Medical certificate signed from Medical Suppl. Police Hospital on (9-5-2005)


Exact height by measurement: 5 feet 6 inch

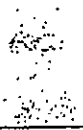
Personal marks for identification: Black mole on Rt. side of face.

Left hand thumb and finger impression of (Non-Ghazetted) officer:

Little Finger: 

Ring Finger: 

Middle Finger: 

Index Finger: 

Thumb: 

Signature of Government Servant: AK

Signature and designation of the Head of the Office, or other Attesting Officer: Sh. M. A. DISTRICT OFFICER (SALE) School & Library Peshawar.

Attested
201

1	2	3	4	5	6	7	8
Name of post	Whether substantive or officiating and whether permanent or temporary.	If officiating state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government Servant
N/O GMS Bala Mahmoodan			3100/-	Fixed cell pen		22 ² / ₂₀₀₅	
do			3500/-				
do N. and Kerala Govt			4000/-			1 ¹¹ / ₀₆	
do			4000/-			1 ¹² / ₀₆	
do			4000/-			2 ² / ₀₇	
do			4000/-			1 ¹² / ₀₇	

attested
ashu

D
11

To,

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE
IMPUGNED ORDER DATED 27/11/2015
COMMUNICATED ON 12/01/2016 WHEREBY I
HAVE BEEN REMOVED FROM SERVICE WITH
IMMEDIATE EFFECT.

Sir,

I have the honour to submit the following for favour of your kind and sympathetic consideration please:-

- a) That my father has donated 11 Kanals land to the education department on which the concerned department has constructed Primary School which has been upgraded as Middle, and then as GHS Bela Momandan Peshawar and I was appointed as Naib Qasid in the said school on Quota reserved for employment for children of land donor where I have served to the entire satisfaction of my superiors.
- b) That now I have been removed from service due to absence from duty which was never intentional but the terrorists did not permit me to perform the duty. It is further submitted that the charges of absence from duty, if even proved would not justify the imposition of major penalty for the reason that the absence from duty is a petty misconduct. So this effect the impugned order dated 27/11/2015 is liable to be set aside.
- c) That no show cause notice has been served upon me and also no regular inquiry in the matter has been conducted and only one sided action has been taken against me which is not possible under the law.

It is, therefore, prayed that the impugned order dated 27/11/2015 may be set aside and I may be reinstated in service with all back benefits.

Yours most Obedient Servant

Attested
as

Dated 03/02/2016

halid Khan,
Naib Qasid
GHS Bela Momandan
Peshawar
10 Bela Momandan, Po Zairif Kobara
District Peshawar

No. 319

Received Registered Parcel

Registered/Insured

Postage

Registration Fee

Agency/Postment Fee

Insurance Fee

Total

Amount in words:

Sender's Name & Address

Signature of Booking Official

Date stamp of booking Office

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

SERVICE APPEAL NO.531 / 2016

Khalid Khan

V/S

GOVT.

Reply for and on behalf of Respondents

Respectfully Sheweth:-

The Respondents submit below:-

Preliminary objections:-

1. That the Appellant has got no cause of action/ locus standi.
2. That the instant Appeal is not maintainable in its present form.
3. That the instant Appeal is bad for mis- joinder and non- joinder of the necessary parties.
4. That the Appellant has not come with clean hands to this Hon, able Tribunal.
5. That the instant appeal is barred by law.
6. That this Hon, able Tribunal has got no jurisdiction to adjudicate upon the instant Service Appeal.
7. That the instant Appeal is based on malafide intentions.
8. That the Respondent Department has adopted all the procedures before removing the Appellant from service.
9. That the instant Service Appeal is time barred.

On Facts:-

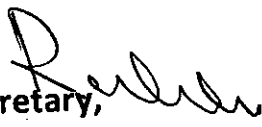
1. That Para-1 of the instant Service Appeal is subject to proof, hence denied,
2. That Para-2 is correct to the extent that the Appellant was appointed as Naib Qasid in GHS Bela Momandan, Peshawar while rest of the Para is incorrect and denied.
3. That Para-3 is incorrect and denied. The Appellant was not performing his duty.


4. That as the Appellant was not performing his duty, therefore, the Respondent Department removed him from service after adopting the procedure under the Khyber Pakhtunkhwa Government Servants (E&D) Rules, 2011. (Absentee Notice – Stoppage of Pay – Show Cause Notice – Inquiry Report and Absentee Notice through Daily News “ AJJ “ are attached respectively as Annex: A – B – C – D & E).

Ground.

- A. In reply to Ground- A, it is submitted that the Appellant was not performing his duty, therefore, the Respondent Department removed him from service under the law and Rules.
- B. That Ground – B is incorrect and misleading, hence denied. The Respondent Department has removed him from service under the Law & Rules.
- C. That Ground – C is incorrect and misleading, hence denied.
- D. That Ground – D is incorrect and misleading. The Respondent Department has acted under the law.
- E. That Ground – E is incorrect and misleading. Proper Inquiry has been conducted in the instant matter.
- F. That Ground – F is incorrect, hence denied. Detailed reply is given in Para No.4
- G. That the Respondents also seek leave of this Hon, able Tribunal to present case law and raise additional grounds at the time of arguments.

It is therefore, humbly prayed that on acceptance of this reply, the instant appeal may very kindly be dismissed with cost.


Secretary,
(E & SE) Department,
Khyber Pakhtunkhwa


Director,
(E & SE) Department,
Peshawar


District Education Officer,
(Male) Peshawar.

33

OFFICE OF THE DISTRICT EDUCATION OFFICER (MAOLE) PESHAWAR.

No 10480 /dated 18/9/2015

To

Mr. Khalid Khan Naib Qasid
Resident of Bela Momandan
Peshawar.

Subject: ABSENTEE NOTICE

Memo:

I am to refer to the subject cited above and to state that you have been absent from duty without any information wef September 2014 till date .In this regard a show cause notice was served to you through Haed Master GHS Bela Mohmandan Peshawar vide this office letter No 6100 dated 08-08-2015 but no reply received from your end till now.

Therefore you are directed once again to explain your position in this regard, if no reply to this notice is received within 7 days and not more than fifteen days of the issuance of this letter, strict disciplinary action will be taken against you under E & D rules 2011.

[Signature]
DY: DISTRICT EDUCATION OFFICER
(MALE) PESHAWAR.

Endst:No 10481

Copy for information to the:

- 1. Head Master GHS Bela Mohmandan Peshawar

[Signature]
18/9/15
Deputy District Education
Officer (Male) Peshawar.

District Education Officer
Male Peshawar.

NO: 2137 DATED 14/10/2015

To

The Accountant General
Khyber Pakhtunkhwa Peshawar.

Subject: STOPPAGE OF PAY

Memo:

I am to refer to DDO GHS Bela Momandan Peshawar letter No 1823 dated 14-10-2015 on the subject cited above and to state that the following Class Iv are absent from their duty w.e.f. September 2014.

1. Mr. Khalid Khan N.Q.
2. Mr. Muhibullah Lab Attendant.

Their departmental proceedings are in final stage in the office of the undersigned. Therefore you are requested to stop the pay of the above named officials with immediate effect.

Deputy District Education Officer
Male Peshawar

Endst No 2138

Copy to the above is forwarded to the:

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Head Master GHS Bela Momandan Peshawar

Deputy District Education Officer
Male Peshawar

30
31

5
/

DISTRICT EDUCATION OFFICER,
(MALE) PESHAWAR.

No. 6100 / Dated 8/18 /2015

To,

The Head Master
GHS Bela Mohmandan
Peshawar.

Subject

SHOW CAUSE NOTICE.

Memo:

I am directed to refer to the subject cited above and to ask you to serve the enclosed show cause notices upon Mr. Mr. Mohibullah Lab Attendant & Khalid Khan Naib Qasid of your school and submit a copy thereof in token having received the notice to this office for reference and record please.

Encl: as above.

8/18/15
Deputy District Education
Officer (Male) Peshawar.

OC

6

30

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
PESHAWAR.

SHOW CAUSE NOTICE.

I, (Mr. Sharif Gul, DEO (M) Peshawar), as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Mohibullah Lab Attendant & Khalid Khan Naib Qasid GHS Bela Mohmandan Peshawar as follows:

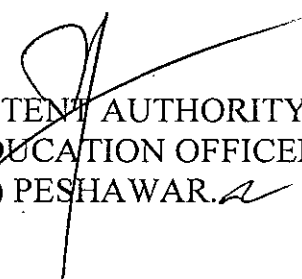

I am satisfied that you have committed the following acts/omissions specified in rule 3 of the said rules:

- (i) You are absent from your duty w.e.f. September 2014.

As a result thereof, I, as competent authority, have tentatively decided to impose upon you the major penalty under rule 4 of the said rules.

You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you.

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 defiance to put in and in that case an ex-parte action shall be taken against you.


COMPETENT AUTHORITY
DISTRICT EDUCATION OFFICER,
cc (MALE) PESHAWAR. 



سنگل 3 نومبر 2015ء، 20 محرم الحرام 1437ھ، 20 اگست 2015ء

نوٹس خصوصی

ہر گاہ کہ آپ خالد خان سیکرٹری ایڈمنسٹریشن و سٹاف ڈیپارٹمنٹ ٹی بک فنانسنگ ڈیپارٹمنٹ ہائی سکول بلدیہ منڈان پشاور سب ڈویژن 2014 سے پیپر کی اطلاع کے حامل غیر حاضر ہیں اس کے متعلق اظہار وجوہ کا نوٹس نمبر 6001 مورخہ 8/8/2015 کو دفتر ہائے ارسال کر چکا ہے آپ کو آپ کی غیر حاضری کے متعلق آپ کے گھر کے پتے پر نوٹس غیر حاضری نمبر 10480 مورخہ 18/9/2015 کو آگاہ کیا گیا اور تاکید کی گئی کہ فوراً ہی ڈیوٹی پر حاضر ہو کر وجہ بیان کریں مگر آپ نے نوٹس ہڈا کی پروا نہ کی اور نہ ہی ڈیوٹی پر حاضر ہوئے۔ لہذا آپ کو ایک بار دیگر نوٹس ہڈا موصول کیا جاتا ہے کہ اس نوٹس کی اشاعت کے بعد وہ دن کے اندر زیر دستگی کے دفتر دوران ادات کار حاضر ہو کر اپنی غیر حاضری کی وجہ بیان کریں بصورت دیگر آپ کے خلاف پمپروٹ کارروائی میں میں لائے ہوئے ای ایڈ ڈی ریڈر (ii-B-4) نمبر 2011 کے تحت حاصل کردہ اختیارات بروئے کار لائے ہوئے آپ کو ملازمت سے برخواست کر دیا جائیگا۔

بندوبست
بندوبست
بندوبست

Say No to Corruption

ڈسٹرکٹ انسپکشن
انسپکشن مندرجہ ذیل ضلع پشاور

INF(P)5077

OFFICE OF THE PRINCIPAL
GHSS CHAGHAR MATTI, PESHAWAR

No. 349

Dated: 13/6 /2015

To
DEO (Male),
Peshawar.

27

District Education Officer
Peshawar

Signature.....
PESHAWAR

Subject: ENQUIRY REPORT.

Reference your office letter No. 5164-65 dated 25-2-15

I visited GHS Bela Mohmandan on 06-05-2015 to enquire into the case of two class IV employees named
1. Mohibullah (Lab Attendant) 2. Khalid Khan (Naib Qasid) in the said school.

I recorded statements of the concerned

1. Nisar ul Haq Principal GHSS Ghari Sher Dad (Ex-DDO of GHS Bela Mohmandan).
2. Rehmat Sher Headmaster (Retired) GHS Bela Mohmandan.
3. Qaiser Khan C.T Incharge GHS Bela Mohmandan.
4. Father of the employees

STATEMENT OF NISAR UL HAQ

According to Nisar ul Haq Rehmat Sher Headmaster retired on 11th February 2015. He made Qaiser Khan C.T incharge of the school. Qaiser Khan Requested Nisar ul Haq Principal to accept DDO ship of GHS Bela Mohmandan. Nisar ul Haq accepted DDO ship in February 2015 subject to some conditions.

1. That on 10th of every month Qaiser Khan Incharge has to produce before him Cash Book, Expenditure Statement and Funds Register for thorough checking and scrutiny.
2. That Qaiser Khan has to give a certificate that all the employees drawing their salaries are actually performing their duties in the said school.

The same documents were not produced before Nisar ul Haq, therefore, He suspected some problems with the staff of the school, in the mean while, in February 2015, Atta Ullah superintendent Directorate, conducting audit of the retiring headmaster pointed out in his audit note, absence from duty of both Mohib Ullah Lab Attendant and Khalid Khan Naib Qasid since September 2014, hence their salaries should be stopped immediately. Nisar ul Haq sent report to DEO (Male) regarding the absence of both the class IV employees, he also sent source II to A.G Office in March 2015 for the stoppage of salaries of both the employees.

The concern section demanded service books of the employees and a certificate from DEO (Male) for the stoppage of pay, as the same were not provided, thus, the salaries were not stopped.

Salary of Mohib Ullah Lab Attendant is credited to his bank account while that of Khalid Khan is on Cheque. Two months' salary March, April 2015 is in possession of Nisar ul Haq Principal. He wanted to deposit the same in school account and asked Qaiser Khan about the school account number but it was not provided.

Compelled by the situation, Nisar ul Haq, vide letter No.1784 dated 09-03-2015 addressed to DEO (Male) Peshawar, expressed regret in continuing as DDO of the said school (copy attached herewith).

STATEMENT OF REHMAT SHER (Headmaster Retired).

According to Rehmat Sher, he took over charge in the said school on 11-04-2012. He added that both the class IV went to Saudi Arabia to perform Hajj in October 2014, since then both have not come to school for duty. Their brothers and father are performing duty in the school in their place. As for as DDOShip is concerned, he left it on 08-12-2014 and in the same letter Nisar ul Haq was made DDO of the said school. As specimen signatures of the new DDO were not yet provided to State Bank and A.G Office, therefore, the salary cheque of January 2015 was encashed with the signature of Rehmat Sher and was given to the father of Khalid Khan Naib Qasid.

STATEMENT OF QAISER KHAN (Incharge of the School).

According to Qaiser Khan both the class IV employees are absent from duty and their brothers are working in the school as substitute. He also stated that he was only incharge of the school, cash book, cheque book, PTC cheque book etc all are with Rehmat Sher headmaster (R).

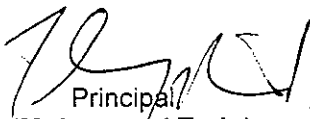
STATEMENT OF FATHER OF THE CLASS-IV EMPLOYEES.

The undersigned met with the father of the said employees, he stated that Mohib Ullah and Khalid Khan are abroad and their brothers Mohsin Khan and Rooh Ullah are working in the school as substitute.

RECOMMENDATIONS.

1. Rehmat Sher (Headmaster) and Qaiser Khan (Incharge), compelled by the situation ignored absence of both the class-IV employees as their brothers and father were working in the school in their place. However, they should have informed the DEO (Male) Peshawar in this connection.
2. As both the employees are absent from duty, their salaries should be stopped immediately.
3. Their absent period may be considered on leave with or without pay. *Absent period*
4. In case the said period is considered without pay, recovery should be made from them.
5. Both the employees should be issued notice to appear before the DEO(Male) Peshawar with in a specific period, Failing which further necessary action may be taken against them.

Thanks.


Principal
(Muhammad Tariq)
GHSS Chaghar Matti, Peshawar.

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

Appeal No.531/2016

Khalid Khan, Ex-Naib Qasid

VERSUS

*Secretary Elementary & Secondary Edu:
KPK Peshawar & others*

APPELLANT'S REJOINDER.

Preliminary objections

That 9 preliminary objections raised by the respondents in their written comments are irrelevant to the fact of the case, wrong, illegal incorrect and are denied in every detail. The appellant has a genuine cause of action and his appeal does not suffer from any formal defect whatsoever.

On facts:

- 1) Para 1 of appeal is correct and its reply is incorrect.*
- 2) That the appellant's appointment as Naib Qasid has been admitted as correct and rest of the para of appeal is correct and that of its reply is incorrect.*

3) *Incorrect. Para No.3 of the appeal is correct and reply of the same para is incorrect.*

4) *Incorrect. Para No.4 of appeal is correct and its reply is incorrect.*

ON GROUNDS:

A to D) *Incorrect. Grounds A to D of appeal are correct and replies of the same grounds are incorrect.*

E) *Incorrect. That the appellant was condemned unheard and he has not been associated in the inquiry proceeding and an opportunity of cross examination has not been given to him. He has also not been supplied copy of inquiry report and also no final show cause notice was issued to him. In the absence of providing copy of inquiry report, chance to cross examination / personal hearing, issuance of final show cause notice, the appellant was deprived of the opportunity to persuade his employer that the appellant did not deserve an extreme penalty of removal from service. As such the whole proceeding taken against the appellant suffer from legal infirmities and are void ab-initio and is liable to be set aside and the appellant*

deserves reinstatement in service with all back benefits.

F) Incorrect. Ground F of appeal is correct and its reply is incorrect.

G) That the whole action of respondents against the appellant is illegal and so they may not be permitted to raise any additional grounds against the appellant during arguments.

It is, therefore, prayed that on acceptance of appeal and rejoinder, the impugned order dated 27/11/2015 may be set aside and the relief as prayed for may be granted to appellant.

Dated 10/12/2016

شاہ
Appellant
Through *aslm*
Aslam Khan Khattak
Advocate, Peshawar

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

Appeal No.531/2016

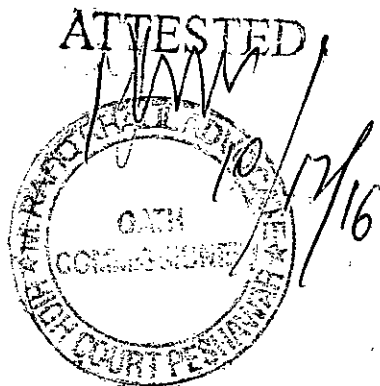
Khalid Khan Ex-Naib Qasid

VERSUS

*Secretary Elementary & Secondary Edu:
KPK Peshawar & others*

AFFIDAVIT

*I, Khalid Khan, Ex-Naib Qasid Govt High School
Bela Momandan Peshawar do hereby solemnly affirm
and state on oath that all contents of appeal and
rejoinder are true and correct to the best of my
knowledge and belief and nothing wrong has been
concealed from this Hon'ble Tribunal.*



26
DEPONENT

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

Appeal No.531/2016

Khalid Khan, Ex-Naib Qasid

VERSUS

*Secretary Elementary & Secondary Edu:
KPK Peshawar & others*

APPELLANT'S REJOINDER.

Preliminary objections

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3) *Incorrect. Para No.3 of the appeal is correct and reply of the same para is incorrect.*

4) *Incorrect. Para No.4 of appeal is correct and its reply is incorrect.*

ON GROUNDS:

A to D) *Incorrect. Grounds A to D of appeal are correct and replies of the same grounds are incorrect.*

E) *Incorrect. That the appellant was condemned unheard and he has not been associated in the inquiry proceeding and an opportunity of cross examination has not been given to him. He has also not been supplied copy of inquiry report and also no final show cause notice was issued to him. In the absence of providing copy of inquiry report, chance to cross examination / personal hearing, issuance of final show cause notice, the appellant was deprived of the opportunity to persuade his employer that the appellant did not deserve an extreme penalty of removal from service. As such the whole proceeding taken against the appellant suffer from legal infirmities and are void ab-initio and is liable to be set aside and the appellant*

deserves reinstatement in service with all back benefits.

F) Incorrect. Ground F of appeal is correct and its reply is incorrect.

G) That the whole action of respondents against the appellant is illegal and so they may not be permitted to raise any additional grounds against the appellant during arguments.

It is, therefore, prayed that on acceptance of appeal and rejoinder, the impugned order dated 27/11/2015 may be set aside and the relief as prayed for may be granted to appellant.

Dated 10/12/2016

Appellant
Through *Aslam*
Aslam Khan Khattak
Advocate, Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

Appeal No.531/2016

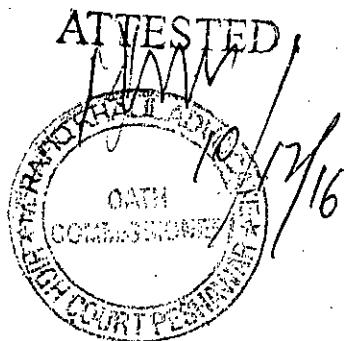
Khalid Khan Ex-Naib Qasid

VERSUS

*Secretary Elementary & Secondary Edu:
KPK Peshawar & others*

AFFIDAVIT

*I, Khalid Khan, Ex-Naib Qasid Govt High School
Bela Momandan Peshawar do hereby solemnly affirm
and state on oath that all contents of appeal and
rejoinder are true and correct to the best of my
knowledge and belief and nothing wrong has been
concealed from this Hon'ble Tribunal.*



26
DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C M No _____ of 2017

In Re:

Appeal No 531/2015

Khalid Khan...../(Petitioner)

VERSUS


Govt: of KPK and others.....(Respondents)

INDEX

S NO	DESCRIPTION OF DOCUMENTS	ANNEX	PAGES
1.	Petition early hearing and affidavit	-	01 - 03
2.	Interim relief and affidavit	-	04-06
3.	Wakalat Nama (In original)	-	07

Petitioner

Through:


(AAMIR HUSSAIN)

Advocate,

High Court, Peshawar

Cell # 0300-5909234

Dated: -10-01-2017.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C M No _____ of 2017

In Re:

Appeal No 531/2015

Khalid Khan...../.....(Petitioner)

VERSUS

Govt: of KPK and others.....(Respondents)

Application for fixation of early
date in the above titled case

Respectfully Sheweth: -

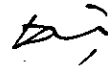
- 1) That the above noted appeal is pending adjudication before this Honourable Court and date of hearing is fixed 19/04/2017.
- 2) That in the above noted case, the respondents try to appoint a new person on the said post, therefore, the urgency is required.
- 3) That it is the right of every citizen to be dealt with according to law and equal protection of law; and for quick disposal of the case as justice delayed justice denied, that's why judicial policy has been framed.
- 4) That there is no legal bar to allowing the application for early hearing in above noted case, as this Honourable Court has got ample inherent powers.

*Case file bel
Requirements
12-01-17*

It is, therefore, respectfully prayed that on acceptance of this Application, an early date may graciously be fixed in above noted case for the best interest of justice.

Through:

Petitioner



(AAMIR HUSSAIN)

Advocate

High Court, Peshawar

Dated:-10-01-2017

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C M No _____ of 2017

In Re:

Appeal No 531/2015

Khalid Khan...../.....(Petitioner)

V E R S U S

Govt: of KPK and others.....(Respondents)

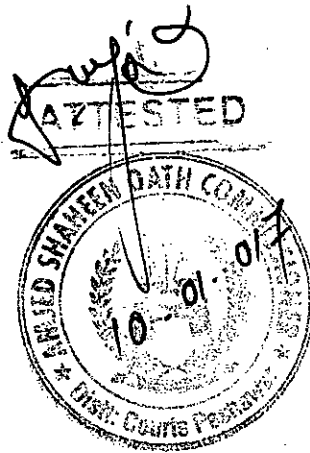
AFFIDAVIT

I, Khalid Khan R/O Bela Momandan Peshawar, do hereby solemnly affirm and declare on oath that all the contents of the above Application are true and correct to the best of my knowledge and belief and nothing has been concealed OR withheld from this Honourable Court.

Khalid Khan
DEPONENT

Identified by:-

(Signature)
(AAMIR HUSSAIN)
Advocate
High Court, Peshawar



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Interim relief Petition No _____/2017

In Re:

Appeal No 531/2015

Khalid Khan.....(Petitioner)

VERSUS

Govt: of KPK and others.....(Respondents)

Application on behalf of Appeal/ Respondent/
Petitioner for issuance of orders to Respondents
not to process appoint case till the final
disposal of the main title service appeal No 531/2015

Respectfully Sheweth: -

- 1) That in the above titled service appeal admitted for hearing on 19/04/2017 is fixed today before this Honourable Tribunal for arguments.
- 2) That the titled service appeal may kindly be treated as an integral part of the instant application.
- 3) That Respondents are going to appoint new person on the post of petitioner .

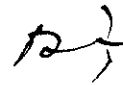
*Notice let
issued to the
opposite party
15/04/2017
12-01-17*

- 4) That all the three essential ingredients for grant of status quo are favouring the Appellant/Petitioner.

It is, therefore, humbly prayed that on acceptance of the instant Application, the Respondents may kindly be ordered not to appoint new person on the said post till the final disposal of the titled service appeal.

Petitioner/Appellant

Through:



(Aamir Hussain)
Advocate,
High Court, Peshawar

Dated:-10-01-2017

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

C M No _____ of 2017

In Re:

Appeal No 531/2015

Khalid Khan...../(Petitioner)

VERSUS

Govt: of KPK and others.....(Respondents)

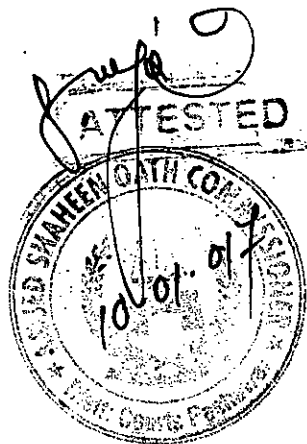
AFFIDAVIT

I, Khalid Khan R/O Bela Momandan Peshawar, do hereby solemnly affirm and declare on oath that all the contents of the above Application are true and correct to the best of my knowledge and belief and nothing has been concealed OR withheld from this Honourable Court.

Khalid Khan
DEPONENT

Identified by:-

Aamir Hussain
(AAMIR HUSSAIN)
Advocate
High Court, Peshawar





72947

ایڈووکیٹ/دستخط: دست

بار کونسل ابار ایسوسی ایشن نمبر: 10-7775

رابطہ نمبر: 0300 590923

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سرور کرامت مسٹر خالد خان

دعوی:	مخانب: مسٹر خالد خان
علت نمبر:	خالد خان
مورثہ:	بنام
جرم:	حکومت وکیل
تھانہ:	

باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کارروائی متعلقہ

آن مقام لیسٹڈ ۱۹۹۱ کیلئے مسٹر خالد خان کو وکیل 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 حالت و فیصلہ برطرف دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ اتوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم: 10-1-17

الع بد گواہ شد الع بد

مقام لیسٹڈ کے لئے منظور ہے۔

Khalid Khan