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

Service Appeal No. 1159/2019

 Date of Institution ...
 18.09.2019

 Date of Decision ...
 24.11.2021

Shahid Khan S/O Sahib Zada R/O Ayaz Kallay, Umer Zai Tehsil and District Charsadda. (Ex-Patwari, upper Kohistan at Dassu).

... (Appellant)

#### <u>VERSUS</u>

Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, at Civil Secretariat, Peshawar and five others. .... (Respondents)

Fazal Shah Mohmand, Advocate

Mr. Muhammad Adeel Butt, Additional Advocate General For Appellant

For Respondents

ROZINA REHMAN ATIQ-UR-REHMAN WAZIR MEMBER (JUDICIAL) MEMBER (EXECUTIVE)

#### **JUDGMENT**

ATIQ-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant was appointed as Patwari on 28-10-2010. During the course of his service the appellant was proceeded against on the charges of absence from duty and was ultimately removed from service vide order dated 19-04-2019. Feeling aggrieved, the appellant filed departmental appeal dated 27-05-2019, which was also rejected vide order dated 02-09-2019, hence the instant service appeal with prayers that the impugned orders may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that the impugned orders are void, illegal and arbitrary and having no legal effect upon the rights of the appellant; that the appellant has not been treated in accordance with law in violation of Article-4 of the constitution; that the impugned order was passed without any show cause notice or personal hearing and respondent No 3 also ignored the illegality and irregularity committed by the respondent No 4 and dismissed the departmental appeal of the appellant without any reason; that respondent No. 4 issued two orders on one day i.e. 19-04-2019, though both the orders are against law and based on malafide as through one order the absence of appellant was considered as leave without pay, while through another order, the appellant has been removed from service, which comes under the definition of double jeopardy; that the appellant joined duty on 14-02-2019 in response to the order of respondent No. 4 and remained on duty round the clock and during such days, also signed official documents, but respondent No 6 due to his personal grudges submitted a false report to respondent. No 5 regarding the alleged absence; that the appellant has been shown absent during 48 days of strike as all the employees on revenue side were on strike and such duration has also been calculated as absence period, which shows malafide on part of the respondents; that the appellant has not been treated in accordance with law as the appellant was not associated with proceedings of inquiry; that both the impugned orders of respondents No 3 and 4 are arbitrary and against the principle of natural justice, hence are liable to be set aside.

03. Learned Additional Advocate General for the respondents has contended that the appellant was removed from service vide order dated 19-04-2019 due to his willful absence from duty from 01-06-2018 to 19-04-2019; that the official being a habitual absentee, was warned repeatedly to resume his duty but he did not mend his ways; that due to his prolonged absence he was earlier removed from service vide order dated 22-06-2017, but was re-instated in service vide

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order dated 10-08-2017 in pursuance of his departmental appeal filed by the appellant; that numerous verbal and written explanations were issued to the appellant for his misconduct and unauthorized absence, but the appellant did not mend his ways; that after final notice issued in the newspaper dated 31-01-2019 under section-9 of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules,2011, he submitted an application and immediately disappeared as is evident from the report of Assistant Commissioner Dasso letter dated 12-04-2019.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant was proceeded against under Rule-9 of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011 and in response, the appellant reported his arrival. In a situation, the respondents were required to conduct a regular inquiry by affording him appropriate opportunity of defense, which however was not done in case of the appellant. We have noticed that the appellant was not proceeded against in accordance with law and he was condemned unheard.

**06.** In view of the foregoing, the instant appeal is partially accepted. The appellant is re-instated in service with direction to the respondents to conduct denovo inquiry in accordance with law within a period of 90 days of the receipt of this judgment by affording him appropriate opportunity of defense. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED 24.11.2021



(ATIQ-UR-REHMAN WAZIR) MEMBER (E)

3

<u>ORDER</u> 24.11.2021

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Ashraf Ali, Assistant for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the instant appeal is partially accepted. The appellant is re-instated in service with direction to the respondents to conduct de-novo inquiry in accordance with law within 90 days of the receipt of this judgment by affording him appropriate opportunity of defense. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED 24.11.2021

(ROZINA REHMAN) MEMBER (J)

(ATIQ-UR-REHMAN WAZIR) MEMBER (E) 12.02.2021

Junior to counsel for the appellant and Syed Asif Masood, DDA for the respondents present.

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Due to general strike on the call of Khyber Pakhtunkhwa Bar Council, instant matter is adjourned to 13.04.2021 for hearing before the D.B.

(Atiq-ur-Rehman Wazir) Member(E)

Chail

13.04.2021

Due to demise of Hon'able Chairman, the Tribunal is defunct, therefore, the case is adjourned to 13.07.2021 for the same.

Reader

13.07.2021

None for the appellant and Mr. Javed Ullah, Assistant Advocate General for respondents present.

Due to general strike of the Peshawar Bar Association, the case is adjourned to 24.11.2021 for the same before D.B.

(Rozina Rehman) Member (Judicial)

Chairman

10.09.2020

Appellant in person alongwith his counsel present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Ashraf Ali, Supdt for respondents present.

Learned counsel for the appellant requested for adjournment.

Adjourned to 09.11.2020 for arguments before D.B. -5 (Mian Muhammad) (Muhammad Jamal)

Member (E)

(Muhammad Jamal) Member(J)

09.11.2020

Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney alongwith Ashraf Ali Assistant for respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 22.12.2020 for hearing before the D.B.

Chairman

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Atiq-ur-Rehman Wazir) Member (E)

22.12.2020

Appellant in person and Asstt. AG alongwith Ashraf Ali, Asstt. for the respondents present.

Learned counsel for the appellant is not available , therefore, a request for adjournment is made. Adjourned to 124.022021 for arguments before the

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D.B.

Chairman

(Mian Muhammaa) Member(E)

#### 06.03.2020

Appellant in person present. Mr. Kabirullah Khattak learned Additional AG alongwith M/S Sattar Superintendent and Arif Superintendent for the respondents present. Representatives of the respondent seeks time to file written reply/comments. Last opportunity is granted. To come up for written reply/comments on 25.03.2020 before S.B.

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(Hussain Shah) Member

25.03.2020

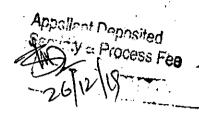
Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 17.06.2020 before S.B.

Reader

MEMBER

17.06.2020 Junior to counsel for the appellant and Asst: AG alongwith Mr. Noor ul Wahaj, Assistant for respondents present. Written reply submitted which is placed on file. To come up for arguments 10.09.2020 before D.B.

26.12.2019



11.02.2020

Appellant with counsel present. Addl: AG for respondents present. Learned counsel for the appellant submitted an application for submission of security and process fee. Allowed. Appellant is directed to deposit the same within three days, thereafter, notices be issued to the respondents for submission of written reply/comments on 16.01.2020 before S.B.

16.01.2020

Appellant in person and Addl. AG alongwith Noorul Wahab, Assistant for the respondents present.

Representative of the respondents requests for further time to furnish reply/comments. To come up for submission of requisite reply/comments positively on 11.02.2020 before S.B.

Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Noor-ul-Wahab, Assistant for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for further time to furnish reply/comments. To come up for written reply/comments on 06.03.2020 before S.B.

(MUHAMMAD AMÍN KHAN KUNDI) MEMBER

Chairmai

Member

24.10.2019

#### Counsel for appellant present.

Learned counsel for the appellant referred to the "reporting for duty" by appellant dated 14.02.2019, submitted before the Naib Tehsildar Dassu and contended that the same was endorsed by N.T on even date. The impugned order, on the other hand, suggested that the appellant was absent from duty from 31.01.2019 till the passing of order of 19.04.2019. In the departmental appeal, the fact of reporting for duty by appellant was duly mentioned while the copy of appearance report was also attached therewith. The departmental appellate authority, however, did not consider the defense of appellant and upheld the original impugned order dated 19.04.2019, whereby, major penalty of removal from service was imposed upon the appellant.

In view of arguments of learned counsel and available record, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/ comments on 26.12.2019 before S.B.

#### Form-A

## FORM OF ORDER SHEET

Court of

1159/2019

Case No.-S.No. Date of order Order or other proceedings with signature of judge proceedings 1 2 3 The appeal of Mr. Shahid Khan presented today by Mr. Gul 1-18/09/2019 Rehman Mohmand Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please. REGISTRAR 18/9/19 19/09/19. This case is entrusted to S. Bench for preliminary hearing to be 2put up there on 24/10/19 CHAIF

## BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR

Service Appeal No 019

Shahid Khan

VS

#### Government of Khyber Puktoonkhuwa and others

#### INDEX

S.No.	Description of documents.	Annexure	Pages.
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4.	Copy of CNIC and service card of Appellant	A	7
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7.	Copy of Departmental appeal along with order. A	D	13-44
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Dated

18-9. 2019

Through Gul Rahman Mohmand Muhammad Talha Kashif Naseem Abdul Jail Fagir

Appellant

Advocates High Courts



Diary No. 1272

## **BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER** Kayber Pakhtukhwa Service Tribunal

#### **PAKHTUNKHWA AT PESHAWAR**

Service Appeal No\_\_\_\_\_59\_\_\_/2019

Shahid Khan S/O Sahib Zada R/O Ayaz Kallay, Umer Zai Tehsil and District Charssada. (Ex-Patwari, upper Kohistan at Dassu)

.....(Appellant)

#### Versus

- 1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, at Civil Secretariat Peshawar.
- 2. Senior Member Board of Revenue Khyber Pakhtunkhwa ,at Peshawar.
- Commissioner Hazara Division at Abbotabad.
- 4. Deputy Commissioner Upper Kohistan at Dassu.
- 5. Assistant Commissioner Upper Kohistan at Dassu.
- 6. Tehsildar Dassu District Upper Kohistan.

..... (Respondent)

### SERVICE APPEAL U/S 4 OF KHYBER PUKTOONKHUWA SERVICE TRIBUNAL ACT, 1974 AGAINST ORDER OF THE COMMISSIONER HAZARA DIVISION , ABBOTABAD DATED 19-08-2019 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT AGAINST THE ORDER OF THE RESPONDENT No.4 DATED 19-04-2019, WHEREIN THE RESPONDENT No.04 ORDERED THE REMOVAL OF THE **APPELLANT FROM SERVICE**.

#### PRAYER

On acceptance of the instant appeal both the impugned orders of the respondents No. 3 and No. 4 may very graciously be declared as illegal, void and against law with the request to reinstate the appellant to his service with all back benefits.

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#### zeer. Respectfully Sheweth;

18/9/19 Brief facts to the filling of the instant appeal are as under;

- 1. That the appellant is permanent resident of Village Ayaz Kallay, Umer Zai, Tehsil, and Distract Charssadda.
- 2. That the appellant was appointed as patwari vide office order dated 28-10-2010 .(Copy attached)

- 3. That the appellant performed his duties regularly with full devotion and to the entire satisfaction of his high ups without any complaint.
- 4. That the appellant was performing his duties at District Kohistan and in April 2018 the then Tehsildar leveled allegation upon the appellant ,that the appellant was absent for a month without any sanction and called explanation and the appellant explained his position, which was accepted and the absentee was considered as leave without pay.
- 5. That the respondent No.6 submitted a report regarding the absence of the appellant from his duties to the respondent No.5 and the respondent No.5 without any inquiry submitted the report to the respondent No.4, and the respondent No.4 in share violation of law ,without any show cause notice ordered removal of the appellant from his services.(Copy of order is attached)
- 6. That as the appellant was aggrieved from the order of the respondent No.4, therefore, filed departmental appeal before the respondent No.3 but the respondent No.3 too dismissed the departmental appeal without any cogent reasons.( Copy of order is attached )
- 7. That as both the respondents No.3 and No. 4 passed the impugned orders in utter disregard of law, therefore the appellant is filling the instant appeal before this honorable tribunal for setting aside both the impugned orders of the responded No.3 and No.4 with the request that the appellant may very graciously be re instated to his<sup>°</sup> service with all back benefits on the following grounds amongst others.

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#### GROUNDS

- A. That the impugned orders of the respondents No.3 and 4 are void ab-initio, illegal, unlawful, arbitrary and having no legal effects upon the rights of the appellant, therefore are liable to be set aside with the request that the appellant be re instated to his services with all back benefits.
- B. That the appellant has not been treated in accordance with Law, Rules and Policy, which is violation of Article 4 of the Constitution of Islamic Republic of Pakistan.
- C. That the appellant is serving from the last ten years without any complaint rather earned good name in the entire district.
- D. That the respondent No.4 passed the impugned order dated 19/04/2019 without any show cause notice or personal hearing and the respondent No.3 also ignored the illegality and irregularity committed by the respondent No 4 and dismissed the departmental appeal of the appellant without any reason.



- E. That the respondent No. 4 issued two orders on one and same day 19/04/2019. Though both the orders are against law and based on malafidely as through one order the absentee of appellant has been considered leave without pay while through the other order the appellant has been removed from service which comes under the umbrella of double jeopardy.
- F. That District Kohistan is a Backward area where basic facilities and infrastructure are not available and sometime the appellant visited certain area which are too remote, the appellant stayed there for days as there was no convince. Further more in rainy days the life become too hard as due to land sidings the roads are blocked but these fact were ignored by the respondents No 3 and No.4 while passing the impugned orders.
- G. That the appellant joined the duties on 14/02/2019 in response to the order of the respondent no 4 and remained on duty round the clock and during these days signed the domicile certificates of the local inhabitants but the respondent No. 6 for some personal garages submitted a fake and false report to the respondent No.5 regarding the alleged absentees.
- H. That the appellant has been shown absent during 48 days of strike as all the employees on revenue side in Khyber Puktoonkhuwa were on strike and this duration has also been calculated as absentee on part of appellant which show malafidie but the respondent No 3 and 4 ignored these facts while passing the impugned orders.
- I. That the appellant has not been treated equally before law as no show cause notice was issued nor the appellant was called to participate in the alleged inquiry proceedings and even no personal hearing opportunity was given to the appellant and on this score alone both the impugned orders are not tenable in the eye of law.
- J. That during the alleged inquiry proceedings neither the appellant was informed nor allowed to participate in the alleged inquiry proceedings and even no show cause notice was issued nor personal hearing opportunity was given and also no final show cause has been issued therefore both the impugned orders are in the utter disregard of law.
- K. That the appellant served from the last ten years without any complaint and the appellant is the only source of income of his family and the both the impugned orders of the respondents No 3 and 4 are harsh and against the norms of justice as on absentee harsh punishment of removal from service has never been awarded and even this honorable tribunal as well apex courts condemn such like practice.
- L. That the instant case is classical example of misapplication of law.
- M. That both the impugned orders of the respondents no 3 and 4 are arbitrary fanciful against real facts and against the natural justice as

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A. well hence are liable to be struck down and justice demand to reinstate the appellant to his service with all back benefits.

In view of above-mentioned facts and circumstances, it is respectfully prayed that, On acceptance of the instant appeal both the impugned orders of the respondents No. 3 and No. 4 may very graciously be declared as illegal, void and against law with the request to reinstate the appellant to his service with all back benefits.

Dated

Appellant

Through

Gul Rahman Mohmand

Muhai Talha

**Kashif Naseem** 

Abdul Jail Faqir

**Advocates High Court** 

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## BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR

Service Appeal No\_\_\_\_\_

Shahid Khan

VS

## Government of Khyber Puktoonkhuwa and others

#### <u>AFFIDAVIT</u>

I Shahid Khan S/O Sahib Zada R/O Ayaz Kallay, Umer Zai Tehsil and District Charssada. (Ex-Patwari, upper Kohistan at Dassu, do hereby affirm and declare on oath that the contents of the instant Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

Deponent

17/01-1827233

IDENTFYED BY

Gul Rahman Mohmand Advocate High Court Off: 15D Haroon Mension Khyber Bazar Peshawar. Mob: 0300-5961547



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## BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR

Service Appeal No\_\_\_\_\_

Shahid Khan

VS

Government of Khyber Puktoonkhuwa and others

#### ADDRESSES OF THE PARTIES

#### Appellant

Shahid Khan S/O Sahib Zada R/O Ayaz Kallay, Umer Zai Tehsil and District Charssada. (Ex-Patwari, upper Kohistan at Dassu)

#### Respondents

Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa, at Civil Secretariat Peshawar.

Senior Member Board of Revenue Khyber Pakhtunkhwa, at Peshawar.

Commissioner Hazara Division at Abbotabad.

Deputy Commissioner Upper Kohistan at Dassu.

Assistant Commissioner Upper Kohistan at Dassu.

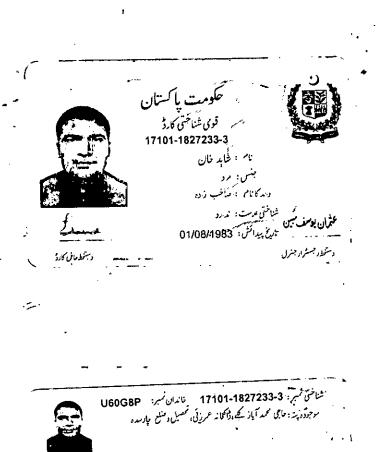
Tehsildar Dassu District Upper Kohistan.

Dated 18-9-2009

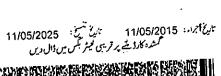
Appellant Through Gul Rahman Mohmand Muhammad Talha Kashif Naseem∢ Abdul Jail Faqir

Advocates High Courts

ANEXTURE No







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# ANEXTURE NO B

GOVERNMENT OF KHYBER PAKHTUNKHWA <u>REVENUE & ESTATE DEPARTMENT</u>

Dated the 15/10/2010

## <u>ORDER.</u>

No\_\_\_\_\_/Admn:VII/Kohistan. With the approval of Competent Authority, Mr. Shahid Khan S/O Sahibzada Khan R/O District Charsadda, is hereby appointed as Patwari in District Kohistan against vacant Post with immediate effect purely on temporary basis and his services will be regularized through proper Departmental Selection Committee.

> By Order of, Senior Member, Board of Revenue Khyber Pakhunkhwa

1992 /Admn:VII/Kohistan

Copy to:-

1. The District Officer (R&E)/Collector, Kohistan.

- 2. The District Accounts Officer, Kohistan.
- Official concerned.
  - 4. Office Order File.

LTU M figh Court 3.4 iocate

Assistant Secretary (Estt) Board of Revenue Khyber Pakhunkhwa



OFFICE OF THE DISTRICT OFFICER, R&E <u>KOHISTAN.</u> No.Patwari/\_\_\_\_/DOR&E(KH). Dated Dassu the<u>22/10</u>/2010.

#### OFFICE ORDER.

In pursuance of the Board of Revenue K.P.K approval on the application of Mr. Shahid Khan, order endst:No.19928-31/ Admn:VII /Kohistan dated 18/10/2010 and letter No.20450/Admn:VII dated 25.10.2010. The following Patwar candidates are hereby appointed as Patwari in BPS-5 against the newly created posts of Patwari , on the following terms and conditions with immediate effect in the interest of public service. Their services will be regularized in the DSC. The meeting of which is being scheduled shortly:-

S.No.	Name & address.	Nomenclature of post.
01	Mr.Shahid Khan s/o Sahib Zada r/o P/o Umar Zai	Patwari
• •	Village Ayaz Kally District Charsada.	
02	Muhammad Arif s/o Khan Wali r/o Village & P/O	Patwari.
-	Dagi Mohallah Aladad Khel Karkawand Tehisl and	
	District Swabi.	

1. Production of age and health certificate.

2. Their services will be on probation for a period of two years.

3. Their services will be governed by such rules and regulations prescribed for civil servants of their cadre and as circulated by the Govt: from time to time.

- 4. In case any of their qualification documents found in correct/bogus at any time, the services shall be liable to termination.
- 5. In case any one of them wish to resigned, one month notice will be necessary or in lieu thereof pay of one month will be forfeited to Government.
- 6. Their pay will be started from the date of their arrival which should be within a week otherwise the appointment shall stand cancelled.

District ()

Revenuel & Estate/Collector, Kohistarkt & fficer Revenue & Estate Kohistan.

Endst:No. <u>2/2/-25</u> /Dated Dassu the <u>2-2-//0/2010</u>.

Copy forwarded to :-

1. The Secretary Board of Revenue K.P.K, Peshawar w/r to above.

- 2. The District Coordination Officer, Kohistan.
- 3. The District Accounts Officer, Kohistan.
- 4. The Assistant Accounts of this office.
- 5. The officials concerned.

District Officer Revenue & Estate/Collector, Kohistan, Micer Revenue & Estate Kohistan.



## ANEXTURE NO -S OFFICE OF THE DEPUTY COMMISSIONER

DEPUTY COMMISSIONER KOHISTAN AT DASSU No.PF/Estt: /<u>くいり</u>/DC (KH) Dated Dassu the // /04/2019



OFFICE ORDER

No.PF/Estt:  $/\underline{Sco4-B}$  /DC (KH) Under Rule 12(3) of Khyber Pakhtunkhwa Civil Servants Revised Leave Rules 1981, sanction is hereby accorded for Extra Ordinary leave without pay in respect of Mr. Shahid Khan Patwari of this office with retorespective effect w-e-f- 01-04-2018 to 31-05-2018 (61 days) on account of his absence without leave.

Ends: No. and date even:-

## Copy forwarded for information and necessary action to the:-

- 1. District Accounts Officer Kohistan.
- 2. Assistant Commissioner Dassu.
- 3. Tehsildar Dassu & Kandia.
- 4. Assistant Accounts of this office.
- 5. Official concerned.

mmissioner, Kohistan at Dassu

ty Commissioner, Kohistan at Dassu

19/4/20

stant (Esto)

Office of Commissioner

#### OFFICE OF THE DEPUTY COMMISSIONER KOHISTAN AT DASSU No.PF/Estt: /<u>2009-19</u>/DC (KH) Dated Dassu the 19/04/2019



No.PF/Estt: / <u>Scro9 - 18</u> /DC (KH) Whereas, Mr.Shahid Khan s/o Sahibzada r/o Moza Ayyaz Killy, Post office Umerzai Tehsil & District Charsada Patwari posted at Tehsil Dassu District Kohistan was found absent from his official duty w.e.f 5-12-2017 as per report of Tehsildar Dassu vide his No.390-TD dated 20-12-2017.

And whereas, for his this willful absence his explanation was called vide this office No.3/:Estt:/28048/DC (KH) dated 27-12-2017 with the directions to submit his reply within seven days but he did not, and remained absent.

And whereas, under Rule 9 of E&D Rules 2011 a notice vide No. PF/1648 dated 02-02-2018 under registered acknowledgement was sent to him on his home address directing him to attend his duties, but no response was received from him.

And whereas, under Rules ibid above a final notice was also published against the accused in daily News Paper Mashriq on 07-04-2018, directed him to assume his duties. On 11-04-2018 he submitted an application for apology and he was warned to be careful and his pay for the month of March 2018 was released with the condition that he should complete the data of Government Land at Tehsil Dassu under supervision of Additional Assistant Commissioner Kohistan vide this office order No. Estt:/5838-46 dated 23-05-2018.

And whereas, he again absented himself from official duty w-e-f 01-06-2018 as per report of Additional Assistant Commissioner Kohistan vide his letter No.Genl:/231/AAC (KH) dated 06.06.2018 and for this willful absence his explanation was called vide this office No.PF/Estt:/11662/DC (KH) dated 07-11-2018 with the directions to submit his reply within seven days but he did not submit, and remained absent.

And whereas, under Rule 9 of E&D Rules 2011, a notice vide No.13103 dated 21-12-2018 under registered acknowledgement was sent to him on his home address directing him to attend his duties, but no response was received from him.

And whereas, under Rules ibid above, a final notice was published against the accused official in Daily News Papers on 31-01-2019 directing him to assume his duties. On 14-02-2019 he submitted another application alongwith OPD slips for 29-04-2018 and 02-01-2019 and absented himself without any information. As per report of Tehsildar Dassu vide No.208 dated 12.04.2019, received from Assistant Commissioner Dassu vide No. Misc:/158/AC-D dated 12.04.2019, he is perpetual absent from 31-01-2019 till date. The above mentioned points and his service record indicate that he is habitual absentee, irregular and irresponsible official with no interest in service.

Now therefore, the Competent Authority, keeping in view that he is guilty of habitually absenting himself from duty without approval of leave for very long period, is pleased to impose "Major Penalty" of Removal from service w.e.f 01-06-2018 on the accused official, Mr. Shahid Khan Patwari under Rule-4 (b) (iii) read with the Rule-9 of the Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011.

mmissioner, 19/4/1 Kohistan at Dassu

Ends: No. and date even:-

Copy forwarded for information and necessary action to the:-

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- 1. Senior Member Board of Revenue, Govt: of Khyber Pakhtunkhwa Peshawar.
- 2. Commissioner Hazara Division, Abbottabad.
- 3. PSO to Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 4. Director Land Records Govt: of Khyber Pakhtunkhwa Peshawar.
- 5. District Accounts Officer Kohistan.
- 6. Assistant Commissioner Dassu.
- 7. Tehsildar Dassu & Kandia.
- 8. Assistant Accounts of this office.
- 9. Official concerned.
- 10.Order file

с;

Commissioner, Kohistan at Dassu 19-4-2019

Assistant (Estb Office of Commission

# ANEXTURE No

The Worthy Commissioner, Hazara Division at Abbotabad.

#### Subject: DEPARTMENTAL APPEAL

Respected Sir,

I have the honor to submit the following facts.



Assistant (Estb) Office of Commissioner Hazara Division Abbottom

- 1. That the appellant was the employee of the Revenue Department and working as Patwari upper Kohistan Dasu since long.
- That the Worthy Deputy Commissione: Kohistan at Dasu dismissed the appellant from service through letter No. PF/Estt 15009-18/DC(KH) Dated Dasu the 19-4-2019 on the basis of absence from service rather the appellant never remained absent from his duty.
- 3. That it is evident from the above order that if any absence was on the part of the appellant, the same was warned with the remarks to be careful. Similarly, the other minor absence was also forgiven by the Authority by submitting OPD slips and issued directions to the appellant to assume the charge on 14-02-2019 as per final notice published in newspaper.
- 4. That in compliance of the final notice, the appellant appeared before the Naib Tehsildar Dasu on 14-02-2019 and assumed the charge and thereafter remained on Omeduty. (appearance report is attached).
  - That another letter No. EF/Est 15004-8 dated 19-04-2019 was issued by the Worthy. Deputy Commissioner Kohistan at Dasu wherein 61 days leave was granted without pay on account of absence. Rather during this period the appellant was on duty and performed his routine duty the record of which is attached.
  - That both the orders (dismissal and leave) are issued on one and on the same day and in one case. But the copies of both the orders were not dispatched to the appellant and mala fidly kept secret from the appellant but when the appellant got knowledge, the order of dismissal was obtained from the concerned quarter on 22-05-2019. Hence the departmental appeal of the appellant is within time. (the picture of the relevant page of the dispatch register is attached).
  - 7. That the impugned order of the worthy Deputy Commissioner is self-contradictory and conflicted with each other, based on mala fide, fanciful, and arbitrary hence liable to be set aside.

- 8. That double punishment as per Article 13 of the Constitution of the Islamic Republic of Pakistan 1973 is not permissible but against the constitution as well as Human rights. But in the present case both the orders are issued on one and on the same day which affect the appellant and comes under Double Jeopardy.
- 9. That as per the judgment of the Supreme Court reported as 2008 SCMR 214 wherein the August Superior Court hold that neither leave without permission is major misconduct nor any major punishment could be awarded to an employee on this. But the appellant time and again in case of leave provided information to the quarter concerned.
- 10. That similarly, as per the judgment of the Supreme Court reported in PLJ 2018 eTR Service 138 wherein the August Supreme Court hold that medical leave of the employee could not be refused and in the present order the worthy Deputy Commissioner blamed the appellant on Medical leave also.\
- 11. That the period which is mentioned in impugned order was a very hard and fanciful for the appellant but despite that the appellant always tried his best to be available on duty station. The detail of incidents faced by the appellant as
  - The Uncle of the appellant namely Khalid Khan was passed away on 29-08-2018.
    - On 1<sup>st</sup> December 2018 during the course of delivery the wife of the appellant breathed her last.

That the elder brother of the appellant aged about 37 years has died due to Heart

Attack.

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iii

12. That the appellant is an educated, energetic, dutiful, honest and only one source of livelihood and father of minor orphan as well. moreover, no opportunity of personal hearing was provide, and passed the orders on my back.

Keeping in view facts and circumstances of the case as well as appellant, the impugned order of the worthy Deputy Commissioner dated <u>19-04-2019</u> may kindly be stuck down and the appellant may kindly be reinstated on his previous post by allowing this departmental appeal with regards.

Shahid Khan S/O Sahibzada, Ex Patwari at Tehsil Dasu District Kohistan

0300-9014321

#### MR. SHAHID KHAN, EX-PATWARI DISTRICT KOHISTAN UPPER

Appellant

OFFICE OF THE COMMISSIONER HAZARA DIVISION ABBOTTABAD Dated: 2/09/2019

Versus

#### DEPUTY COMMISSIONER KOHISTAN UPPER

Respondent

groTened

#### DEPARTMENTAL APPEAL

#### ORDER 19-8-2019

No. CHD/Estb/Appeal/<u>4177-77</u>WHEREAS, Mr. Shahid Khan, Patwari District Kohistan Upper submitted an appeal on 27/5/2019 challenging the order of Deputy Commissioner Kohistan Upper bearing No. 15009-18/DC (KH) dated 19/4/2019 whereby major penalty of Removal from Service was imposed upon Mr. Shahid Khan, Patwari.

AND WHEREAS, the appellant was heard in person on 19/8/2019. The representative of Deputy Commissioner Kohistan Upper was also present. As per record presented by representative of Deputy Commissioner Kohistan, a report from Tehsildar Dassu vide letter No. 208 dated 12/4/2019 was sent through Assistant Commissioner Dassu vide No. Mise:/158/AC-D dated 12/4/2019 to Deputy Commissioner Kohistan Upper regarding perpetual absence of Mr. Shahid Khan from "31-1-2019 till date". Moreover, the representative also told that Mr. Shahid Khan is habitual absentee and had remained absent from official duty w.e.f 01/6/2018 as per report of Additional Assistant Commissioner Kohistan vide letter No. Genl:231/AAC (KH) dated 06/6/2018 whereupon DC Kohistan upper issued him explanation vide letter No. PF/Estt:/11662/DC (KH) dated 07/11/2018 and consequently removed from service vide office order No. PF/Estt:/15009-18 dated 19-4-2019 after adopting the prescribed procedure under the law. The appellant also failed to place on record any cogent reasons and defense regarding his willful absence. The past record of the service of the appellant is full of absence from his official duties. He had earlier been given a chance after removal from service on the same grounds vide office order No. 5/Rev Estt/22440-50/DC(KH) dated 04/10/2017.

**NOW, THEREFORE**, I, Syed Zaheer-ul-Islam Shah, Commissioner Hazara Division as appellate authority see no good grounds in the instant appeal of Mr. Shahid Khan Patwari to interfere with the impugned orders. Therefore, the instant appeal is rejected with no-orders as to the cost.

#### ANNOUNCED.

19-8-2019

Assistant (Estb) Office of Commissioner Hazara Division Abbottabad

Commissioner, Hazara Division.

#### Copy forwarded to the:

- 1. Deputy Commissioners Kohistan Upper.
- 2. PS to Commissioner, Hazara Division, Abbottabad.
- 3. Mr. Shahid Khan s/o Sahibzada, Ex-Patwari Dassu District Kohistan Upper r/o Moza Ayyaz Killy, Post office Umerzai Tehsi a District Charsada.

Assistant to Commissioner (Rev/GA), Hazara Division Abbottabad.

- نانب کے طور در سو الكرمت جا 1. 36 - UP من ملى تنابيطان مودها كمعل د. سر ان سراج با او ای فروی بر جا میر ۲۰۱ ه مراج ۲۰۱ او ای فروی بر جا میر د بد و ب رسال جرمت ہے۔ stant (Estb ينا برط ل جربر a of Commissioner عمل وروجة هر از (. ...) 1 12- 10 معالی شاجور کی طافر ک Th. R. Roig بوز المربر كادول (ر) فرص NT-D Eurologiat - ip

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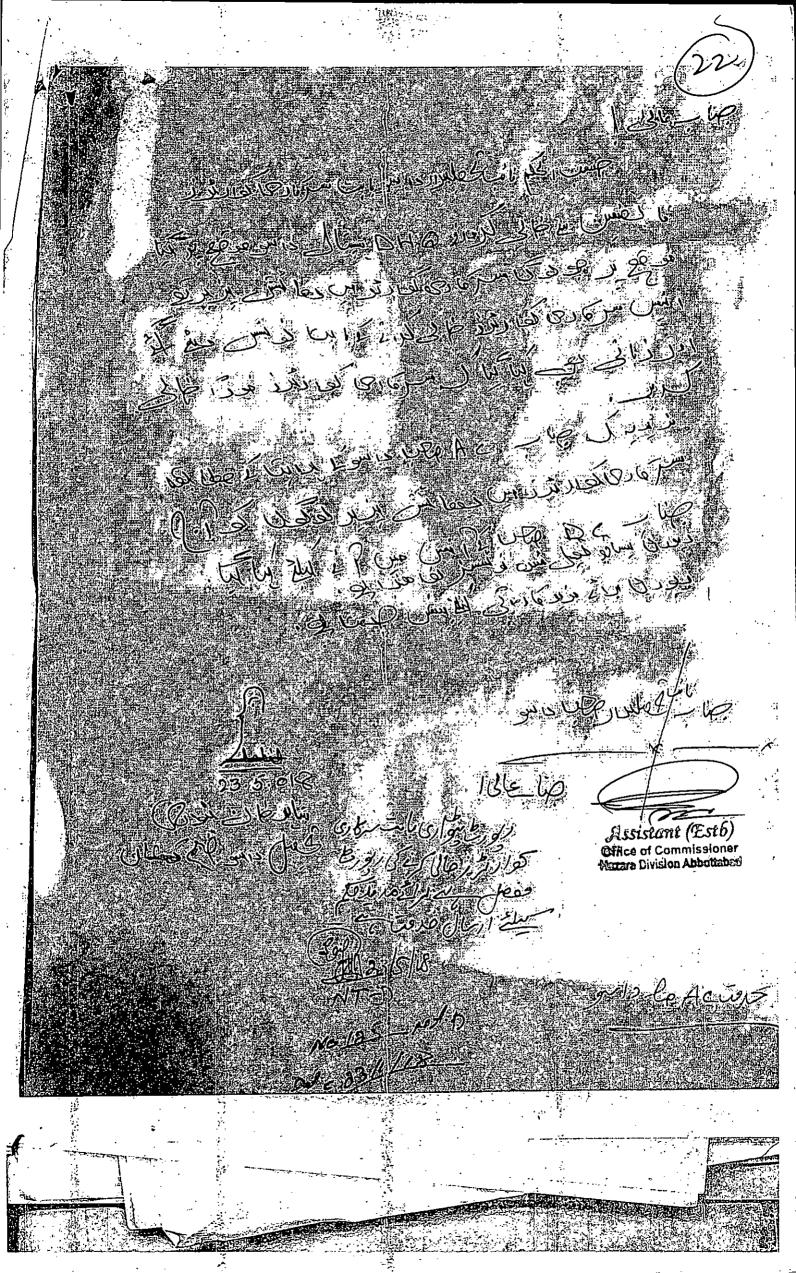
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2	Muhammad Ayaz	AC Dassu	178507-1-2	MATTIN All?
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16	Mehboob-ur-Rehman Shahid Muhammad Khan	Stenographer	12750/-	57.
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19	Abdul Qayyum	Computer Operato	r   15300/-	
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22	Sumi-ur-Rehman	Head Clerk	12750/-	- Cel
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54	Gul Rehman	District Kanungo	12750/-	1
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20	Asif Hayat	Perwan	9180/-	
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خاليال مسلم ما محلول مرو الد درو سرار م مراد ور جسا فر مول من سندوم ما در مولو مرد سرمار محسل فتر فلع كمهال موض مير تحفظت ما ، فوض مير لوتون سي تحفظت المالي -مور لوتون عالن علم ماليا - مطالق ماستد كال من عد كوره كالا در فود مد سرار موضع مذكره مالا كالصل منفل ما حب طامر دمير الفي لد مرين كالمريب م اردر موضع مذكر من در دانسته مذكر ت دما مات ، ، ، ، د دو مر آ ما در العنا . س . لمرا دي دي عرض سا -العطان مؤبى 1930 101 6

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جب الحكم تأثي المجليور داموم من سرعاري كما وتوز تا الض ع على كرمان DHQ مسئال در هر عربي وتل و 2 مرد جو جو بالتن سركارى كالثر وس درانش لرقع ، بنس سرى أى كالمعاد المحل كالما عاد ب الدنسي في كذ اورزائ مي الما كما كما كما كما مسلاد خود اللي كريم. لعون المرباء المعن تا الحافي كالصف الم من الدوجات في بعود بع ليعلم ليعل شده الله المعر الناهذ إلى ويود في مو الم من الم يسم الم معايد . e of Commissioner vor which is-94-5.1018 بناوط ب قوري 3 jone thank

عنا ب\_عاقب إ مسب على النب المسلمين ويجتب وزير المسب الحلم الأسب المسلمان المسالم والمسالم والمسالم والمسالم والمسالم والمسالم ما تق با در ها مس بسر جو دی جلو ب در مو مدخف، مرکبا دیکر ذرجی عفر بشر کو در متر ی مرج بر سا تا در در مح عفر بشر کو در متر ی مرج بر مالى كى كَصَرِيًا تَحْ تَمَا لَتَ آوا عَى وَنْ عَسَم اللَّي الْحَانِ . ف بو که بو الجذر وبعدين عربة عارجاتي الإرسال جدب في Performance and reconnective stant (Estb) Rice of Commissioner zara Division Abbottabad \* 23 - 5 -شابوط ن بنوري of store k E PIO 7 Report 15 forwarded kes onsourations P Stur 24 stri NED



Edn Depne Seithau

الثيقكيك فسول كيلي فتردر فكاللال ى بحى دت ادركى بحى كلات يمن زيملكم كيلان سهرادد مد المعلية ومعالية الم

٢- ايك - زياده ود دساك دمكنا تا تونا برم سيد ن أن كوچا ب كدده فورى طور پران يين سے مرف ايك چيزار مرامى جي كاد نىلى يى تىلى بداى منبع كا دومينا كل ئېتىك كايى ايسى بال اركى كارى دى بى مالى يى مەلكى بولى كادومينا كى ئېتىك يى ايسى بال كارى بى كى كارى دى بى

كيارتوند صرف أس اميدوار - كفلاف، بكسان محداللاين اورتقد يق كتده 

افرون المخصاب على الحك عكوانال دى على المرون المخصاب على الحك عكوانال دى على المرون المخصاب المحكم الحك على ال المرون المخصاب على الحك الحك الحك المحكم ا المرون المخصاب على المحكم ا المرون المحكم ا محكم المحكم المحك NER CE S **DOKU**ZA

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٨- متنافل والد

س كرية كرميزك كامتتان بالأكرية يجديد البين دوجة الى يحسول كليم المريخ المريخ

؇ٵم لیمن کردیے میں جن کا ایک سے کی تعدیق کی جا کی ہے ت

والمعدين كتار الفي مون والماس بيل من سناك مى والمركت العدار المالي الجمي كادوما المراجعين مامل ويركيا. دي الحالي المحالية المالي مرتى بان عادى المرا المراك لى المراري عام ال 105 412 03 pluse KUN 3 

میل <u>30 ایمدی</u> می<u>ل 20 ایمدی</u> ما<del>نگ ارسان م</del>ینان کذاتی مورز مان تا مالی بودند.

> Saeed Anwar SST MA Eng M Edu: Depit: Kolnsige

10-04-2018 (215-113401-6225231-3-2258

Assistant (Estb) Office of Commission Marine Division (BPS-17)) 242 - 4-4-5 (BPS-18)

یستری دین دستن سیری دین دستن میں ارکوپا سے اکان محق دت بیانے کیلیز جلنا دونیا کی سیکمید مامل کرنے یا کر مرک کا اجمان پائ کرنے کے بعدا کمیں کو سیرن کیلیے الکان اور کی تعنام الدکرنا چھنے ایر بعاد کی اسلان سے ماطر ادامیا کی سرایک یہ کی قدر ان سیلے توسیق سے (() کا دیکا محین کردیے ہیں جن شما کی ایک سے بھی قدرین کی جائی بھی

یق کرتا کرتی ہول کتا تو بہلے میں نے کی بھی ڈس کن انف آرا جائل بعنی کا ڈوجیا ک مرتقبی مامل ہیں کیا stant (Estb) Rce of Commissioner Rce Division Abbottabad د تخط/ نشان الكوفعا تعديق كالمان بكر محارب المع خالت ولدادخ علام ب 165 4 19 12 2015 Art 123; مرتب می مناع کوستان کار کی آباد اجداد ، برای ، بیلای ب، ادراس ، دالدین اعوبر می ملاقد کم دور ای د بیدای باشده کان بین ، اورا يعم باكساني بين يم ان كود الى طور يرجان اجانى مول .. العر 13-11- rt \_\_\_\_ دلد<u>يت اربر حوال</u> 415 13401-8600819-3 Hild وومياكل مرفقكيك كحصول- يح المتضروري بدايات ودميناك مرفيكيف حاصل كرف فيستم وكاولى قديس الك أميددارك محى دقت ادركى محى كلاس عن زيرتغليم كون ندمود ومياك مرفيكيف حاصل لأسكاب **.**\$7. والدين كرجاب كمدواب ججال في دومياك بروت بواست ÷į. الك الميزوالاليك وفت عن مرف أيك ومياكل موافق كاحتذار بجداددايك سدوياده ودجداك دكمنا تافعا جرم بجد ্র 🛣 🗧 ويجن الميدوادون 2 پاس ايك ست دياده الدوساك مرتبكيد موجود وان كوچا جاك، وفود كالوريان عن ست مرت ايك ب بال رسم جس كاده تالولي بوديد حقدار مول - باالفاظ ديكر جس أميد داركا معتى طورير جن صلع ف محلق مواح عنائي و ديساك برليليت اب باب ديمني كالمار به الك بين المقصال في برفيكيد ركمنا قانونى يرمب الكركوني أميدوادا يكست فالدوجيل ووجياتل مريعكيت وتحض بالأثم من بالأكما ويشترف أبن اسيدداد كبطاف ولكمات كحوالدين ادد تعديق كتناق يظاف محى قانون كاروالى كى جائ كى <u>11.11.9</u> المح وصائل مرتبكتكيت فارم عن ديج محكوا تف كالقديق متددجة بل مجاد الفسرون/ شخصيات عن ب محي ايك س كروانالا دي ب ر من وى المبلى ( حلقدا ين ا<u>ت</u> . ۲ موالى المبلى ( عاقد في مح . - الله قُولُ ....**........** ٥- "كندا فر (BPS-17) مرد (BPS-16) jě. **法法定**制1.0 میکرٹری یونی کونسل <u>م جزل کوشل</u> Ň ٩\_مستدعلاق فمبردار ٨. متنزكله دار قويت : «البيداركوما بيخ كماينا فيني وقت بجاب كميلي جلداز جلدا ديسال مرتبطيت حاص كرينه الميمول كامتحان باس كريف بعدائيس دودينا كرم فيلكون ومحمول كيلي الظارادروش كابرا متاشكر الإشعد اً استدار کی مول کر مار دومیا ک بر معلمان کی تعدیق کیلیے عکومت نے (8) ماد دیا جنون کردیے میں جن میں کہا کہتی ہے کی تعدیق کی جائی

ن با با الله الله المار في مول كواس ب يهل عن في محمى لا مراحد أرامة على مجنى كالدوميا أل منهم Tadoot وسحدارتيان الجرقعا م بن ك بال جك ك اسا إقدا خرال وداري سر جمو مدا 网络醉鹬 معنى كويستان كار كار الماجة او من من التي بيداري بي الأراس في الدين الشوير مي علاقة مدكور وفي ويعدا في اشتره كان بي ا يتم إكتان بن عن ان كدان مد يربا ما بان مون -Isistant (Estb) Galce of Commissioner Hazara División Abbottabad District Attorney i fi 21/5/2018 61 1740-3661963-5 1580 **Sohistan** \* \* 4 المستعقبة المستعمد المستعمل المتكليب بمصول كم المترددي والات ووقيل مرجليك حامل كرفي فيصرى كمان فيقن المسأميداري محادات ادرك بحاكان محان فيلتم كملان معدا ومساك مرجليد والمس كرسكاب ÷ a the start at second a to a second by Cot Second Starter and a second 홾 ك استادا يك وف عن مرت المدارية الم عالم العراب الذاك عد الدادية لد مكام الماج ع این استان الا ایک این ایک اور از داد داد بال بر تمکیت مرعدهان کوچ بیک داد دی مدر بان عمالت مرات ایک در جارد مرح می کاده تاون طور ب حدارمون الفافاة تكرجن البيداد كالحل موزيجن صل يحتن مواي ملح كالذار بالترجيلية والبيج بس متصلكا فالسبية والمساحية ودجل دوسال 4 - 22 MI VEL 12 US CONTRACT الرون اجدادا ما يت محدود المراجعة والمع الم من بالم المرجع المار مرك ما ميداد كما من كالدين المقد المكرم ظاف ى ولان كاردان ل بالے ل ادبال معلمان قارم عن سيك كالمك كالمدن عند الما والعرون الجنبات عن من المحت كالمادي ب ن وي الملي (ملة اب مرال کی (ملتدل کے (BPS:17) /1. (BPS-16)/214 With the second se *یکرد*ی دین کوست المسادم الماري الت بالمستعلم المستدين في المستعمان المستعن المراجع المراجع المراجع المراجع المراجع المراجع الم 的后时可迎到多 ٢٠٠٠ من من المرد المحالية المح 

مدین کرتا اکرتی ہوں کہ اس سے پہلے میں نے کی بھی دسٹر کٹ / ایف آرا آیا کی ایمنی کا دومیہ اک معکمید مامل دیں aiz  $H^{\circ,0}$ دستخط أنشان إعموهما قندیق کا جاتی ہے کہ محااساتہ <u>مبسط ایک</u> دلدا دخر مبلر کبطان <u>ق</u>ن منساح طبل محاد الم کو شریل منزلہ با ۔۔۔۔ طلع کو ستان کا/ کی آباد اجداد ہے رہائی، پیدائی ہے، اور اس کے والدین اسو ہر بھی طلقہ غرارہ کے رہائی و پیدائی باشندہ گان ہیں، اورا يعم پاكستاني بين شران كوذاتي طور پر جانبار جانتي مول -العير SHAH JALAL UD DIN 16/05/018 2. 1340+1503777-5-510 201 (Ed Ucable (M) Kokistan ڈومیسائل سر فیکید کے حصول کے لئے ضرور کی ہدایات وويسائل مريفيكيف حاصل كرن سے ليے حمرك كوتى قديم بلك أميدوار كمى بحى دقت اور كمى مجى كلاس مى زير تعليم كيوں شەدود ويداكل مريفيكيت حاصل كرسكات - <del>1</del> والدين كوجاب كدده اين بكول فرديمال بروقت موائد ایک امیددازایک دقت می مرف ایک و دسال بنوان کا حقدار ب ادرایک منه داد و در اک مکنا تا نواجرم ب \_☆ جن اُميدداروں کے پاس ایک بے ذيادہ ڈوميسائل مرتعكيت موجود ہوان کوچاہتے ندونور کی طور يران من سے صرف ایک اپنے پاس رکھ جس کاوہ قانو فارطور يرد -☆ حقدار مول - باالغاظ ديكرجس أميد دار كالعتقى طور يرجس شلع يتحلق بوأى شلع كالرو بيسائل مريكيك ابيخ باس ريحت كالجأزب- ايك بن ذا وجعلي ووتيساج بر ليليكيت ركحنا قالوني جرم ب-ا کرکوکی آمیدوارایک سے ذیادہ جعل و دبیباک سرمینیکید رکھنے کے الزام میں پایا کمیا، ونصرف آس امیدوار کے خلاف، بکسآس کے والدین اور تصدیق کشندا **.**.☆ خلاف بھی قانونی کاردائی کی جائے گی۔ ڈ دمیسا*ئل مرفیکیک* فارم میں دینے صحیح کوا کف کی تصدیق مندرجہ ذیل مجاذ آ فیسروں/شخصیات میں سے کسی ایک سے کروا تالا زمی ہے۔ نيز J ر کن تو می اسمبلی( حلقداین اے ۲\_ موبائی اسمبلی (طقہ کی کے ۳ ۵- مردد آفسر (BPS-17) مريدة فير (BPS-16) ٣ ۸\_ متند کلددار (۲) ۹\_متند علاقد نمبردار ۲\_جزل کونسل سكرزي يونين كونسل ۲\_ **لومث:** امیددارکوجایز کراپنا قیمتی دقت بیانے کیلئے جلداز جلد ڈومیسائل مرتیکیٹ حاصل کرے تا کہ میٹرک کا امتحان پاس کرنے کے بعدانہیں ڈومیسائل مرتیکیٹ ۔ حصول کیلیج انتظار اوروش کاسامنا ندکر تایز ۔۔ امیدوار کی ہولت کے خاطر ڈومیںا ک سر شیکیٹ کی تصدیق کیلئے حکومت نے (9) مجاذ حکام تقین کردیتے ہیں جن میں کسی ایک سے بھی تصدیق کی جائمتی ہے۔ یہ ☆☆☆ Assistant (Estb Office of Commissioner Hazara Division Abbottchad

ما توسيع يحيف سن محكم محكي في مركن / الإب آ را قبا كلي المجنسي كا فو ويساكر مو يحكيد ما من من كي ssistant (Est Office of Commissioner د تخط/ نشان الحوض مدين كاجاتى بي كماماة مرارك عمل دلدا دخر ا-را ليل في عمل منال مادر ماريك من ور مسر من كورتان كارك آباذ اجداد براي ، بداي بدار كودالدين التوبر مى طاقد خدكوره كرد بالتى وبيداي بالترمد التي التوبير ادرا يعم پاكستاني بين شرمان كوذاتي طور پر جاريا ميانتي موں -العير م <u>مسین ولی \_\_ الایت عو آباز قان</u> شافتى كارد نبر 2-82 ح<u>ار 22 - 10 14 1</u> تارىخ 18 10 - 5- 15 USSAIN WAC ڈومیسائل مرفیقیکید کے صول کے لئے مردر کی بدایات ++0. Office Dancy Kohisish ڈ دمیسان سرنیکید حاصل کرنے کے لئے عمر کی کوئی تیدنش بلک امیددار کی بھی دفت در کی بھی کھائی شم مذہ تعلیم کان مندود و بیاتی سرنیککید حاصل کر سکتا ہے \_☆ دالدين كوچاب كمده اين بجول كم وميماكل بدوقت بنوائ ايك اميدوادايك وقت عن مرف ايك وويسائل بنواف كاحتداد ب-اددايك مستدياده وديسائل رحمتا ولوما جرم -\_☆ جن أميدداروں سے پاس ايک سے دياده فرديسال مركيكيف موجود وأن كوچا بيج كردو فورق موري ان ميں سے صرف ايک ابن الب بارد سے جس كاده قالون اور بي \_☆ حقدار مول - باالغاظ ديكرجس أميد داركا حقيق طور پرجس ضلع مصلق موالى شلع كالم مراحي المارية بال المسطيح كالجاز مديد المك من وجلية درويا ا مرتيغيك ركعنا قانونى جرم ب-اکرکولی آمیددامایک سے ذیادہ چلی 3 دمیسال مرجع کمید و کھنے سکالزام میں بادا کھا اور نہ اس امیدداد کے ظلاف بلک آس کے دائد بن اور تعدیق کمیتد، ک \_☆ خلاف مجمى تانونى كاردانى كى جائ كى دويساكر معكيك قارم مس دسية محكوات كالعدين متعجد بل كالا يسرون الخنيات مس ب كالك منه كالدي بالادى 1 يزيز ر کن تو می اسمبلی (حلقه این اے۔۔۔ ۲. هنع موبانی آسیلی (ملقد بی ک \_1" سلع مربغة آفير (BPS-16) ۵- مريد آفسر (BPS-17) \_^ سيكرثر كالونين كونسل ۲. جزل کونیل . اميددادكوچاست كمايتا يحقد وقت بجال كيك بلدازجارد، مدال مر المعلى مامل حمول كميليح انظاداددش كاسامن زكرنا يزحد أميددادكى مولت بي فاطر ووريك مركبتها في أسر وتركي

and the states of the

فاكراك سے بسل يم ف كرك ومؤكر الله اور فيك يك كالا وساك ولكي و مال في ؟ No. اعلاا خان المولا ..... والعد المراجد فراباد ارشادخان مرابع مدراباد وسنارين ور المرود و المحد المرود الم الع المعالي عن الد الما الى مور يربا حاما فى مور \_ دارع النمر ofo kifullah Adv Sala KH D 1207-0993849 2013 ASSUT المصالي مجمحه كمصول كسكنمه يعات Verified on special Presidention request of hereith the Kohistan للمشاكن بملحكيف ماس كرست شكست فيمرك الحاقية والمتنا بالسامية والحاسبي محادثت ادركمي قاس عريز يقيم ك والدي أوياج كمتعاجة تكل سكاديا كريدة مناف الك معيده أكم وقت عن مراساتي وويداك مواسف كالعارب ودار وويداك رك الالها وي ب-جن المعاد الماسي المك سلاياده ا ويساكر محك موجود بوال كوما ب كدون كم مراد الم معالي المريح بس كاده تافق فود بالمعالية المعديك مستعنا في معري محالة في من من ٢ وديد للرجم وديد وي مستعاد المار وديد وديد ومن وفي ورب المعادية المعاكد في وديدان الجد محت المامي المستدم ف المعدم ف المعاد عاد عاد محد المعد المعاد المعاد A Stable Con ويسال معلمه مدام عرف محكوات كالمعدين ميند جدا في عاد الجديدة معامد المحسيات عرب كالد \_\_\_\_\_\_ مرال كارمتر بال (BPS-17 بناليز ٥(BPS-16) بناليز (BPS-17 人 计基件 武学 £ دى يە <del>ك</del>ەرى KURE متزكليار المعتقد فاع فتواقت جائي كمطوطون فلاد ساك وتعكم ومل كرية كريم كم احتان مركر في مواليس ودوراك معلم عا 1 Tt / story Turking المراجعين ما فراد ملك بر محليك كالقدان مع كالمست (9) مهز كام في كديت برس مركى ايكديت والعالية

في من المالي المسلم في المراجع الم الترك فكالدخال مطعده میں تن کند ج<mark>او لرطا</mark>ن عري المحاسرة معلم ويدخان الدر مترغلاعا ورولاط المار المكادل عيار وابو من مسل کو ستان N کی آداد جدالتی المحدالتی المحدالتی الدور کی ملاو خاکمد کے الحد جداک المحد مکن تالی الدائي يكتانى بي الكوالى مور بالتاليانى مور TENER CHIB 15-05-00 +13402-5554212-7 JUNCE Shams-ul-Hag OC Office Kohistan (Uppri اوميال مركم مديح معول تخري المتعردة لجراب محب سیسی سیسے مرد ہویا۔ دوسال برعمکیہ جامل کر<u>ارے المح</u>سری کمال دومین بالیام بیماد بیم و محک محاکم محام کا وسعہ دوبر کر بھکیہ ماس کرتیا۔ **\_**[ والدين وباج كدو الميع على يكومنا كم مدت حالي أيسبعا كمعت عزم ف كثارة يراكم على حود معديك تصلبان المحاركما والمكرم <u>\_</u>r بن امتدان الم المالك المعلمة المغلمة التكو يحليله فالمحاق ترسيعوف كمدليع يزمدتكم جركة الماتون خريره معليد الكلاميساك والدجل اجاكر متحصيمهما اعامد برق معيد عود بعد ورجد المريد ورجد الم <u>...</u> - שנטעטעטיי אייי 3 اوراكر معكدة فالمرتج ومع الاران الاستعاد المواجران المناشك المحكان رك و ل ا ا ا مقد ا ا ا ا موالى سكار ملتولى في منابع مران کا (ملتری) از نار ایم (BPS-16) اگرندکا میز (BPS-17) از نار ایم (BPS-16) ایم از نام (BPS-16) F., ÷ \_Ŷ. المتتخذطا قدقم واد الان الميداد كواجاجى باج والمتسجاح ليط المطلا وحاكن مجلى وتاسل وسياريو كالاحل إس كراف كالعداجي الأحساك مريه فحمول كيليح انظاراورش كأسام تاندكرتان امیداد کی بولت کے خاطرا (دینی کل سر کی سے کل میڈ کن کسین کل میں ایک ایک محمد کا محمد کا محمد کا دیتے ہیں جن عرک ایک ب محاصد من كا ما يلى ب وارت بداري ... stant (Estb) Office of Commissione Agains Division Abbottaba

تُعدي مرجا مرق مولى كالمن سے پیلے تم انتخاب کی محکما طرف و نفست از دخال ایک کا درسال برنیکرے کا بولیس کیا۔ وتخدا فثان الموفع فالعال المراسي محت ما معال مسالد الدرج الراعي محصل مست محصل مست خطل كوستان كال كما آبادا جداد مسر بالتي بيدائتي بينه، ودايت الدين التويز محاطات وكوده تحديد بالتي بيدائتي بالتدوكان مين ادمايم بالساني من النارد ال مدر جاسات وس. Bahadal ..... Dr. pr. 2. 1000- 13100-1 D 623932484 A SOLAT MREICA BEG DAVIS Kobbies. الأساكر ويتجلك عصول تتكسط مرداجات ودساك برليكيف مامل كرفيني كظفرك كمال لدمين بكساميدان بجميجي دفته درمي مي يعلم عدد وعدال برليكيت مامل كرسكايت والدين كوجاج كمدة المسيح بجران سكذو مساكن بدوق مواسق ايك الميددوليك، وقت عن مرتب ليك لا ديراك محارف كاحتراب الداليك ست الماد وديراك وكما ، تافيا وم ب . بن اسدادون کے پال ایک سے درود وون ال برلیک موجد موان کو با بے کندو وران عمد مرت ایک اپنے پال رکے جس کادہ کا نوئ عور پر حدار مون بالغاء ويحرجن المية والماعيق علوم مين عليه التفصل جواي عليه ووسال مرتعك المنتي بالمن المصلاح بالميك الصفاد وبحل وديسال مرتعك ركما قالون ومرجب و ٥٦ كول أمير ١١٠٦ من المراجع المراجع من المراجع من المراجع من المراجع المراجع المراجع المراجع من من من المراجع ا in our of the first of the تا تونى كاروانى كى ما يكى . ..... اد دسال مرسمیت قارام می دارد بی تعدیق الاسی تعدیق الم می داد. از دسال مرسمیت قارام می دارد بی تعدیق الاسی تعدیق الم می داد الحسیات می ایسی ایسی در داد. ر کن وی اسیل (ملت موال اسكل (ملتد لي 2 ۳. (BPS-17 / 20) - (BPS-16) ુંત سيروى <u>من کس</u>ل بم جزل کو بر مستدخل دار: المستندعا وتمنزدار الوت الميددادكومات كابت في المت تجالك تسليملداد ملدة ومسال مرفعهم مامل كرستا كالمرك كالمحان بال كرف كر جندا فين والمساكر حصولى كيليح انظار اورون كالمامنا فكرتا بوي اميدوارك سوات في ماطر دوستان بريكليندا كالمسرين بيلي تحومت في (8) ماد كام تين كردين اين من من ايك في محدق كي ما يحق ك يتوارك : SSIStant (Estb) Office of Commissioner Hazara Division Abbottabed and the second filian er

بعن اس مات کا تعدیق کرتا /کرتی ہوں کواس سے پہلے میں نے کی مجمی ڈسٹر کٹ ایف آرا قبائلی ایجنی کا دومیا ک سرطیکی یو صاح کتن کیا۔ 32 . ويتخذ أشان الجوما تسوی باتی بر می اسان کی محمد رامنی در در ارتشار مشتی ار مک \_\_ کون اچر مسازمن من كويسان كال كالبلا مداري ، يدائل بم الدان أو مان من المراج معالم من مان تدريم من مان تدريم و من من المحد محان من ادرا يع ياكتاني من عنان كوداني طور جارتا والى مون-1 Asbe \_ المت مرج مال Head Martin to noci مانى كارونير 9- <u>13 لاحرا - 15 لاك مرة - 15 لاك لاك المحال المعالي المحال المحال المحال المحال المحال المحال ال</u> دوميال مطليك ترصول ك لتخرون بالمايت ISPACEN RUT دوميال مرمعكيد مامل كرفت ليسمرى ولى ورص مكساميدوارى مى وقد اوركى مى كان عن وصيم على ومياك مرمعكيد عامل كرمكان **آ**\_: والدين كوم بيخ كدواسيخ بكون في دوميال بروق مواسط. الك اميدوادا يك وقت عم مرت ايك أوجداك بخار فكاجتماد به المايك ستلاياده أوجياك ديمتا قانوا ع <u>\_</u>1 جن أميدوارون حرباس ايك سنادياده وديداك مرتبكيد موجود وان كوما بيا والاور بطور كمان عن مصرف كما يدود ورد ملك من كاده والماجد **س**ارين جترار بول - بالغا در كم جس أسيده رباحق طدي جن من محلق حلق موا ي من الادهة ال موجليد المنتج المال يصل الماري الديم في المعاد المعالي ومعالي معاد المعالي ومعالي ومعالي معاد معاد المعالي ومعالي معاد معاد المعالي ومعالي معاد المعالي معاد المعالي ومعالي ومعالي ومعالي معاد المعالي ومعالي معاد معاد المعالي ومعالي ومعالي معاد المعالي ومعالي ومعالي معاد معاد المعالي ومعالي معاد معاد المعالي معاد المعاد المعالي معاد المعالي ومعالي معاد معالي ومعالي معاد معالي معليف ركمنا قالونى ومب المركول أسيدواناك المذوجل وديداك مرتعكم وركعت الامعن بالماكم الترومزف المرام يعدد المسكولات المكامن مسلامان الدهمة الماليمن ال ୁନ ظاف يى تالون كاردال كى جائرى وديسال مركعكيب فادم عن دين محكول الملب كى تعدد في مصلحة لل كالأ الممردن الحضيات عن من كالكتين الملاك الملات ر کن وی اسمبل (طقراین اے\_ موالی اسل (طقہ لی ک (BPS-17)/21/2/201 تر (BPS-16) William Andrew مكررى يونى كونس . لوت: ٢٠ الميد داركوما بين كمانها جمحا وقت بجان يخطيه ولمدارك مركبكين والمل المستعد المترك كالتران بعد قرار المراعين الوليان مركبك صول كمليح اقطارا دردش كاساميان كركار في مددارك جلت كتناط (ديدار معظمين) تعدان فيجر حساره) الما المتحا بعد الدين وعد 10 الديدة مع تما بالترجيد رئ Office of Commissioner Hazara Division Abbottabes ىرىنى

ت کی تعدیق کرتا اگرتی ہوں کواس سے پہلے میں نے کی بھی ڈمٹر کٹ/ایف آرا قبائلی ایجنی کا دو میںاک مرفع کم یو تھا Assistant 1Estb O. Ico of Commissione (Ruli uficities Tarn Dicision Abbollabod المعدلي كامات رحمان ولى دارا ولى ملك متم خال قرم منتسب - محد المرب المربي المربي المربي المربي المربي المربي محصل ما مدسو مطرح بستان کا کاآباد اجداد مدانی، عداق مدان محدالدین اشر می علاقد الدور می علاقد الدور الی وعداق ال · اورا يع ياكتاني مين عن ان كوذاتي طور يرجا مارجاتي مون -العير (i) is som alle bully the pt HERO KIESU 15/5/018 br 13/60/3-9. 15/60/3-9. 15/50/3-9. Grat Lide - Set 7 وديناك مركيكيف كصول كالمفردرى بدايات دوماكر معليد مامل كرت العرك ول تدكن الماميدار ك كودت او ك كالان ش نويسم كدن معدد وسال معكود مال وسك والدين كوالم بي كده المسينة بجال كاد وماكل بروات والم ایک امیدة امایک وقت عمر شرف ایک دومیال بنال کا حقراب است اور ایک ستد اده دومیال دختا تال ایم منت جن امیددادون کے پال ایک سند اده دومیال مرتبک ت مرجد معان کو با ج کنده فرای مختا تال ایم منت حقرار مول - با افتاعاد عکر جس امیددار کا حتی طور پر جس سے مشاک مناک کا دومیال بر عکمیت است بر محمد میں مرتبک مید در کمتا تالونی جرم ہے۔ مرعظميد دكمنا قالونى يرم ب اكركوكي أميدداما كم مستلوا وجل ووجداك مركع كمدد كمص كمال محل بالمكود ومرف المر ظاف می قانونی کاردانی کی جائے گی۔ دويساك مركمتكيد قادم عرد بسيت محكوا تغسك فعدين متدوجذ المرجاذ الفسرون المحصيات عما يتعلق **\_\_**f دکن آوی اسیلی (طلقه این اسے\_ ٦Ľ موبالی اسمیل (ملتدنی کے ...٣ ار (BPS-16) \_#-(BPS-17) -0 يكرو ويتن ولل 1 Photo A فوت: اميددادكوما بيخ كمايتا في وات بجار في مع جلدا وجلد وديد الم في معدمة Winday . صول كيلغ انظاده ودش كام امتان كرتاج اميددارك موات - ماطر دوجوال مرتعليد كالعدان فالمكرون - ( ) ا 

34 ب د در ک و المست عبر و ما بر ما ب الله مرد الم الم الم الم الم الم عران بر بر بر الرق فر من مر بر بی و ور و من مر بر من از مر من از م مرابع بر الر فر لس مر بی الر من مر بی و ور ا در رزام منه آن ل ... عرب و مر ما مار مو معل ملی می الملی ولا - الدر قرم مر والم ملح کوسیان داسوسی ملور مراری خانه دری مرافی کا را عسر بر بالله الله عرف تساس مرفو ی (هامار عالم الف دون But 2010 00 - Main us . 2 b, ch volove a ماند - می کنی این کر بری بر موجر و لی 2 حصف المرحلي بالا ت من على المراح دفيه الى ورست الراح 2-5-55 - 25 - 4 - 2 فراورق الم عنم طامع و) جرمعاً ا ز المالات المجام من سرفر في م عظر جا کام تح مراک بارول کا یک لارول کا روال مراس ت من رفعني منت ما متعا الحسير ما و - 1 مردس رمري ليروما دي ے دل بردست بدا تھا ۔ بری دم س کار ایک درال س - will will with the

حمادم س اي جان اور عرب ارواقا- دروال ound- 2 pt sc I we heave and a series of the Leave Acc in the carned leaves ( shall be a for a fo على - ي مار مستقبل من الله الله الله الله ولى ول ول من الله دو م اد خاب تدلی می شعات جامع خراج مراج کماری ک مار الرفي ما ما مكام و معد مار و معد مار و من د لوى مر و ما تر من علم اللو م عديدو بالمرفقان وروش سامح مرس - تو م عمر عن م بنام عن هذ كدان عوامام من ت- الد من - ال مر الم الم مارى رے سے سام ما زیران میں تو ان ماں اسلی اسر ساروں نے م من درب اعوات - س و موصله ار حوالا) ودارها ای -Crain-quit pe with a locale in the معتم في العظامة عماد و مار مر مر موجل افزان nd and an as and the provin مر مر مر مرم مر مرم ممك مرومت دي في في ع I've and the bush of a سامرطن سوارى

#### OFFICE OF THE COMMISSIONER HAZARA DIVISION ABBOTTABAD

No: CHD /Estb/ 3/6/ 1490 - 9/ Dated 30 /05/2019

The Deputy Commissioner, Kohistan Upper.

Assistant (Estb) Office of Commissioner Hezzra Division Abbottabed
Hezara Division Abbottabad

#### Subject: **<u>DEPARTMENTAL APPEAL</u>**

I am directed to refer to the subject cited above and to enclose herewith a copy of appeal dated 27/05/2019 submitted by Mr. Shahid Khan S/O Sahibzada Ex-Patwari at Tehsil Dassu District Kohistan alongwith its enclosures for Para wise comments on appeal, please.



# Assistant to Commissioner (Rev/GA) Hazara Division Abbottabad

Endst: No & Date Even:

To

Copy forwarded for information to PS to Commissioner, Hazara Division, Abbottabad.

Assistant to Commissioner (Rev/GA) Hazara Division Abbottabad

### DEPARTMENTAL APPEAL BEFORE THE HONORABLE COMMISSIONER HAZARA DIVISION ABBOTTABAD

Departmental appeal dated 27-05-2019 submitted by Shahid Khan s/o Sahib Zada Ex-Patwari at Tehsil Dassu District Kohistan

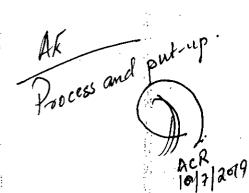
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Office of Commissioner Hazara Division Abbottabad

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S.#	Description	Page No.	Annexure
1	Para Wise comments vide letter	1-2	
	No.8082/DC KH dated 03-07-2019.		
	(2 pages)		
2	Copy removal from service vide order	3-18	"A"
	No.PF/Estt:/5009-18/DC (KH) dated		-
	19-04-2019 alongwith other papers.		
	(16 pages)		
3.	Copy of removal from service vide	19	"B"
	order No.5/Rev/Estt"/999210002/DC		
	(KH) dated 22-06-2017. (1 page)	÷	· · · · · · · · · · · · · · · · · · ·
4	Copy of re-instatment office order	20	"C"
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	(KH) dated 04-10-2017. (01 page)		
5	Copy of explanation bearing letter	21	"D"
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6	Copy of absence notice through News	22-23	"E"
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7	Copy of absence report received from	24	"F"
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	dated 28-04-2019. (1 page)		ļ
	Total pages	25	(A to G)



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4. Incorrect. On 14-02-2019 he submitted an application in this report of Assistant Committee himself as a state of the submittee himself as a state of the submittee

OFFICE OF THE DEPUTY COMMISSIONER KOHISTAN AT DASSU No.PF Shahid/Patwari/Estt: / <u>808</u>//DC (KH) Dated Dassu the <u>03</u>/07/2019

To:

The Commissioner, Hazara Division, Abbottabad.

SSIStant Office of Commissioner Hazara Division Abbottabad

Subject: - **DEPARTMENTAL APPEAL.** 

Please refer to your office memo: No.CHD/Estb./3/6/1490-91 dated 30.5.2019, on the subject noted above.

Para Wise comments on Department appeal of Mr. Shahid Khan s/o Sahib Zada Ex-Patwari at Tehsil Dassu District Kohistan is as under as desired please:

- 1. Correct.
- Incorrect. That the appellant was removed from service by the competent authority/ Deputy Commissioner, Kohistan vide order No.PF/Estt: /5009-18/DC (KH) dated 19.4.2019, due to his willful absence from duty w.e.f. 01.06.2018 to 19.4.2019, copy attached as (Annexure-A).
- 3. Incorrect. The official being an habitual absentee was warned time and again during the service and on 22-06-2017 he was removed from-service wide this office order No.5/Rev:Estt:/9992-10002/DC (KH) dated 22-06-2017, due to his prolonged absence. (copy attached as (Annexure-B). Later on he wastre-instated in service in pursuance of appeal/order of the Commissioner Hazara Division dated 10-08-2017 with a warning vide this office order No.5/Rev. Estt:/22440=50/DC-(KH)-dated-04-10=201777 copy enclosed as (Annexure-C). He again absented himself from his official duty we-f 05-12-2017 to 20-12-2017 as evident from order of this office bearing No.3/Estt:/28048/DC (KH) dated 27-12-2017, copy enclosed as (Annexure-D). Thereafter numerous verbal & written explanations & warnings were issued for his misconduct and unauthorized absence. After final notice in the Newspapers dated 31/1/2019 under section 9 of Khyber Pakhtunkhwa E&D Rules 2011 (Annexure-E), he submitted an application in this office on 14-02-2019 and thereafter immediately absented himself as evident from the report of Assistant Commissioner Dassu vide his letter No.Misc:/158/AC-Ddated12-04-2019 (copy enclosed as Annexure- . **F**).
- 4. Incorrect. On 14-02-2019 he submitted an application in this office and after that again absented himself as evident from the report of Assistant Commissioner Dassu vide his letter

No.Misc:/158/AC-D dated 12-04-2019 (copy enclosed as Annexure - G).

- 5. Incorrect. Order No.PF/ Estt:/5004-8/DC (KH) dated 19-04-2019 was issued granting leave without pay to the appellant for 61 days w-e-f 01-04-2018 to 31-05-2018 for absence period.
- 6. Incorrect. After completion of all codal formalities under Rule-9 of E&D Rules 2011, he was removed from service vide above mentioned order after fulfillment of all codal formalities and the copy of order was sent on his home address as well as pasted on the Notice Board and conspicuous places in the District.
- 7. Incorrect. Orders were issued after completion of all codal formalities under the Rules.
- 8. Incorrect. Orders were issued after completion of all codal formalities under the Rules.
- 9. Incorrect. Office order No. PF/Estt:/5009-18/DC (KH) dated 19-04-2019, is self explanatory and he remained absent from duty for the period without intimation/approval of any type of leave .
- 10. As explained above in para-9.
- 11. As explained above in para-9.
- 12. As explained in para=6.

The appeal is time barred and keeping in view the above facts it is, therefore, requested that the appeal may kindly be dismissed please.

Office of Commissioner Hazara Division Abbottabed

ommissioner,

Kohistan at Dassu.

بعاجاب خريد كمسر محد محد مح مح مح مح مح مح مح مح 1 236 - 40/40 آرایش تعالی یو کرخلاف مراج با ۲ تو روزنام منبری س بوطايش كانونس شارد مرا سانل: فيل كل سال علوman ( Asthamal ) كالها ريد اور آدر سال ساطل ل معاليه . ear لا المرجم مال وسالس ف لملاف ال ۱۱ بر کر ملکی مراح ۲۰۱۶ زیمان کری کر بر مرج بر مرج مرج نوش مر<u>8461</u> بزرلوب ت ت موجل موار كو در مر هذا سلمه، محمله ا اس محد معول له: جمس سردی د هم من سائل کو سالس للا کی کطلف زا که مرکی ل برکی سائل کے ہماری کو حد افل کو ضرح جنروں معا ف شرط من سائل علا تعلن الما مخيب گاهم الم سر او او الا ظاهدان کا ور او Long eicegning Equales in politie ASSAT: Bolt: ، شابو ظان شور () لعلى .. ويمثل مور الارد DC(CCH) 11/W/ ~0/D.

OFFICE OF THE DEPUTY COMMISSIONER

23 ' Dated /05/2018

KOHISTAN AT DASSU

#### <u>OFFICE ORDER</u>

No./ Estt. / 5838-46 DC (KH): In partial modification of this office order No.1638-43 dated 02-02-2018, pay for the month of March 2018 in respect of Mr. Shahid Khan Patwari, is hereby released and he is warned to be punctual in his duties.

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Furthermore, he is hereby assigned the task of compilation of data of Government land at Dassu Tehsil, in consultation of Heads of Government Departments in addition to  $\frac{1}{6}$  own duties, within a period of one month under supervision of Additional Assistant Commissioner /Estate Officer Kohistan. He will submit his report to the Estate Officer on weekly basis.

ommissioner. ohistan at Dassu

Ends: No. and date even:-

Copy forwarded for information to the:-

- 1. Additional Deputy Commissioner Kohistan.
- 2. District Account Officer Kohistan.
- 3. Assistant Commissioner Dassu.
- 4. Additional Assistant Commissioner Kohistan for necessary action.
- 5. Tehsildar Dassu for necessary action .
- 6. Naib Tehsildar Dassu for necessary action.
- 7. Assistant Accounts of this office.
- 8. Official concerned for compliance.
- 9. Order file.

Assistant Office of Commissioner Hazara Division Abbottabad

Ćommissioner, Kohistan at Dassu

o/c

6 6 5 د المرد مال فرا الله مرد د د بخ کم رسی کے My/2/19 31-01 31-19 31-19 32 2019 1 2003 1 2003 ( - 20) ( 20) ور روز کام منه آن از را به جس خل عمر ان از ع -Assistant (Estb) Cifice of Commissioner Hazara Division Abboltabas Mazara Division Abboltabas Mazara Division Abboltabas Mazara Division Abboltabas عسر بالم رس فرض تناس مرمارى رماها فرا الف لف دولى من كمن عبر جامع من رنا فع . سر مي مالات في 100 م ملاك طلرت من معن ابنی د بوی سرطور را - 2 m / b(i) = m / k = m / 2 / m / 2 / k = m / kحقیق مرحدی بانات می س) اسرای دفت ای وست اردهای 2 i, c\_ \_ lo ( ~ ~ عكر - ي مع ي من الم عنه طائم في معتد الحرا من كى عللم in the - ver - ver - vil عظر برم عام حصر می بناروں می سے سرد کم اور ا يم رفعي منت كانتها يرسى ما ير وما وله وما وك me ch up compressioner عبر جاشر سرا تما-Kohistan at Dassu

the محرب من سال موج وسرات كورمون ما كارج مع لا مرد مشر مرا مرا می تر می از معانی طور سر می بستار موا آنا- روسی مرد می م - in Leave Account of Seril of Leave Account - 2 per Se ail carnd leave of sing along stores line مع - يم منه مستقبل من ال و النه رميا خريون ول في من الن) در ظ اور صال می می شواب ط موج مراجم من رے ما -<u>وا- ایر من سال من سال می منام می فرون دسی دروی سرافعنا میران خلم زماری</u> منه و بالرمعانى يروشى من مم مرس - تو ، مرس مر بالم من مر مد علم كار ان عو عامام من الم - الد من عالى عرب كار معادا -عارى ان من سر من زمان من عوار ن حال اسلى الد بنا رول من - وي رعوات من عو حصل كار حقات حدار حقال كار منا رول من ( Juniter side ( ) al and ) - A river - 1 when a line - 1 when ما مر فی محال محالاً معادر و مار مر مر محمل افزان الم المراب من من من من من الله على زيران المد مريد من مرير شرص تعليه مروف حقا هر س كا الكا كالالرار فلفرخ شامرطن بترارى 4. 2. 2019

timeter -46 120 OFFICE OF THE ASSISTANT COMMISSIONER DASSU AC-D 158 No. Misc:/\_\_\_ 41 14 1/2019. Dated Dassu the 12 ÷ The Deputy Commissioner, То Kohistan. REPORT OF SHAHID PATWARI 0-139 Subject:-Kindly refer to your good office letter No. P.F/Shahid.P/Estt:/4359/DC Memo:-KH dated 10/04/2019, on the subject cited above. In this regard the presence report of Shahid Patwari w.e.f 31.01.2019 till date received from Tehsildar Dassu is enclosed herewith for your kind perusal and further necessary action as desired please. Assistant Commissioner Dassú ÷ ŕ. 1.5 Assistant (Estb) Office of Commissioner Hazara Division Abbottabad ner Deputy Con Diary No: Dated... 14 Kohiston 15 

5. A. بعدالت 15. 11 h 5. 7 4 مورخه. *18* باعث تحرير آنكه مقدمه عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پٹادر کیلیے گل رحمان مهمىند . محمدطلحه و كاشف نسيم ايڈوكيٽس هائى کورٹ و عبید الجلیل فقیر ' سجادعلی' محمداشفاق ایڈوکیٹس پشاور مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاردائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کوراضی نامه کرنے وتقرر ثالث و فیصلہ پر حالف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک ورو پی عرضی دعویٰ ادر درخواست مرقسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈ گری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل ونظر تانی د پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یاجز دی کاردائی کے ساتھ ادروکیل یا مختار قانونی کوایے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا ادرصاحب مقرر شدہ کوبھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے ادراس کا ساختہ پر داختہ منظور وقبول ہوگا دوران مقدمہ میں جوخرچہ ہرجانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ پر ہویا حد سے باہر ہوتو وکیل صاحب پابند ہوں گے کہ بیروی ندکور کریں۔لہٰذاد کالت نامہ ککھودیا کہ سندر ہے۔ العرب-مترام کور کے لئے منظور ہے۔ مسلم مسلم الرقوم كال المحم 2013. گل را مان مهمند ایڈ دکیٹس ہائی کورٹ پشاور D-15 ہارون منشن خیبر بازار بیثاور 03005961517 مسلسل عبدالجليل فقيرا بڈولیٹ یشاور سجادعلی ایڈ و کیٹ پشاور محمرا شفاق ايثه وكيث يشاور

The Servie / ruhe Befre KP at Jahune S.A.N. 1159/18 Shahid Khum US Some Applustan for Dapant of Scanney annut Kenpartally Shemino () think the close table append is pande g bops for Hase And azeling I This ten appellant white to depoir Samany annel It is requester the for Apulland The adurant of April Surry and Appeler. Super Cine Rahum Maliens

### BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA AT PESHAWAR.



### Service Appeal No.1159/2019.

Shahid Khan s/o Sahib Zada r/o Ayaz Kalla, Umer Zail Tehsil and District Charsadda.(Ex-Patwari, Upper Kohistal at Dassu) **Petitioners** Versus

- 1 Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa.
- 2. The Senior Member Board of revenue, Khyber Pakhtunkhwa, Peshawar.
- 3. The Commissioner, Hazara Division, Abbottabad.
- 4. The Deputy Commissioner, Kohistan
- 5. The Assistant Commissioner, Dassu.
- 6 The Tehsildar, Dassu. Respondents

#### PARAWISE COMMENTS ON BEHALF OF RESPONDENTS No 1 & 6. PRELIMINARY OBJECTIONS

- 1. The Petitioner has got no cause of action & locus standi.
- 2. The appeal is time barred.
- 3. The appeal is deficient & not maintainable in its present form.
- 4. The appellant has not come to this honorable Tribunal with clean hands.
- 5. The respondents after fulfillment of all codal formalities the appellant removed from service on cogent reasons on the basis of his willful absence repeatedly.

### FACTUAL OBJECTION. **RESPECTFULLY SHEWETH.**

- 1. Correct as per his NIC.
- 2. Correct.
- WAS 3. Incorrect. That the applicant/removed from Service by the competent authority/Deputy Commissioner Kohistan vide order No.PF/Estt:/5009-18/DC(KH) dated 19.4.2019, due to his willful absence from duty w.e.f 01.06.2018 to 19.4.2019, copy attached as (Annexure-A). The official being an habitual absentee was warned time and again during the service and on 22.6.2017 he was removed from service vide this office order No.5/Rev;Estt:/9992-10002/DC(KH) dated 22.6.2017, due to his prolonged absence copy attached as (Annexure-B). Later on he was re-instated in service in pursuance of appeal/order of the Commissioner, Hazara Division dated 10.08.2017 with a warning vide this office order No.5/Rev:Estt:22440-50/DC(KH) dated 4.10.2017, copy enclosed as (Annexure-C).He again absented himself from his official duty w.e.f 05.12.2017 to 20.12.2017 as evident from order of this office bearing No.3/Ess:/28048/DC(KH) dated 27.12.2017, copy enclosed as (Annexure-D). Thereafter numerous verbal & written explanations & warnings were issued for his misconduct and unauthorized absence. After final notice in the Newspapers dated 31.1.2019 under Section 9 of Khyber Pakhtunkhwa E&D Rules 2011 (Annexure-E), he submitted an application in this office on 14.2.2019 and thereafter immediately absented himself as evident from the report of Assistant Commissioner, Dassu vide his letter No.Misc:/158/AC-D dated 12.4.2019 (Copy enclosed as Annexure-F).
- 4. Incorrect. Order No. PF/Estt:/5004-8/DC(KH) dated 19.4.2019 was issued granting leave without pay to the appellant for 61 days w.e.f 01.04.2018 to 31.05.2018 for absence period. (Copy attached as annexure-G).

- 5. Incorrect. Orders were issued after completion of all codal formalities under the Rules
- Correct to the extent that he has filed a Departmental Appeal, before the Commissioner, Hazara Division Abbottabad (respondent No.3) on 27.5.2019 and dismissed by authority on 02.09.2019 keeping up held office order dated 19.08,2019 (copy attached as annexure-H).
- 7. Incorrect. The appellant has no case of action to file the instant appeal.

#### GROUNDS

- a) Incorrect. The order is according to law, facts, norms of justice and material on record.
- b) Incorrect. All codal formalities were completed as per Khyber Pakhtunkhwa Govt; Servants (Efficiency & Disciplinary) Rules 2011.
- c) Incorrect. Detail is given in para-3.
- d) Incorrect all codal formalities were completed as per Khyber Pakhtunkhwa Govt; Servants E&D Rules 2011.
- e) Incorrect. Para-4 above is self explanatory regarding leave without pay and Para-3 for removal from service.
- f) Correct that District Kohistan is a backward area but no hardship while performing of official duties.
- g) Incorrect. Para-3 above is self explanatory regarding punctual in duties.
- h) Incorrect. During the strike period the official may remain in the station and cannot leave the duty place without approval of leave from the competent authority.
- i) Incorrect. Orders were issued after completion of all codal formalities under the Rules.
- j) Incorrect. After completion of all codal formalities under Rule-9 of E&D Rules 2011, he was removed from service vide above mentioned order after fulfillment of all codal formalities and the copy of the order was sent on his home address as well as pasted on the Notice Board and conspicuous places in the District.
- k) Incorrect. Para-3 is self explanatory regarding punctual in duties.
- I) Incorrect.
- m) Incorrect. The respondents also seek permission to advance other grounds and proof at the time of arguments.

In the light of the above facts it is therefore, humbly prayed that the instant Service Appeal may- graciously be dismissed with cost in favor of respondents.

Chief Secretary Khyber Pakhtunkhwa (Respondent No.1)

Commissioner, Hazara Division, Abbottabad (Respondent No.3)

Assistant Commissioner, Dassu.(Respondent No.5) Senior Member Board of Revenue (Respondent No.2)

Deputy Compaiss

Kohistan Upper (Respondent No.4)

Tehsildar 🖊 (Respondent

No.PF/Estt: /シークー/ター/04/2019

#### **OFFICE ORDER**

No.PF/Estt: /Suggar - 18 /DC (KH) Whereas, Mr.Shahid Khan s/o Sahibzada r/o Moza Ayyaz Killy, Post office Umerzai Tehsil & District Charsada Patwari posted at Tehsil Dassu District Kohistan was found absent from his official duty w.e.f 5-12-2017 as per report of Tehsildar Dassu vide his No.390-TD dated 20-12-2017.  $-\rho_{-9}$ 

(Annexture A

And whereas, for his this willful absence his explanation was called vide this office No.3/:Estt:/28048/DC (KH) dated 27-12-2017 with the directions to submit his reply within seven days but he did not, and remained absent.

And whereas, under Rule 9 of E&D Rules 2011 a notice vide No. PF/1648 dated 02-02-2018 under registered acknowledgement was sent to him on his home address directing him to attend his duties, but no response was received from him.

And whereas, under Rules ibid above a final potice was also published against the accused in daily News Paper Mashriq on 07-04-2018, directed him to assume his duties. On 11-04-2018 he submitted an application for apology and he was warned to be careful and his pay for the month of March 2018 was released with the condition that he should complete the data of Government Land at Tehsil Dassu under supervision of Additional Assistant Commissioner Kohistan vide this office order No. Estt:/5838-46 dated 23-05-2018. -P = 112

And whereas, he again absented himself from official duty w-e-f 01-06-2018 as per report of Additional Assistant Commissioner Kohistan vide his letter No.Genl:/231/AAC (KH) dated 06.06.2018 and for this willful absence his explanation was called vide this office No.PF/Estt:/11662/DC (KH) dated 07-11-2018 with the directions to submit his reply within seven days but he did not submit, and remained absent.

And whereas, under Rule 9 of E&D Rules 2011, a notice vide No.13103 dated 21-12-2018 under registered acknowledgement was sent to him on his home address directing him to attend his duties, but no response was received from him.

And whereas, under Rules ibid above, a final notice was published against the accused official in Daily News Papers on 31-01-2019 directing him to assume his duties. On 14-02-2019 he submitted another application alongwith OPD slips for 29-04-2018 and 02-01-2019 and absented himself without any information. As per report of Tehsildar Dassu vide No.208 dated 12.04.2019, received from Assistant Commissioner Dassu vide No. Misc:/158/AC+D dated 12.04.2019, he is perpetual absent from 31-01-2019 till date. The above mentioned points and his service record indicate that he is habitual absentee, irregular and irresponsible official with no interest in service.

Now therefore, the Competent Authority, keeping in view that he is guilty of habitually absenting himself from duty without approval of leave for very long period, is pleased to impose "Major Penalty" of Removal from service w.e.f 01-06-2018 on the accused official, Mr. Shahid Khan Patwari under Rule-4 (b) (iii) read with the Rule-9 of the Khyber Pakhtunkhwa Efficiency & Discipline Rules, 2011.

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mmissioner, 1914 ohistan at Dassu

Ends: No. and date even:-

Copy forwarded for information and necessary action to the:-1. Senior Member Board of Revenue, Govt: of Khyber Pakhtunkhwa Peshawar.

- 2. Commissioner Hazara Division, Abbottabad.
- 3. PSO to Chief Secretary Khyber Pakhtunkhwa Peshawar. 4. Director Land Records Govt: of Khyber Pakhtunkhwa Peshawar
- 5. District Accounts Officer Kohistan.
- 6. Assistant Commissioner Dassu.
- 7. Tehsildar Dassu & Kandia.
- 8. Assistant Accounts of this office.
- 9. Official concerned.
- 10.Order file

ommissioner, Kohistan at Dassu \_4-2d9 19

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OFFICE OF THE DEPUTY COMMISSIONER KOHISTAN (UPPER).

Dated 22/6/\_/06/2017

No5/Rev: Estt:/<u>99992-10000</u> /DC (KH). Whereas, Mr. Shahid Khan s/o Sahibzada r/o Moza Ayyaz Killy, Post Office Umerzai Tehsil & District Charsadda Patwari posted at Tehsil Palas District Kohistan was found absent from his official duty w.e.f.19.12.2016 as per report of Assistant Commissioner Palas vide No.AC Palas/Misc:/4 /2016 dated 06.01.2017.

And whereas, for his this willful absence his explanation was called vide this office No 5/Estt:/Rev:/706/DC(KH) dated 12.01.2017 with the directions to submit his reply within seven days but he did not, and remain absent.

And whereas, under Rule 9 of E&D Rules 2011 a notice vide No.5/Rev:/Estt:/ 2657 dated 10.02.2017 under registered acknowledgement was sent to him on his home address directing him to attend his duties, but no response is received from him.

And whereas, under Rules ibid above a final notice was also published against the accused official in Daily News paper Mashriq on 25.05.2017 directing him to assumed his duties.

Now therefore, the competent authority keeping in view the attitude of the official concerned (willful absence) is pleased to impose "Major Penalty" of Removal from service w.e.f. 01.05.2017 on the accused official Mr. Shahid Khan Patwari under Rule-4 (b) (iii) of the Efficiency & Disciplinary Rules, 2011.

DEPUTY COMMISSIC KOHISTAN (UPPER)

No.& date even

OFFICE ORDER.

Copy forwarded for information & necessary action to the :-

- 1. Senior Member Board of Revenue, Govt .: of Khyber Pakhtunkhwa Peshawar.
  - 2. Commissioner Hazara Division, Abbottabad.
  - 3. Director Land Records Govt. of Khyber Pakhtunkhwa Peshawar.
  - 4. Deputy Commissioners lower Kohistan.
  - 5. District Accounts Officer Kohistan.
  - 6 Assistant Commissioner, Dassu.
  - 7. Assistant Commissioner, Palas.
  - 8. Tehsildar Palasi.
  - 9. Assistant Accounts of this office for n.a.
  - 10. Mr., Shahid Khan Patwari for information.
  - 11. Personal File.

JTY COMMISSIONER KOHISTAN (UPPER)

N

OFFICE OF THE DEPUTY COMMISSIONER KOHISTAN DASSU Dated 04 /10 /2017

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#### OFFICE ORDER.

No.5/Rev: Estt:/ 22440-/DC (KH). Whereas, Mr. Shahid Khan s/o Sahibzada r/o Moza Ayyaz Killy, Post Office Umerzai Tehsil & District Charsadda Patwari while posted at Tehsil Palas District Kohistan was found absent from his official duty w.e.f. 19.12.2016 as per report of Assistant Commissioner Palas vide No.AC Palas /Misc: /4 /2016 dated |06.01.2017, His pay was stopped from 01.05.2017, he was proceeded against under E&D Rules 2011 & removed from service vide this office order No.5/Rev: Estt:/9992-10002 / DC (KH) dated 22.06.2017.

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service appeal against the order ibid before the he had lodged And whereas, Commissioner Hazara Division Abbottabad which is after proceeding remanded to the undersigned vide letter No. CHD/Estb:/1/12/5353-55 dated 16.082017

And whereas, he attended this office on 28.8.2017 and submitted his arrival in pursuance of Commissioner Hazara Division orders mentioned above. A questioner regarding his absence was served upon him vide this office memo No.5/Rev: Estt:/21006/DC (KH) dated 30.08.2017. In his reply he stated that he had performed his duties in the said period at Tehsil Palas but the same has not been communicated to the DC office Dassu and request for mercy. He was heard in person in the office.

After perusal of reply submitted by him, hearing in person and keeping in view the shortage of Revenue experienced staff here at Dassu the undersigned taking lenient view took the following decisions:-

- 1. He is re-instated in service from the date of removal i.e. 01.05.2017
- 2. Period w.e.f. 19.12. 2016 to 30.4.2017 Earned leave on full pay.
- 3. Period w.e.f. 01,5+2017 to 27.8.2017 Extra Ordinary leave without pay.
- 4. He is warned to be dare full in future in future.

DEPUTY COMMISS %KOHISTAN DÅSSU.

No.& date even

Copy forwarded for information & necessary action to the :-

- 1. Senior Member Board of Revenue, Govt.: of Khyber Pakhtunkhwa Peshawar.
- Commissioner Hazara Division, Abbottabad. 2. Director Land Records Govt. :of Khyber Pakhtunkhwa Peshawar. 3
- Deputy Commissioners lower Kohistan.
- 4. District Accounts Officer Kohistan.
- 5. Assistant Commissioner, Dassu.
- б. Assistant Commissioner, Palas.
- Tehsildar Palas.
- Assistant Accounts of this office for necessary action. VO. Mr., Shahid Khan Patwari for information.
- 11. Personal File.

ITY COMMISSIONER KOHISTAN DASSU.

OFFICE OF THE DEPUTY COMMISSIONER KOHISTAN

(7.)

Dated Dassu the <u>97</u>/12/2017

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# Explanation.

No.3/: Estt: / 28048 /DC (KH). As reported by Tehsildar Dassu Mr. Shahid Khan Patwari Tehsil Dassu absented himself from his official duty w.e.f 05/12/2017 to 20/12/2017 (15) days without any sanction of leave from the competent authority, which is tantamount to misconduct under the Rules.

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He is hereby called upon to explain his position within (7) seven days of receipt of this memo, otherwise ex- parte action will be initiated against him under the E&D Rules 2011.

Deputy Commissioner / Kohistan

No.3/: Estt: / 28044 /DC (KH).

Copy forwarded for information to the Tehsildar Dassu with reference to his memo No.390/TD dated 20.12.2017, with the directions to intimate this office whether the Patwari concerned has attended his duties OR is still absent.

ommissioner Deputy C Kohistan

(AnnexTule-E) 2/2019 مدر مام مترق يشادر الميلام آياد وفتر فايشى فعشيني كلمشان واسل ی فیر کافری CENDER NOTICE CORR ایک کی باد بان المی اجروان مطلومی این کامان در و محلومی این کام با ورجعه حال جادی در بالی اور به امر مارد میرو مار و بالی در بالی می این می می بالی در بال un the manufacture remains the remains the real with participation of the  $\Sigma$ sold), relies to a sincometax and with Knyber Rakhtunkhwi for the year 2018-19. Manufactures thould be approved from noton Can only bid in collaboration with the manufactures by - روا المراجعة (11) 2018 (11) 2018 (11) (11) (11) (11) (11) (11) Dane & Mary List due of bld 14-02-2019 .1402-2019 chergy 51 - Up:to-1200 Hrs th the BOO and prefequisites of the above work can be openned anigned duiding office hours. All adminuble tines thell be deducted inciers. Call deposit @22% of the bit with from any and barreland of the bid and any barren to the barren and the barren a epnes Director Regulation/O&N. 0-110 012 100 Pouse Room No. 223, 38-B/2, Hayatabad Peshawar. Ph: 091-9217360. icel reaching institution college of Nursing (BKMC) Mardan من عن محمد في حرى الله المار علمان مروسه الرون 2019 مع من من مروس المروس المروس من من ما ما ما المار مروسة الما المروس الما المروس الما المروسة الما المروسة الما ا مامان دمل 10 کرد ب Office of the Project Director MTI College 2-12 xu d Jamil of Nursing Mardan ملوب أن يوك مواقدة ا ((وقا 2019 ملايم 12:15 - غاز من - كالالاتحان (ا/ لا lirector owing Postion, sinut livitor the period offone years (excend bie o 辺や مر) كامر جدكام بي تم الم عن محد على ما يم حك منذرة رم مل 100/ دو ي ( t قابل for MTI College of Nursing Mardan. Eligibility MISN/MISPH (in e Lînli • Rost RN or Generic BSN with الله كام يوكان للهادات مام يكبل مسكت كركال (ي ب = (2) خذو مقومون كالمود PNC recognized institute. عى حريد 84 بلور حافت تع كرالاوى ب - (3) تام يسر عرب كوانن ، عطابق ال ence Post qualification (MSN/MSPH) Dynmum 3 Yerro Breatence Post qualification (MSN/M بر ب الد في - (٥) عدد أن شد و و و كال الم يكن بد وسل ادر للوكس وجزين ملك م Minimum Two Publications in any Recognized Health Science مردوى ب- (؟) بالنا ارد بدى بور ع = 20 دن تك بالى در دفر كام ور عن عكود في Journal (with at least one of these publications in last two years). ្តុំរុ • Valid PNC License with all entries of professional 11 qualifications. • Preference will be given to higher qualification. • Post Ryior Generic BSN (16-Years of education) from any 12 35 10 10 يح مور مد يح ... (8) كيرا في قام شرائط لاكو مولى .. (9) اشاء في دواع ان ان دوع ادر المجدد افراجات بذر فرم موتل - (10) مرف كان فيذار قادم قاتل أول مرك - (11) NGreecognized institutear ODS March Rost Degree Glinical or Teaching Experience. Valid PNC Licence with all entries of professional ورا كام كافردفت مورات - (12) فيتذور يت مام مرت كمورت عرافيل بذري قرم اعادي كابابالا-(13) كمراقاء حكمظان كالخ فكمردكردة محفى كويا متدار مامل ب كرك كارتب qualifications. بول عون موت ع بطل كي مول ويرور كرى منه الدويش بنا المرد بول والد في مارو • Preference will be given to higher qualification endiprescribed Job Application forms available at MTL College anied with non-refundable application-processing-fee of Rs.-1000tin te name of Project Director College of Nursing Mardan) OR 48ank Accounty 2010 0000247502176, United Bank Limited (UBI) Bank ww.bkme.edu.pk. THE WALL + Trangisin nog 100 RCO یرنیل گور نمنت ذکری کالج لا بور ( ضلع صوابی ) [Ph: 0938-300187 photoeriph and attested photocopies of all degrees, certificates, of public tions, CNIC and other related documents should be sent دوباره شينذر فوشى L (1911) tom Brede & Tobres articles Professi in King ber Berking itan ropen channels. جطات مواجير بحوثوا عراقك ادب ودومات فالفكاليد فأطلسا شردر مدواب جن تسلي محل polycutoreur Norrest//Interleve treat (0, and reach the office Project Director College of Nursing publication of this overtisement. publication of this overtisement. enveloped, in the position applied for, clearly written shall be sent enveloped, in the position applied for, clearly written shall be sent واستاد والعزيم في داليك فيدد جلت كي مردورت منب قرام الميت الالتجريد مصد والمع لمعكد اردن با قرمون incomplete or without bank draft willingt beientertained INFOPMOS **Project Director** SOVERNMENT & RURAL ورى مارد بيلامندن ISMAIL KHAN Sonin Circle Distury 6 è ارسی ماسط - کر دیں زیری کردر - کتا - مرس درمی صرف ایک 50 10- 66 Deputy Commissioner Diary No: 941 Dated:.... Kohistan 14-2-019

(Junexa) (135) (135) (135) (Junexa) (135) (135) (136) (Junexa) (135) (135) (136) (Junexa) (135) (135) (136) (Junexa) (135) (136) (Junexa) (135) (13) (Junexa) (135) (13) (Junexa) (135) (13) (Junexa) (135) (13) (Junexa) (Jun mexture == ) ويتحسب فرقال فرقال الله المرج در موز نام مشرق نی در ت بر جس فیل عرض مر فا 2 afly and Due job a fing and a fing and a start of the ملح توسیان داسومی دلور موری طعم دوی سران کا دار يسين ويما رت حرض شاس موارى ماهار عالم الف وق But 2010 Company U. S. U. S. John Solo ve Com طلاح من لی این دیدی سرطور را 2-حقق مر میں بالا کے میں اسرائ دف میں درست الافال c dissin a for - Marili ت من وفي منت كالم معار الألوم المردني (مرى المرد مادى 

مرد - برم المر المر المراح المراح المراح المراح المرد المستري الم مر الم الله الم الله الم المور الم المع المعار موا أما - ومر مع مراجر الله الم al - in Leave Account of Senil of en Leave Account - in is and a series and leave a series for a series bird and leave a series - a 13bcri عرف بالم مستقر س الل والله الله ولي في ول ول س الله إن ما الدخار الحريمي في عامت طامع المريم من الم عام ٥٢- ١٦ مَن ٢٠ مَن ٢٠٩ تو مو مارو در ما ديوي سرافية ا مري على اللواري فنعره بالم مقانة) ورفتى سام برا - تو نا مهم من الم بالم من ال معلی کو ان عوال میں جار ہے۔ لیے جن کا یک کا اعام ۔ ماری ہے ماری میں میں میں معار محال اسکی لیہ سارد کے ۔ یہ میں اعوال سے مرحم کا رحمال کا دیار مکار کا ۔ ا. دام دفتم فی اعظام کے مادر کی مرکز محطرافزان من شرق بل في منه من من من من من من الله من زير في المر مر س مربر شرص ملك مروف حاكو س ك -انا كالالر الرقلعر : (S. Jou Objetin 



OFFICE OF THE DEPUTY COMMISSIONER KOHISTAN AT DASSU No.PF/Estt: <u>Scoy-&</u>/DC (KH) Dated Dassu the <u>4</u>/04/2019

# OFFICE ORDER

No PF/Estt:  $/\underline{Sco4-8}$  /DC (KH) Under Rule 12(3) of Khyber Pakhtunkhwa Civil Servants Revised Leave Rules 1981, sanction is hereby accorded for Extra Ordinary leave without pay in respect of Mr. Shahid Khan Patwari of this office with retorespective effect w-e-f- 01<sub>r</sub>04-2018 to 31-05-2018 (61 days) on account of his absence without leave.

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Annexture - &

mmissioner, Kohistan at Dassu 19/4/2

Ends: No. and date even

Copy forwarded for information and necessary action to the:-

- 1. District Accounts Officer Kohistan.
- 2. Assistant Commissioner Dassu.
- 3. Tehsildar Dassu & Kandia.
- 4. Assistant Accounts of this office.
- 5. Official concerned.

missioner, ohistan at Dassu



Versus

DEPUTY COMMISSIONER KOHISTAN UPPER

# DEPARTMENTAL APPEAL

(Annextuke -H

FFICE OF THE COMMISSIONER HAZARA DIVISION ABBOTTABAD Dated: 2/09/2019

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Appellant

Respondent

<u>ORDER</u> 19-8-2019

No. CHD/Estb/Appeal/<u>4777</u>WHEREAS, Mr. Shahid Khan, Patwari District Kohistan Upper submitted an appeal on 27/5/2019 challenging the order of Deputy Commissioner Kohistan Upper bearing No. 15009-18/DC (KH) dated 19/4/2019 whereby major penalty of Removal from Service was imposed upon Mr. Shahid Khan, Patwari.

AND WHEREAS, the appellant was heard in person on 19/8/2019. The representative of Deputy Commissioner Kohistan Upper was also present. As per record presented by representative of Deputy Commissioner Kohistan, a report from Tehsildar Dassu vide letter No. 208 dated 12/4/2019 was sent through Assistant Commissioner Dassu vide No. Misc:/158/AC-D dated 12/4/2019 to Deputy Commissioner Kohistan Upper regarding perpetual absence of Mr. Shahic Khan from "31-1-2019 till date". Moreover, the representative also told that Mr. Shahid Khan is habitual absentee and had remained absent from official duty w.e.f 01/6/2018 as per report of Additional Assistant Commissioner Kohistan vide letter No. Genl:231/AAC (KH) dated 06/6/2018 whereupon DC Kohistan upper issued him explanation vide letter No. PF/Estt:/11662/DC (KH) dated 07/11/2018 and consequently removed from service vide office order No. PF/Estt:/15009-18 dated 19-4-2019 after adopting the prescribed procedure under the law. The appellant also failed to place on record any cogent reasons and defense regarding his willful absence. The past record of the service of the appellant is full of absence from his official duties. He had earlier been given a chance after removal from service on the same grounds vide office order No. 5/Rev Estt/22440-50/DC(KH) dated 04/10/2017.

**NOW, THEREFORE**, I, Syed Zaheer-ul-Islam Shah, Commissioner Hazara Division as appellate authority see no good grounds in the instant appeal of Mr. Shahid Khan Patwari to interfere with the impugned orders. Therefore, the instant appeal is rejected with no orders as to the cost.

## ANNOUNCED.

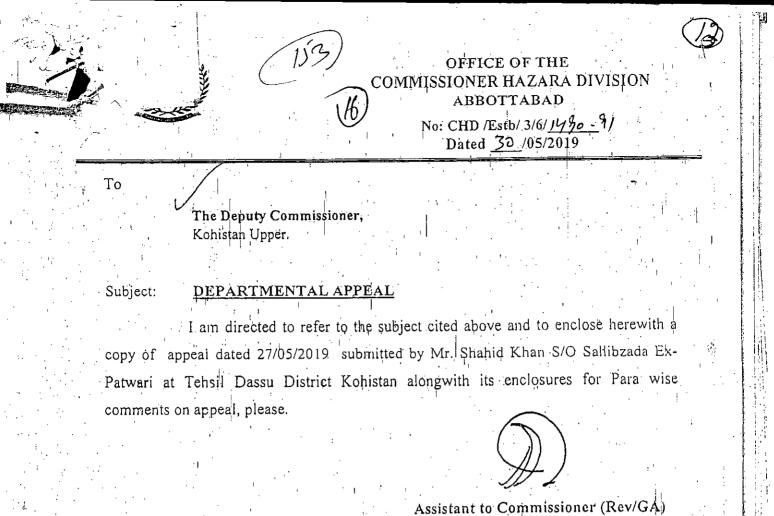
19-8-2019

Commissioner, Hazara Division.

#### Copy forwarded to the:

- Y. Deputy Commissioners Kohistan Upper.
- 2. PS to Commissioner, Hazara Division, Abbottabad.
- 3. Mr. Shahid Khan s/o Sahibzada, Ex-Patwari Dassu District Kohistan Upper r/o Moza Ayyaz Killy, Post office Umerzai Tehsir on District Charsada.

Assistant to Commissioner (Rev/GA), Hazara Division Abbottabad.



Endst: <u>No & Date Even</u>:

The hours of anony

Copy forwarded for information to PS to Commissioner, Hazara Division, Abbottabad.

Assistant to Commissioner (Rev/GA) Hazara Division Abbottabad

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Hazara Division Abbottabad

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### OFFICE OF THE DEPUTY COMMISSIONER KOHISTAN UPPER DATED\_<u>5265</u>/8/09/2020

Fax No.0998-07001

Email:dckohistan321@gmail.com

## AUTHORITY LETTER:

Mr. Ashraf Ali, Superintendent and Mr. Noor-ul-Wahaj, Assistant Litigation of this office is hereby authorized to attend the Service Tribunal Khyber Pakhtunkhwa Peshawar on 10-09-2020 in connection with service appeal of Mr. Shahid Khan Ex-Patwari Versus Deputy Commissioner Kohistan Upper etc.

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