

Appeal No. 1060/2019
Wahab-ul-Mulk vs Govt

20.11.2019

Nemo for appellant.

On the last date of hearing appellant as well as his learned counsel were required to be issued fresh notices for hearing today. The record shows that requisite notices were duly sent through registered post. Despite, no one is in appearance on behalf of the appellant while the case has been called several times.

Dismissed for non-prosecution. File be consigned to the record room.

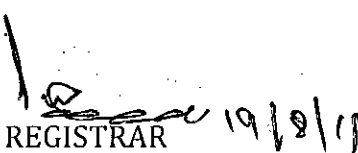


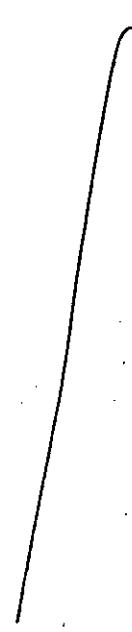
Chairman 

Announced:
20.11.2019

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 1060/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/08/2019	<p>The appeal of Mr. Waqar-ul-Mulak presented today by Mr. Atif Iqbal Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 19/8/19</p>
2-	20/08/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/10/2019</u>.</p> <p> CHAIRMAN</p>
	01.10.2019	<p>Nemo for appellant.</p> <p>Notice be issued to appellant/learned counsel for preliminary hearing on 20.11.2019 before S.B.</p> <p> Chairman</p> <p></p>

BEFORE THE SERVICE TRIBUNAL K.P.K.
PESHAWAR

Service Appeal No. 1060 /2019

WAQAR UL MULK

.....Appellant

Versus

Government of KPK, & Others

..... Respondents

INDEX

S.NO.	PARTICULARS	ANNEXURES	P/NO.
1	Memo of Appeal		1-5
2	Affidavit		6
3	Copy of Appointment letter	A	7
4	Departmental Appeal	B	8-11
5	Other Relevant Documents		12-15
6	Wakalathnama		16

Appellant
Through:


Atif Iqbal
&

Sulaman Khan

Advocate High Court,
At Charsadda

Dated: 19.08.2019

①

BEFORE THE SERVICE TRIBUNAL K.P.K.
PESHAWAR

Service Appeal No. 1060 /2019

پشاور پاکتوان
Service Tribunal

Diary No. 1173

Dated 19-8-2019

Waqar ul Mulk S/O ABDUL MALIK,
(Naib Qasid at TMO/Municipal Committee Charsadda)
R/O Mohallah Bahlol Khel Charsadda, Tehsil & District
Charsadda.

.....Appellant

Versus

1. **Government of KPK**, through, Secretary Local govt
KPK, Peshawar.
2. Secretary Local Council Board Peshawar, KPK.
3. Tehsil Municipal Administrator Charsadda.

.....Respondents

Filed to-day

[Signature]
Registrar

19/8/19

APPEAL U/S 4 NWFP SERVICE TRIBUNAL
ACT 1974 AGAINST THE ORDER OF
RESPONDENT NO. 2 to 3 WHEREBY THE
SALARY OF APPELLANT HAS BEEN
STOPPED WITHOUT ANY REASON AS WELL
AS NOT ALLOWING THE APPELLANT TO
PERFORM HIS DUTIES AS PER LAW.

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY KINDLY BE DIRECTED TO RESUME MONTHLY SALARY OF APPELLANT AS WELL AS TO ALLOW THE APPELLANT TO JOIN HIS SERVICE/DUTIES ACCORDING TO LAW AND THE APPELLANT MAY BE REINSTATED BACK TO HIS SERVICE WITH ALL BACK BENEFITS.

Respectfully Sheweth:

1. That the appellant was appointed as Naib Qasid in Tehsil Municipal Committee Charsadda in the year 1996 and served in the said dep't for long 20 years.
2. That during service the appellant has performed his duties with zeal and honesty and never absented without any cause.
3. That in December 2016 the salary of appellant was suddenly stopped without any reason by respondents. Beside this the appellant was not allowed to attend his office or his duties without showing any cause.
4. That no inquiry etc whatsoever has been conducted against the appellant in this respect and even the Respondents are not ready to furnish any kind of Notice or explanation against the appellant.
5. That in this respect the appellant filed departmental appeal on 12/03/2018 before Respondent No 2.
(Copy of Departmental appeal is attached as Annexure-'B')
6. That during inquiry the explanation of Respondent No 3 has been declared as irrelevant by Respondent No 2.
(Relevant copy is attached)

7. That till now Respondent No 2 to 3 did not bother to give any kind of written order regarding the reason of stoppage of monthly salary of appellant nor any kind of copies are provided to the appellant.
8. That the appellant now approaches this Honorable Tribunal against the above said illegal and lethargic view of Respondents on the following grounds amongst the others.

Grounds:

- a) That the aforementioned order of stoppage of salary of the appellant is illegal, unlawful, without authority / jurisdiction and being based on the malafide intention is liable to be set-aside.
- b) That neither inquiry proceedings as prescribed under the prevailing laws was ever conducted, nor any kind of Notice has been issued by Respondents No 2 to 3 through which the appellant could be heard in person or through pleader thus the act of Respondents is unwarranted and ultra-vires.
- c) That Respondents has acted in a manner which is unknown to the Service laws and Rules and the authority did not fulfilled the legal requirement for the service of notice and stopped the salary of appellant as well as not allowing him to join his duties according to law. So all these illegal actions has been passed in his absentia, which have no value in the eyes of law.
- d) That no process/procedure as prescribed in the service laws were ever adopted by the respondent department, nor he was ever served with a show

cause notice as this is the basic requirement under the prevailing service laws/rules.

- e) That the respondent No. 2 to 3 were bound to give the reasons for not agreeing on the departmental appeal of the appellant and kept mum on the departmental appeal is also inefficiency on part of respondents.
- f) That the impugned acts/order has been issued without giving any opportunity of hearing to appellant and passed the impugned orders without fulfilling the legal requirements in slipshod manner, such practice adversely effects efficiency of incumbents and also reduces their confidence and faith in public.
- g) That Respondent has never supplied a copy of enquiry report which is clear-cut violation of section 11 & 14 of the Government Servant (Efficiency and Discipline) Rules 2011 and fundamental rights enshrined in the constitution of Islamic Republic of Pakistan, 1973.

IT IS, THEREFORE, HUMBL Y PRAYED THAT ON ACCEPTANCE OF THIS APPEAL, THE RESPONDENTS MAY KINDLY BE DIRECTED TO RESUME MONTHLY SALARY OF APPELLANT AS WELL AS ALLOW THE APPELLANT TO JOIN HIS SERVICE/DUTIES ACCORDING TO LAW AND THE APPELLANT MAY BE REINSTATED BACK TO HIS SERVICE WITH ALL BACK BENEFITS.


(5)
ANY OTHER RELIEF WHICH THIS HON'BLE
TRIBUNAL DEEMS PROPERLY AND HAS NOT
BEEN ASKED PROPERLY MAY ALSO BE
GRANTED.

Appellant
Through:

 **ATIF IQBAL**

&

SULAMAN KHAN

Advocates High Court,
Charsadda. 

Dated: 19.08.2019

VERIFICATION:

It is verified that (as per information given me by my client) all the contents of the instant appeal are true and correct and nothing has been concealed intentionally from this Hon'ble Tribunal.


Advocate

Note:

That no such like petition / Appeal on this subject matter has earlier been filed before this Hon'ble Tribunal.


Advocate

6

BEFORE THE SERVICE TRIBUNAL K.P.K.
PESHAWAR

Service Appeal No. _____/2019

WAQAR UL MULK

.....Appellant

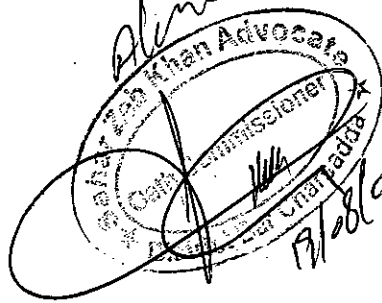
Versus

Government of KPK, & Others

..... Respondents

Affidavit

It is hereby solemnly affirm and declare on oath that all the contents of the instant appeal are true and correct to the best of my Knowledge and belief and nothing has been concealed intentionally from this Honorable Court.

Alim

Alim Khan

26/6/19

Deponent

① That the applicant was initially appointed as Naib Qasid BPS 3 in the year 1996, and

the Chairman from the Govt refers All facts :-

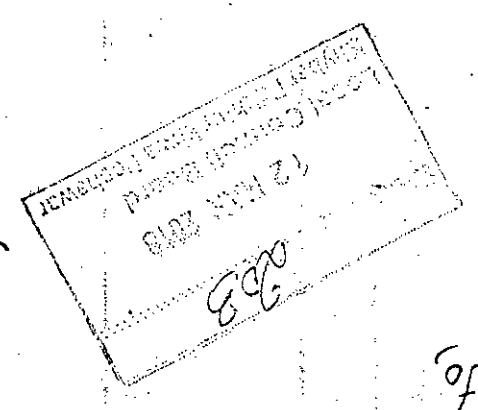
the applicant very humbly submits the following few facts for year

Kind & Sympathetic Consideration

Respected Sir

Departmental appeal against the illegal order passed by TMO where by the salary of the Petitioner is stopped since December 986 and by not allowing the applicant to attend his service.

The Secretary Local Council Board
 Behawal



~~14/03~~
13/03

X	

That Since my appointment, I performed my duty with zeal & honesty.

③ That I has never absented my self fro my Service.

④ That all of a sudden in December 2016 Salary was stopped with out any Prior m or show cause.

⑤ That no order in any respect or Inquiry has been conducted against the Pet

⑥ That the Petitioner is now stopped from Performing his duty at Office.

⑦ That the Petitioner Prays For the accep of this appeal inter alia on the fo Grounds.

Grounds of appeal.

rights secured and granted under the law are badly violated.

(B) That the Petitioner has not been given a Fair opportunity of Personal hearing before Stopping the Salary of the Petitioner and abstriving him from attending the office.

(C) That no Show Cause, or order has been given to the Petitioner prior to taking such harsh and illegal step.

(D) That if any order or inquiry is conducted against the petitioner would be illegal & against the law, because it has not been Communicated to the Petitioner.

(E) That the Petitioner has never committed any act or omission due to which the Salary of the Petitioner has been stopped and the Petitioner can be abstrived from joining his duty.

(11) (6)
may kindly be released and
the petitioner may be allowed to
Join his duty Place.

Dated - 12/3/2018

Perrall

Wagah-ul-Mulk
s/o Abdul Malik s/o
Kandi Behlol Khan
Tensil & Distt Chasadd

(71)

(5)

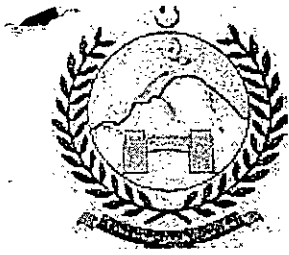
may kindly be released and
the petitioner may be allowed to
Join his duty Place.

Dated - 12/3/2018

Pirvaie

Wagge-ul-Mulla
s/o Abdul Malik s/o
Kandi Behlol Khan
Kensil & Distt Charsadda

12



OFFICE OF THE TEHSIL MUNICIPAL
ADMINISTRATION CHARSAZZA

No. 2955 /TMA

Dated Charsadda the 19/16 /2018

To

The Secretary,
Local Council Board,
Khyber Pakhtunkhwa,
Peshawar.

Subject: DEPARTMENTAL APPEAL.

Memo:-

Reference your memo No.AO-IV/LCB/1-26/TMA (CHD) dated 21/03/2018 on the subject cited above.

It is submitted for your kind information that the relevant record pertaining to the official is not available in this office due to the devastating flood most of the record has been damaged during 2010, which has already been brought in the notice of the Provincial Government LGE & RDD, Khyber Pakhtunkhwa vide No.11/TMA dated 02/08/2010 (copy attached as ready reference please).

[Signature]
Tehsil Municipal Officer,
TMA, Charsadda.

No. 2956 /TMA

Dated Charsadda the 19/16 /2018

Copy forwarded to the Administrative Officer-IV, Local Council Board, Khyber Pakhtunkhwa, Peshawar for information with reference to above please.

[Signature]
Tehsil Municipal Officer,
TMA, Charsadda.

21-8-18 (16/12/18)

13



**OFFICE OF THE REGIONAL MUNICIPAL OFFICER
PESHAWAR REGION, TMA TOWN-III PESHAWAR**

No. 8-10 /RMO/T-III/Pesh.

Dated Peshawar the 13/08/2018

To
The Tehsil Municipal Officer,
TMA Charsadda.

SUBJECT : DEPARTMENTAL APPEAL.

Reference your letter No. 2955/TMA/charsadda dated 19/06/2018 on the subject cited above.

It is to inform your good self that the devastated flood in the year 2010 had damaged the office record of TMA Charsadda as well as TMA Nowshera where the undersigned was TMO Nowshera at that time but the official record pertaining to service books etc had been prepared on emergency basis in duplicate and got rectified immediately after the flood. The case in question is related to the year December 2016 therefore the reply by TMA Charsadda become irrelevant in light of the petitioner point raised in the appeal.

You are therefore requested to kindly go through the content of appeal and solve the matter on merit to avoid prolonging the matter once and for all in the interest of public large.

Handwritten signature
**Regional Municipal Officer
Peshawar Region**

Copy to:-

- 1. The Secretary Local Council Board Khyber Pkhtunkhwa Peshawar. (for information with reference to letter No.AO.IV/LCB/1-26/TMA Charsadda dated 06/08/2018)



Handwritten notes:
Please put up on file
Handwritten signature

Handwritten signature
**Regional Municipal Officer
Peshawar Region**



GOVERNMENT OF KHYBER PAKHTUNKHWA
 LOCAL GOVT: ELECTIONS & RURAL DEV: DEPTT:
 (LOCAL COUNCIL BOARD)

STREET# 13, SECTOR E-8, BUILDING# 33, PHASE-VII, HAYATABAD PESHAWAR

No. AO.IV/LCB/1-26/TMA (Charsadda)
 Dated Peshawar, the 21th March, 2018

To

The Tehsil Municipal Officer
 TMA, Charsadda.

SUBJECT: **DEPARTMENTAL APPEAL.**

Memo:-

I am directed to enclose herewith a copy of appeal received from Mr. Waqar-ul-Mulk alongwith its enclosure for comments/report.

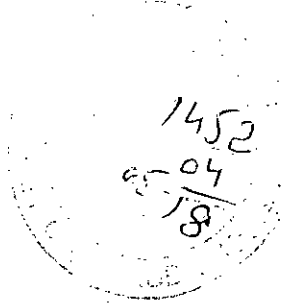
Encls: **As above.**

ADMIN: OFFICER-IV
 LOCAL COUNCIL BOARD
 KHYBER PAKHTUNKHWA

Endst: of even No. & date.

Copy forwarded to the:-

1. PS to Secretary Local Council Board, Khyber Pakhtunkhwa. Peshawar.



To: (P)
*Please enclose the
 new papers to
 proceed further.*

5/4/18

ADMIN: OFFICER-IV
 LOCAL COUNCIL BOARD
 KHYBER PAKHTUNKHWA

9-11-18
Adm - RK

*There is no record available
 record room is closed
 please check the case
 number I may be
 able to*

Subject: - Departmental Appeal. U.

Ref. no. Ao. V/Keb/126/TMA Charsadda.
dt 21-3-2018, on the above cited subject.
It is submitted that the Applicant
has repeatedly submitted Application which
he has found that the record in
support of the petition, is not available.
So this may be refer to LA to
prepare Parawise Reply to further
furnished the case/matter by the
Provincial Govt.

08/04/18

TMA St

As proposed.

~~LA~~

This case
may be considered in the
light of his own record
of his employment / appointment.

08/04/18

TMA,

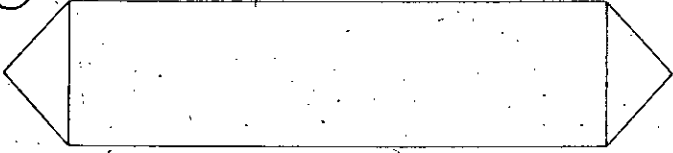
As proposed mutup. DPA

~~TMA~~

10/05/18

AS Para No 5

بعدالت ض۔ جم سروس انٹرنیشنل ریور



وقار الملک

نیل

جوبان حکومت سندھ

2019ء منجانب

بنام

مورخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کاروائی متعلقہ آن مقام ریٹائر کیلئے محاطف اقبال - سلیمان آباد کو مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائس 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 مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی 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 پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے دہوگا۔ 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 لکھ دیا کہ سندر ہے۔

2019

الکعبہ

ماہ

19

الترتیم

الذمہ گواہ العباد

کے لئے منظور ہے۔

وقار الملک

وقار الملک
 (ایک طرف سے)
 وقار الملک و لک عبد الملک سلمہ علیہ السلام علیہ السلام