BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1029/2016

PENELS AND

Date of Institution

04.10.2016

Date of Decision

26.01.2022

Usman Khan S/O Kamin Khan, R/O Mohallah Bhatai Korona Village Hathian Batkhela, District Mardan.

...

(Appellant)

VERSUS

Secretary to Government of Khyber Pakhtunkhwa Food Department, Civil Secretariat Peshawar and three others.

(Respondents)

Noor Muhammad Khattak,

Advocate

For appellant.

Kabir Ullah Khattak,

Additional Advocate General

For respondents.

Ahmad Sultan Tareen

Chairman

Rozina Rehman

Member (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): The appellant has invoked the jurisdiction of this Tribunal through above titled appeal with the prayer as copied below:

"On acceptance of this appeal, the order for setting aside the impugned orders and reinstatement of the appellant on his services with all back benefits may kindly be passed".



The relevant facts leading to filing of instant appeal are that 2. appellant was appointed as Food Grain Supervisor (BS-06) on 24.11.2008 on the recommendation of Departmental Selection Committee. During service, the District Food Controller, Chitral reported the matter that during physical verification, quantity of 789 bags (78.9) M. Tons wheat was short detected against the appellant. A two Member Inspection Commission Team was constituted but respondent No.4 did not wait for the report of Inspection Commission rather imposed the responsibilities upon the appellant and directed him to deposit the Government dues and one Riaz Ahmad Food Grain Supervisor was directed to take the charge of PR Centers Booni and Kushum from appellant. Accordingly, show cause notice was issued, whereby, the appellant was charged for embezzlement and major penalty i.e. removal from service was tentatively imposed upon appellant without inquiry and lastly, he was removed from service without fulfilling the legal and codal formalities, he, therefore, preferred departmental appeal which was turned down, hence, the present service appeal

- 3. We have heard Noor Muhammad Khattak Advocate for appellant and Kabir Ullah Khattak, learned Additional Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.
- 4. Noor Muhammad Khattak Advocate, learned counsel appearing on behalf of appellant, inter-alia, contended that impugned order was



passed in haste and cursory manner without observing all the legal and codal formalities which order is, therefore, illegal and without lawful authority; that the impugned order is against the principles of natural justice because no opportunity of personal hearing was afforded to the appellant. Learned counsel further contended that the alleged damage caused was the result of poor storage system and rough weather which was properly reported to the respondent No.4 by the appellant while the allegation of embezzlement is wrong, baseless being concocted. It was further submitted that the impugned order was kept concealed and the appellant was kept in dark which order was not communicated to the appellant when he requested for his future posting time and again. Learned counsel further argued that no full-fledged inquiry was conducted before issuance of the impugned order and that the same was passed before the detailed report of the Inspection Commission. He, therefore, requested for setting aside of the impugned order.

Conversely learned AAG contended that District Food

with a notice by the DFC Chitral to deposit the remaining balance but

Controller Chitral reported that during physical verification, a quantity of 789 bags wheat valuing Rs.2.76 Million was short detected against appellant and an amount of Rs. 350000/- on account of cost of wheat/empty gunny Bags were recovered from the official/appellant and deposited into Government Treasury through proper Challan leaving behind a balance of Rs.2411500/-. He was, therefore, served

5.

he failed. He contended that appellant was served with a show cause notice but he did not submit his reply and that an opportunity of personal hearing was also given but he failed to appear and he did not deposit the remaining outstanding amount rather absented himself from office. He submitted that after full consideration of the case, he was held responsible for embezzlement/misappropriation of 789 bags and violation of Service Rules, therefore, major penalty was imposed under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. He contended that the appellant was punished according to law which does commensurate with the gravity of guilt.

6. From the record, it is evident that appellant Usman Khan was appointed as Food Grain Supervisor (BS-06) vide Director Food Khyber Pakhtunkhwa office order dated 24.11.2008 in Food Department and initially was posted in the office of District Food Controller, Chitral. The District Food Controller, Chitral reported vide letter dated 10.06.2014 reported the matter that during physical verification carried out in the current financial year, a quantity of 789 bags wheat valuing Rs.2761500/- was short detected against appellant and the Director Food was apprised by the District Food Controller, Chitral to forward the case to Director Anti-Corruption Establishment Khyber Pakhtunkhwa, Peshawar for further necessary action. The appellant was also directed vide letter No.1553 dated 06.06.2014 to deposit Government dues within a week time. It merits a mention here that in order to have the factual position of stock of

wheat, Mr. Arshid Hussain, Assistant Food Controller, Mastuj and Mr. Riaz Ahmad, Food Grain Inspector were appointed to conduct physical verification of wheat at PR Centre Boni and Kushum with direction to submit authentic report regarding stock of wheat and other dead articles. One Riaz Ahmad Food Grain Supervisor/Incharge PR Center Mulkoh was directed to take over the charge of PR Centers Booni and Kushum from appellant in addition to his own vide order dated 02.10.2014. The present appellant then submitted an application to the Director Food for further posting but to no avail and it was on 06.11.2014 when the competent authority dispensed with the inquiry and directly served him with a show cause notice. From the above, it is evident that the competent authority while invoking jurisdiction of Rule-5 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 dispensed with the inquiry and directly served him with a show cause notice dated 06.11.2014. Rule-5(1) (a) of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 provides that reasons are required to be recorded in writing in case the inquiry is dispensed with but the respondents while dispensing with the inquiry, failed to show any such reasons. The respondents have very candidly violated the set norms and rules and conducted the proceedings in an authoritarian manner. We have observed that the appellant was kept deprived of affording appropriate opportunity of defense. No regular inquiry was conducted as is required under Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011. It is a well settled legal



proposition duly supported by numerous judgments of the Apex Court that for imposition of major penalty, regular inquiry is a must. We smack malafide on the part of respondents as no inquiry was conducted, no charge sheet with statement of allegations were issued and no evidence was recorded. The case is still lying in the Anti-Corruption Court which has not been decided so far but this aspect of the issue was also not taken care of. The trial is still pending and the appellant's guilt has not yet been proved.

7. The preceding discussion vividly transpires that the appellant was not treated in accordance with law. As such, the instant service appeal is partially accepted. Appellant is reinstated into service. Case is remitted to the Department with direction to conduct de-novo inquiry within 90 days of the receipt of this judgment. Needless to mention that the appellant shall be provided proper opportunity of defense during the inquiry proceedings. The issue of back benefits shall be subject to the outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED. 26.01.2022

Chairman

Rozina Rehman) Member (J) Order 26.01.2022

Appellant present through counsel.

Kabir Ullah Khattak, learned Additional Advocate General alongwith Shuja Ali ADEO for respondents present.

Vide our judgment of today of this Tribunal placed on file, the instant service appeal is partially accepted. Appellant is reinstated into service. Case is remitted to the Department with direction to conduct de-novo inquiry within 90 days of the receipt of this judgment. Needless to mention that the appellant shall be provided proper opportunity of defense during the inquiry proceedings. The issue of back benefits shall be subject to the outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED. 26.01.2022

(Ahmad Sultan Tareen)

Chairman

(Rozina Rehman) Member (J) Counsel for the appellant present.

Javid Ullah, learned Assistant Advocate General for respondents present.

Due to paucity of time, order could not be dictated, therefore, case is adjourned to 30.11.2021 for order before D.B.

(Rozina Rehman) Member (J) Chairman

30.11.2021

Counsel for the appellant present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

The learned Chairman is on official tour to Camp Court, Abbottabad, therefore, case is adjourned to 18.01.2022 for orders before D.B.

(Rozina Rehman) Member (J)

18.01.2022

Counsel for the appellant present. Mr. Javid Ullah, Assistant Advocate General for respondents present.

The learned Member Judicial (Mrs. Rozina Rehman) is on official tour to Camp Court, Abbottabad, therefore, case is adjourned to 26.01.2022 for order before D.B.

Chairmar

Junior to counsel for the appellant present.

Mr. Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Former requests for adjournment as learned senior counsel for the appellant is busy before Hon'ble Peshawar High Court Peshawar.

Adjourned to 15.09.2021 for arguments before D.B.

(Atiq ur Rehman Wazir) Member (E) (Rozina Rehman) Member (J)

15.09.2021

Counsel for the appellant present.

Javid Ullah, learned Assistant Advocate General for respondents present.

Arguments heard. To come up for order on 07.10.2021 before D.B.

(Rozina Rehman) Member (J) Chairman

07.10.2021

Counsel for the appellant present.

Javid Ullah, learned Assistant Advocate General for respondents present.

Learned Member (Judicial) is on official tour to Camp Court, Swat, therefore, case is adjourned to 02.11.2021 for order before D.B.

Chairman

24.11.2020

Counsel for the appellant and Addl. AG alongwith Zafrullah, A.D for the respondents present.

Former requests for adjournment due to overoccupation in the Honourable Peshawar High Court today. Adjourned to 16:02.2021 for arguments before the D.B.

(Mian Muhammad) Member(E)

16.02.2021

Counsel for the appellant and Addl. AG for the respondents present.

Learned AAG referred to Memo dated 10.06.2014 and stated that the record pertaining to proceedings noted therein shall have to be obtained by him before addressing arguments as the same may be very relevant to the matter in hand.

Learned counsel for the appellant maintained serious reservation against the request of learned AAG. He was of the view that almost entire relevant record had already been brought on Tribunal's files, therefore, the adjournment sought was only to prolong the proceedings.

We consider that it is appropriate to allow the request of learned AAG in order to remove impediment, if any, in just decision of the appeal.

Adjourned to 26.05.2021 for hearing before the D.B.

(Mian Muhammad)

Member(E)

·*5* .2020

Due to COVID19, the case is adjourned to

/6 / 7 /2020 for the same as before.

16.07.2020

Mr. Afrasyab Khan, Advocate on behalf of counsel fo appellant and District Attorney alongwith Zafrullah, Asstt. Director for the respondents present.

Former requests for adjournment as learned senior counsel for the appellant is engaged before the Honourable high Court in various cases today.

Adjourned to 15.09.2020 for arguments before the D.B.

(Muhammad Jamal-Khan) Member

Chairma

04.09.2020

Mr. Muhammad Jan learned Deputy District Attorney alongwith Zafar Ullah A.D for respondents present.

Mr. Umar Farooq Advocate junior counsel present on behalf of appellant and made a request for adjournment as senior learned counsel for appellant is busy before Hon'ble Peshawar High Court Peshawar.

Adjourned to 24.11.2020 for arguments, before D.B.

(Attiq ur Rehman)

Member (E)

(Rozina Rehman) Member (J)

10.03.2020

Junior to counsel for the appellant present. Asst: AG alongwith Mr. Zafarullah Khan, AD for respondents present. Junior to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 05.05.2020 before D.B.

Member

Member

30.10.2019

Mr. Noor Muhammad Khattak, Advocate for appellant present and submitted his Vakalatnama in favour of the appellant. Vakalatnama is placed on record. Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Zafarullah, Assistant Director Food for the respondents present. Newly engaged learned counsel for the appellant requested for adjournment. Adjourned to 22.11.2019 for arguments before D.B.

(Ahmad Hassan) Member (M. Amin Khan Kundi) Member

22.11.2019

Counsel for the appellant and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Zafarullah, AD for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 22.01.2020 for arguments before D.B.

(Hussain Shah) Member (M. Amin Khan Kundi) Member

22.01.2020

Due to general strike on the call of the Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Usman Ghani learned District Attorney for the respondents present. Adjourned to 10.03.2020 for further proceedings/arguments before D.B.

(Hussain Shah) Member (M. Amin Khan Kundi)

Member

20.06.2019

Appellant in person present. Mr. Zia Ullah learned Deputy District Attorney alongwith Zafar Ullah AD present. Appellant submitted application for adjournment. Adjourn. To come up for arguments on 20.08.2019 before D.B.

Member

Member

20.08.2019

Clerk of counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Zafarullah, Assistant Director for the respondents present. Clerk of counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned to 27.09.2019 for arguments before D.B.

(Hussain Shah) Member

(M. Amin Khan Kundi) Member

27.09.2019

Appellant alongwith Mr. Noor Muhammad Khan Khattak Advocate present and submitted Waklat Nama in favor of appellant. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Muhammad Mahir Superintendent for the respondents present. Being freshly engaged learned counsel for the appellant is not in attendance. Adjourned. To come up for arguments on 30.10.2019 before D.B.

(Hussain Shah) Member (M. Amin Khan Kundi) Member 04.02.2019

Learned counsel for the appellant and Mr. Zia Ullah learned Deputy District Attorney Zafrullah Khan AD present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 15.03.2019 before D.B.

Member

Member

15.03.2019

Learned counsel for the appellant and Mr. Riaz Khan Paindakheil learned Assistant Advocate General alongwith Zafrullah AD present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 07.05.2019 before D.B.

Member

Member

07.05.2019

Appellant in person and Mr. Muhammad Jan, Deputy District Attorney alongwith Muhammad Zafrullah Khan, A.D for the respondents present.

Appellant once again requests for adjournment due to non-availability of his learned counsel. The record suggests that on at least five previous occasions the matter was adjourned on behalf of the appellant. It is now adjourned to 20.06.2019 for arguments but on payment of cost of Rs. 1000/-.

Member

Chairman



10.10.2018

Mr. Shahid Ali Advocate appeared on behalf of appellant and submitted wakalat nama in favor of appellant. Mr. Usman Ghani learned District Attorney present for the respondents. Being freshly engaged, learned counsel for appellant seeks adjournment. Adjourn. To come up for arguments on 26.11.2018 before D.B.

Archiber .

Member

26.11.2018

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Assistant Advocate General present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for arguments on 06.12.2018 before D.B.



Member

06.12.2018

Counsel for the appellant present. Mr. Muhammad Jan, DDA for the respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 04.02.2019 before D.B.

(Ahmad Hassan) Member (M. Amin Khan Kundi) Member 13.04.2018

Appellant in person and Addl: AG alongwith Mr. Abdul Hameed, Assistant for respondents present. Appellant seeks adjournment. Adjourned To come up for arguments on 17.05.2018 before D.B.

(Ahmad Hassan) Member (M. Hamid Mughal) Member

17.05.2018

Appellant alongwith Mr. Shahid Ali, Advocate present and submitted Wakalatnama. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Abdul Hameed, Assistant for the respondents also present. Newly engaged learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 01.08.2018 before D.B.

(Muhammag Amin Khan Kundi) Member

(Muhammad Hamid Mughal) Member

01.08.2018

Appellant absent. Learned counsel for the appellant and Mr. Ziaullah, Deputy District Attorney alongwith Mr. Abdul Hameed, Assistant for the respondents present. Adjourned. To come up for arguments on 10.10.2018 before D.B.

(Ahmad Hassan) Member (E)

(Muhammad Hamid Mughal)

Member (J)

28.09.2017

Appellant with counsel present. Mr. Ziaullah, Deputy District Attorney for the respondents also present. Learned counsel for the appellant submitted rejoinder and requested for adjournment. Adjourned. To come up for arguments on 23.11.2017 before D.B.

(Gul Zeb Khan)

(Muhammad Amin Khan Kundi)

23.11.2017

 $\textbf{Learned} \textbf{\textit{M}} \textbf{\textit{coulose}} \textbf{\textit{ for the appellant present}} \textbf{\textit{M}} \textbf{\textit{ember}}$

Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 31.01.2018 before D.B.

(Gul Zeb KHan) Member (Muhammad Hamid Mugha)l Member

31.01.2018

Junior to counsel for appellant present. Mr. Usman Ghani, Learned District Attorney for respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not available Adjourned. To come up for arguments on 25.03.2018 before D.B.

(Muhammad Amin Kundi)

MEMBER

(Muhammad Hamid Mughal) MEMBER

05.03.2018

Appellant with counsel and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 13.04.2018 before D.B.

(Muhammad Hamid Mughal)

(Muhammad Amin Khan Kundi) Member

Member

28.03.2017

Counsel for the appellant and Mr. Muhammad Amir, Accoutant alongwith Addl: AG for the respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 27.04.2017 before S.B.

> (AHMAD'HASSAN) MEMBER

27.04.2017

Clerk to counsel for the appellant and Mr. Abdul Hamid, Junior Clerk alongwith Addl. AG for the respondents present. Written reply submitted. To come up for rejoinder and final hearing on 03.07.2017 before D.B.

(Ahmad Hassan)

Member

03.07.2017

Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Counsel for the appellant requested for time to file rejoinder. Request accepted. To come up for rejoinder and arguments on 28.09.2017 before D.B.

Muhammad Hamid Mughal)

24.1.2017

Learned counsel for the appellant argued that the appellant was serving as Food Grain Inspector when removed from service vide impugned order dated 21.04.2015 on the allegations of embezzlement which order was communicated to him on 23.06.2016 and where-against his departmental appeal dated 01.07.2016 was not responded constraining the appellant to prefer the instant service appeal on 04.10.2016.

That neither any enquiry in the mode and manners was conducted nor the allegations of embezzlement substantiated and the appellant was condemned unheard as no opportunity of participation in the enquiry proceedings was afforded to him.

Points raised need consideration. Admit. Subject to deposit of security and process fee notices be issued to the respondents. To come up for written reply/comments on 27.02.2017 before S.B.

Charman

27.02.2017

Appellant Deposited Security Process Fee Appellant with counsel and Mr. Abdul Hameed, Junior Clerk alongwith Mr. Muhammad Adeel Butt, Additional AG for respondents present. Security and process fee have not been deposited by the appellant. Appellant is directed to deposit the same within a week thereafter notices be issued to the respondents for written reply/comments for 28.03.2017 before S.B.

ASHFAQUE TAJ MEMBER 24:10.2016

Counsel for the appellant present. Preliminary arguments partly heard and case file perused. Since the matter required further elucidation, therefore pre-admission notice be issued to the learned AAG to assist the Tribunal on the point of limitation. To come up for further preliminary hearing on 15.12.2016 before S.B.

(PIR BAKHSH SHAH) MEMBER

15.12.2016

Counsel for the appellant and Addl. AG for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned for preliminary hearing to 27.12.2016 before S.B.

Chairman

27.12.2016

Clerk to counsel for the appellant and Assistant AG for respondents present. Clerk to counsel for the appellant requested for adjournment. To come up for preliminary hearing on 24.01.2017 before S.B.

Ch**aj**rndan

Form- A FORM OF ORDER SHEET

Court of			_
		* 5	
Case No	1029/2016	 	

	Case No.	1029/2016
S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1 .	.2	3
1	05/10/2016	The appeal of Mr. Usman Khan resubmitted today by Mr. Muhammad Nawaz Khan Advocate may be entered in the
		Institution Register and put up to the Learned Member for
		proper order please.
		REGISTRAR
2-		This case is entrusted to S. Bench for preliminary hearing to be put up there on $24 - 10 - 16$
	-6	MEMBER
-		
	, le	

The appeal of Mr. Usman Khan son of Kamin Khan r/o Mohallah Bhatai Korana Village Hathain Batkhela Distt. Mardan received today i.e. on 04.10.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexure-H of the appeal is incomplete which may be completed.
- 2- Annexures of the appeal may be attested.
- 3- Copy of rejection order of departmental appeal mentioned in the memo of appeal is not attached with the appeal which may be placed on it. Annexure-N is the comments of respondent No. 3 but not a rejection order of departmental appeal.

No. 1641 JS.T,
Dt. 4/10 J2016

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

PESHAWAR. Mr. Muhammad Nawaz Khan Adv. Pesh. H was wrongly

14 contains a single

100 2535-38/4/3 E.T

MW NO- 2535-38/4/3 E.T 10.2014, as wentioned all the appeal. An warm page No. 21.

No. 7 of main der page No. 21.

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The Short Coming is quelified.

The annexers are allested unpliance.

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the statury time periodice go days for which the appellant waited hence the instant appeal. Submitted for your's kind Perus al and proble Tribunal before the Months of plille. Registrar Tribunal

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

In Re S.A /029 /2016

Usman Khan

VERSUS

Govt of K.P.K and others

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Dated: 01/10/2016

Through

Appellant

Mohammad Nawaz Khan

Advocate High Court

Peshawar.

Contact: 0300-5938073,

0313-9117973

Off Add: TF-216, Third Floor Deans Trade Centre, Peshawar Cantt.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 1039

Khyber Pakhtukhwa Service Tribanal

Diary No. 1036

Dated 04-10-20/K

Usman Khan S/o Kamin Khan R/o Mohallah Bhatai Korona Village Hathain Batkhela, District Mardan.

......(Appellant)

VERSUS

- 1. Secretary to Govt; of K.P.K Food Department, Civil Secretariat Peshawar.
- 2. Director (Food) K.P.K Food Department Peshawar.
- 3. Dv: Director (A&C). K.P.K Food Department Peshawar.
- 4. District Food Controller, District Chitral.

......(Respondents)

APPEAL U/S 4 OF K.P.K SERVICE TRIBUNAL ACT- 1974 AGIANST THE IMPUGNED ORDER NO. 2037-PP 1123 DATED 21/04/2015

PRAYERS:

ON ACCEPTANCE OF THE INSTANT APPEAL THE ORDER FOR SETTING ASIDE OF THE IMPUGNED ORDERS AND RE-INSTATMENT OF THE APPELLANT ON HIS SERVICES WITH ALL BACK BENEFITS MAY KINDLY BE PASSED.

Filedto-day

RESPECTFULLY SHEWETH,

The appellant submits as under:-

Re-submitted to day. That the appellant was appointed as Food, Grain-Supervisor (BPS-06) vide order No. 261122-2, ET-542 dated 24/11/2008, on the recommendation of: Selection Departmental Committee. of appointment order is annexed as annexure- "A").

District Chitral as Food Grain, Supervisor, Incharge of PRCs Booni and Kushum.

- 3. That upon his posting at Chitral the appellant assumed the charge of his duty on 08/08/2011, and started his duty as Incharge of PRC, Booni and Kushum at District Chitral. (Copy of charge report is annexed as annexure "B").
- 4. That during the physical verification a number of 689 bags of wheat were found of poor quality lying in old Godown Booni as Talla No. 02, which was reported by the appellant to the respondent No. 04, and the same fact has been mentioned in the charge relinquish report. (Copies of charge relinquish are annexed as annexure "C").
- 5. That upon the report of the appellant the respondent No. 04 constituted a two members inspection Commission Team for the purpose to conduct Physical verification of wheat at FR centre Booni and Kushum and to submit a detail report regarding stock of wheat and other dead Articles, within seven days. (Copy of letter is annexed as annexure "D").
- -6. That the respondent No. 04 did not wait till the report of the inspection Commission nor allowed them to inspect the proposed centre, rather imposed the responsibilities on appellant and directed him to deposit the Govt. dues as cost of substandard /damaged Articles vide Letters 1560/Usman dated 06/06/2014, Letter No. 1553/Usman dated 06/06/2014 and Letter No. 1591/Usman FGS, dated 10/06/2014. (Copies reference letters are annexed as annexures "E,F & G", Positively).
- 7. That the Respondent No. 04 issued an office order No. 2535-39/4/3-ET dated 02/10/2014, whereby Riaz Ahmad

Food grain Supervisor Incharge PR Centre Mulkoh was directed to take-over the charge of PR Centres, Booni and Kushum from the appellant, and the appellant was verbally informed that he will be assigned the charge of his duty Later on. (Copy of office order is annexed as annexure "H").

- 8. That the respondent No. 02 attempted to impose the responsibilities for the poor quality and sub-standard Articles lying in the Gowdown upon the appellant and asked him to deposit the dues as cost of damaged Articles in the Govt. Treasury without any probe into the matter, being the off-springs of rough weather and poor storage system.
- 9. That upon the request of the Respondent No. 4 the Respondent No. 02 issued a "Show Cause Notice" vide order No. 6533/PF-11123 dated 06/11/2014, whereby the appellant was charged for Embezzlement and a Major Penalty i.e Removal from service under Rule- (4) (b) (iii) Efficiency and Disciplinary Rules 1973 amended / Revised-2011 was tentatively imposed upon the Appellant without any inquiry. (Copy of Show Cause Notice is annexed as annexure "I").
- 10. That while waiting for his further posting, the appellant filed an application before respondent No. 02 requesting for further postings, opportunity for personal hearings, about the alleged allegations and also for further promotion on the basis of seniority. (Copy of application dated 14/06/2016 is annexed as annexure "J").
- opportunity for personal hearings the respondent No. 04 informed the appellant through Letter No. 3558/PF-1123 dated 23/06/2016 about passing of the impugned order No. 2037/PP-1123 dated 21/04/2015, whereby the appellant was removed from his services without

fulfilling the legal/codal formalities. (Copies of impugned orders are annexed as annexure "K & L").

- 12.That on receipt of the refusal Letter No. 3558/PF-1123 dated 23/06/2016 and impugned order, the appellant preferred the departmental appeal before respondent No. 01 but the same was turned down vide Letter No. 3914/PF-1123 dated 21/07/2016. (Copies of departmental appeal and rejection order are annexed as annexure "M&N").
- 13. That the order of rejection was communicated to the appellant through postal services, which was received by the father of the appellant while the appellant was not available at his home station who was engaged in connection of Tableegh for 40 days w.e.f 25/07/2016 to 05/09/2016 and got knowledge on his return on 06/09/2016.

Now having been aggrieved with the impugned order and order of rejection of departmental appeal. The appellant has got no option but to file the instant appeal on the following grounds inter-alia:

GROUNDS:-

- A. That the impugned is passed in haste and cursory manner without fulfilling the legal/Codal formalities which is illegal and without lawful authority, hence liable to be set aside.
- B. That the impugned order is against the principles of natural justice because no opportunity of personal hearings was given to the appellant to defend his cause.
- C. That the alleged damages caused by the appellant is totally wrong because the same is the result of poor storage system and rough weather which was properly reported to the respondent No. 4 by the appellant.

- D. That the allegation of Embezzlement needs justification which is wrong, baseless and concocted, further the alleged recovery from the appellant is also wrong, misstated and fabricated as no such recovery is effected from the appellant rather the respondent No. 04 sold-out the damaged Articles and sale proceeds there-off were deposited and wrongly showed as recovery from the appellant.
- E. That the impugned order is passed with malafide intension and ulterior motives because the respondent No. 4 being incharge officer has never recommended the imposition of major penalty upon the appellant, to the respondent No. 2 who issued the impugned order.
- F. That the impugned order is not maintainable because the same was kept concealed and even the appellant was kept in dark. The same was communicated to the appellant when he requested for his further posting.
- G. That no full-fledged inquiry has been conducted before issuing the impugned order even the respondent No. 4 did not bother to wait for the detail report of inspection commission.
- H. That as stated above the matter was reported by the appellant to respondent No. 4 and he was informed about the damaged and un-serviceable condition of some bags of wheat and other Articles lying in the Gowdown.
- I. That the allegations of embezzlement on the part of appellant are questionable because nothing has been detected as short, rather a quantity of about 689 bags of wheat were lying in poor and damaged condition in the Gowdown due to rough weather.

K. That the impugned order is not maintainable, passed in haste, without lawful authority and is liable to be set aside, needs interference of this Hon'ble Tribunal, hence the instant appeal.

It is, therefore, most humbly prayed that on acceptance of the instant appeal the order for the setting-aside the impugned orders and re-instatement of the appellant on his services with all back benefits may kindly be passed.

Dated: 01/10/2016

Appellant

(Usman Khan)

" A ON

Mohammad Nawaz Khan

 \mathcal{E}_{i}

Ihsan Ur Rehman

Advocates ~

Peshawar High Court Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

In Re S.A _____/2016

Usman Khan

VERSUS

Govt of K.P.K and others

AFFIDAVIT

I, Usman Khan S/o Kamin Khan R/o Mohallah Bhatai Korona Village Hathain Batkhela, District Mardan, do hereby solemnly affirm and declare that all the contents of the accompanied appeal are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Hon'ble Tribunal.

DEPONENT.

Identified the mante

Mohammad Nawaz Khan

Advocate High Court

Peshawar.

Commissione & Co

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

In Re S.A /2016

Usman Khan

VERSUS

Govt of K.P.K and others

ADDRESSES OF PARTIES

APPELLANT.

Usman Khan S/o Kamin Khan R/o Mohallah Bhatai Korona Village Hathain Batkhela, District Mardan.

ADDRESSES OF RESPONDENTS

- 1. Secretary to Govt; of K.P.K Food Department, Civil Secretariat Peshawar.
- 2. Director (Food) K.P.K Food Department Peshawar.
- 3. Dy: Director (A&C). K.P.K Food Department Peshawar.
- 4. District Food Controller, District Chitral.

Dated: 01/10/2016

Through

Mohammad Nawaz Khan

Advocate High Court

Peshawar.

Contact: 0300-5938073,

. 0313-9117973

Innourc -FOOD DIRECTORATE, NWFP, PESHAWAR...



No 2611 21/ET-542

Dated 24/11/2008

APPOINTMENT OFFER

On the recommendation of Departmental Selection Committee of Food Directorate NWFP Peshawar, Usman Khan S/O Kameen Khan Mohallah Bhatai Korona V& Post Office hathian Batkhela Mardan is hereby offered a temporary post of Food grain Supervisor (BPS-06) on the following terms & conditions:-

His employment in the Food Department would be purely on temporary basis.

His services will be subject to Medical fitness for Government service. He produce Medical intress certificate from the Medical

Superintendent/Civil Surgeon of a Government Hospital.

Fle will be governed by the Rules and Regulations issue by the Government from time to time for such category of Government servants to which he oclongs.

His service is not pension able and he will not claim any pension/gratuity for the service rendered by him.

His employment, will be subject to deduction of Benevolent Fund and contributory Provident Fund as required under the policy.

He will join duty at his own expenses.

He shall produce domicile certificate of being a bonafide resident of NWFP.

In case he wishes to resign at any time, one month notice will be necessary or one month pay in liou thereof will have to be forfeited to Government.

If he accepts the post on the above terms and conditions, he should convey his acceptance in writing to the undersigned by 24 /11/2008 and produce original domicile and academic qualifications certificates as well as character certificate from two respectable persons not being his relatives who are will acquainted with him.

The appointment offer will be cancelled if no reply is received or the candidate

failed to respond by the due date.

DIREC

PESHAWAR.

Dated 34 /11/2008

E.No. 26422-24/ET-542

Copy forwarded to :-

The P.S. to Minister Food, NWFP for information of the Minister Food, NWFP.

The P.S. to Secretary Food, NWFP for information of the Secretary Food, NWFP.

Usman Khan S/O Kameen KhanMohallah Bhatai Korona V& Post Office Hathian Batkhela Mardan for information & compliance.

Allested

PESHAWAR

AND SERVED

ET-542 Appointment offer Usmman khan as FGS 06-11-2008

PGS (10) Ga Annexure - B 19/10/00/16/2 V. 6/3 -5/1/2/6 11 PR (3) 01-8, 2110606 e (1) 21/2/26 cm 234100 = 2541 = 8 = 30130 m 200 254/10 - 2541 8 -8 01, While (4) NLC NIC = 6, 2 cm (wistinged) 245800 = 2458 = 1 & PRC (1) S.300 = 83 End (15) La () 254100 =2541 - CW Casp وإرح رهدرن M Son son Janes De Son 13,00/13 (Le)

DAILY GODOWN STATEMENT OF WHEAT. GS&PDAWFP.--579---Food---200 Registers---21.2.2005... NAME OF GODOWN PR. CENTRE, Register F.G. Receipts Serial Date Brief particulars of Issues Balance Receipt No. of F.G. 1 or F.G.11 No. of Bags No. and date of G.S.O. REMARKS No. of Bags No. of Bags Kg. Gm. or Transfer Note Kg. Gm. ΪΚġ, Gm.

12 Ple =0 lv, 200) 4198 while a 6/6) cm NIL 60216 66236 1 2 au 1 Com 16 66 4 8/8/018 Auntal

3 26 JP1120,000/6005,601 11. 6,00 SP 111 B. 2010) 1, 1 3 ms, -w, (2) 136 138.301 (3) JUDUBS, JULY 1) Sint of Fell of Confidences Silver a an inpalie, 142+2+5+10+20+50+50=911 3)14 / Depole (11) 118

Annows. CHARGE REPORT OF SOUND INHEAT PRC BOON! LAYING PHY81CARLY AVAILABLE ON GROUND in Compliance with the order of Wasthy DRE clival No. 2535-39/4/3/Ex daled and oct 2014. 9, Riaz Shined Food Grain Supervisor, ARC Boomi Took over the chanage of social Wheat from Mr. Usman Khan (Egs) Today dated! 20-10-2014 as per following defail! (1) Book balance on 20/10 = 2096-2116/3 Ground balance -de = 1177-116380 = 919-45233 919 - 95233 (11) out of above tonlance 919 tongs 1-e-95233 kg a quantiful 4-230-23000 1C5 Poor Quali & Wheat Calmady Reported for The Then Ras MR. Usmay Khan is laying spelled in old Godawns in his own disposal as per your Nertal Instruction = 230 - 23000 (111-) Actual difference aging Mr. Usanan Khan KGS () =689-72233

Break up of Sound Wheat 1-e- 1177 boigs - 116380 KG 1) New Godown Talla No. 1 = 779-7826: (ii) do- do- do No. 2 = 246-2471. iii) Old Godawa Talla No. [= 152-1339] TATAL STONC Taken in to charge =1177-11638 Sir, Sofar as Ground foolance 1177 logs 1-e-116380 KG is Concerned 28 is Suformalie That out of the above Ground forlance a guar & of 152 longs 1-e- 13397/c Us also Sufor Standered and the Consum. Can be reject to povehase the del When one required to be declared as poor gede Z. your kind honour is request to Anduct Jengury in to the matters Why this Store is foring under Sub-Standered So the 18sie Could be Si once for all Sir, Charge Report & Sutomitted Plz CHARGE TAREOL CHARGE HANDED OVER USMAN KHAAN) AULITA EGS PRO BOOM,

. GS&PD, NWFP, -- 579 -- Force Stepisters .- 21.2.2005 DAILY GODOWN STATEMENT OF WHEAT. Register Fo NAME OF GODOWN P.R. CENTRE, actoher 2014 Receipts Issues Serial I Brief particulars of Date Balance Receipt No. of F.G. 1 No. REMARKS. or F.G.11 No. and date : G.S.O. No. of Bags No. of Bags No. of Bags or Transfe lote Kg. Ka. Gm. Kg. AUG (A) Book tonlance on 20 10 (AN) = 2096-211613 GROUND BOT OF SOUND WHEAT TAKEN INTO CHARGE FROM MR. USMAN KHAN: F4S ON 2010. 1/6384 CI BAKANGE 95233 Par Qual & alrander Seported for MR- Usman which is also MARCHAN POON! Ar , DON'S BOON! Ar , DON'S PROPERTY POON IN BOON! laying in his own Alsposal in old godawn Booni a 023000 MR. JS MAIN 1595



OFFICE OF THE DISTRICT FOOD CONTROLLER CHITRAL

OFFICE ORDER.

In order to have the factual position of stock of wheat, Mr.Arshad Hussain Assistant Food Controller Mastuj and Mr.Riaz Ahmad Foodgrian Inspector are hereby constituted to conduct physical verification of wheat at PR Centre Booni and Kushum. They are directed to submit their authentic report regarding stock of wheat and other dead articles to the undersigned within seven days positively.

District Food Controller, Chitral.

No. 1093-99 /1/1-AC,

Dated Chitral the

*16 |*04/2014.

Forwarded to:-

1. The Director Food Khyber Pakhtunkhwa Peshawar for information, please.

2. PS to Minister Food Khyber Pakhtunkhwa for information of the Minister Food.

- 3. PS to Secretary Food for information of the Hon'able Secretary Food Government of Khyber Pakhtunkhwa.
- 4. The Assistant Director Food Malakand Division at Swat for information.
- 5. Mr. Arshad Hussain AFC Sub Division Mastuj for information.
- 6. Mr. Riaz Ahmad Foodgrain Inspector for information.

Allested

7. Mr.Usman Khan Foodgrain Supervisor inhearge PRC Booni & Kushum for information & necessary action.

Distrib Food Controller P Chitral.

Office order-II



	(20) a Annound	5
	18	
OFFICE OF THE D	ISTRICT FOOD CONTROLLER CHITRAL	
No. 1560 Alsman	FOOD CONTROLLER CHITRAL	
To, Usman	Khan. Dated Chitral the 6/96/2004.	
Mr. Usman Khan Incharge PRC Bo	FGS,	
BUT RC BO	on/Kushum.	
Subject: - DEPARTMENT		•
NOC.	AL PROMOTION COMMITTEE MEETING /	
Memo:	- MEBTING!	٠.
Reference Dinger		
cncuiry-20:4, dated 04/06/2014	and subsequent telephonic message of D.	
Directorate on 05/06/2014	r Food Khyber Pakhtunkhwa letter No.3491/ET-660- and subsequent telephonic message of Director Food y Mr. Faiak Naz Assistant Establishment Branch Food	Ť.
	Branch Food	` .
You are hereby dire	sected to deposit the Government dues into Government 4 positively, other wise case will be formed to the formed	
Directorate for onward submission	sected to deposit the Government dues into Government positively, other wise case will be forwarded to Food to the Director Anti Corruption Establish	` . j
your promotion will be stopped till o	4 positively, other wise case will be forwarded to Food to the Director Anti Corruption Establishment and clearance of Government dues.	
Matter may be saved	dues.	
Matter may be treated	most important.	
	7 District Food Controller	
io.1561-65	Chitral.	
10.1567-65 /Usman Khan	Dated Chitral the	
Copy forwarded to:-		
1. The Director Food While		
2. PS to A Grant Tood Rhyber	Pakhtunkhwa Peshawar for information with	
the Hon able Secretary Food	r.Paklitinkhwa for information, please. rimner of Khidi se Fulklitinkh for information of	
information	Malakand Division at Saidu Cl. 10-	
5. Assistant Food Controller M.	astuj at Booni with the direction to ensure the	nj. 1
Usman Khan FGS Inches	lastuj at Booni with the direction to ensure the equantity into Government treasury by Mr.	1
ob menarge P	PRC Booni/Kushum with in one weak positively.	/
	District Rood Controller	
	District Rood Controller,	
	Youran.	
	the state of the s	7

Usman Khan FGS (retice)-II

Dated Chitral the 16 /06/2014. /Usman Khan FGS, Annexure The Director Food. Khyber Pakhtunkhwa. Peshawar. Subject: Memo: Kindly refer your No.3482/ET-660-Enquiry-2013, dated 04/06/2014 In this connection it is submitted that during physical verification carried out in the current financial year a quantity of 789 bays 78,900 M. Ton wheat valuing Rs.2761500/- was short detected against Mr. Usman Khan FGS / Incharge PR Centres Booni and Kushum. The recovery process immediately started and an amount of Rs.350000/-on account of cost of wheat / empty gunny bags recovered from the official and deposited into Government treasury through proper challan living behind, a balance of Rs.2411500/-. The official was served last notice with the direction to deposit the remaining balance into Government treasury and produce original treasury challan within one weak time, but he was unable to deposit the outstanding amount. A HORSEN RESIDENCE In view of the above facts it is submitted that the case may kindly be forwarded to Director Anti Corruption Establishment Khyber Pakhtunkhwa Peshawar for further necessary action. District Food Controller, Chitral. No. 1592-95 /Usman Khan FGS, /06/2014. Copy forwarded to:-PS to Minister Food Khyber Pakhturkhwa for information. please. PS to Secretary Food Government of Khyber Pakhtunkhwa for information of the Hon'able Secretary Food. The Assistant Director Food Malakand Division at Saidu Sharif Swat for information. Assistant Food Controller Mastuj at Booni for information and necessary District Food Controlle Chitral. . Allert Urinan Khan 1/05 09.66.2014

Amexule H

OFFICE OF THE DISTRICT FOOD CONTROLLER CHITRAL OFFICE ORDER.

Mr. Riaz Anmad Foodgrain Supervisor Incharge PR Centre Mulkol; is hereby directed to take over the charge of PR Centres Booni & Kushum from Mr. Usman Khan Foodgrain Supervisor in addition to his own with immediate effect. Charge Report

No. 2535-39 /4/3-ET.

Dated Chitral the 62 /10/2014.

Forwarded to:-

The Director Food Khyber Pakhrunkhwa Peshawar for information, please. ì 81 The Papers ŝ.

The Assistant Director Food Malakand Division at Saidu Sharif Swat.

Assistant Food Controller Incharge Sub Division Mastry for information with reference to his proposal dated 02/10/2014. He is directed to supervise the handing / taking over charge of PR Centres mentioned above.

Officials concerned for information and necessary action.

Chitra!

Office order Coman & Rinz

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AL N

o Habi



FOOD DIRECTORATE
KHYBER PAKHTUNKHWA,
PESHAWAR

6533 /PF-11123

Dated 06/1/2014



SHOW CAUSE NOTICE

1 Muhammad Anwar Khan Director Food Khyber Pakhtunkhwa being competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve Mr. Usman Khan Foodgrain Supervisor Incharge of PRCs Booni and Kushum at District Chitral as follows:

- a) The District Food Controller, Chitral reported vide letters No.1554-58/Usman Khan dated 06-06-2014, No. No.1561-65/Usman Khan dated 06-06-2014. No.1591/Usman Khan FGS, dated 10-06-2014 and office order No.2535-39/4/3-ET, dated 02-10-2014 (copy enclosed) that during physical verification carried out in the current financial year a quantity of 789 bags (78.9) M. Tons wheat valuing Rs.2761500/ was short detected against Mr. Usman Khan Foodgrain Supervisor Incharge Provincial Reserve Centres Booni and Kushum. An amount of Rs.350000/ on account of cost of wheat/ empty gunny bags has been recovered from you and deposited into Government treasury through proper Challan leaving behind, a balance of Rs.2411500/- You were served last notice by the DFC Chitral with the direction to deposit the remaining balance into Government treasury and produce Original treasury Challan within one weak time, but you have failed to deposit the outstanding amount.
- b) The District Food Controller Chitral has worked out the cost of wheat on the basis of issue price ie. 3500 per bags however the landed cost of the embezzled quantity at the present rate comes out to be Rs.3.353 Million out of which the accused has deposited Rs.0.35 Millions while Rs.3.003 Millions are still outstanding against you.

On going through the material on record provided by the DFC Chitral, I am satisfied that you have committed the above atc/omissions specified in rule-3 of the said rules.

- 2. As a result thereof, the under signed being competent authority, have tentatively decided to impose upon you the <u>Major Penalty ie. Removal from Service under rule</u> (4) (b) (iii) Efficiency & Discipline Rules 1973 amended / revised 2011.
- 3. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
- 4. If no reply to this notice is received with in seven days, it shall be presumed that you have no reply to put in your defence and in that case an ex-parte action shall be taken against you.

DIRECTOR FOOD KHYBERTAKHTUNKHWA PESHAWAR

Show Cause Notice E&D Rules Usman h

Rivert



Annexure- J

The Director Food, Khyber Pakhtunkhwa Peshawar

Subject:- CHARGE REPORT/PERSONAL HEARING.

Respected Sir,

With due respect and humble submission I beg to sny that I handed over the charge of the post of Foodgrain Supervisor Booni on 20.10.2014 but unfortunately my further posting is awaited till date. My personal hearing about the said charge report is also awaited.

It is therefore requested to kindly post me and also kindly promote me on my due seniority position.

Thanks.

Yours obedient Servant

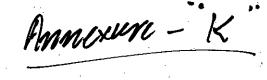
(USMAN KHAN)
Foodgrain Supervisor,

Booni.

App-13.06.2016









KHYBER PAKHTUN KHWA, PESHAWAR

FOOD DIRECTORATE

No 3558 /PF-1123

Dated 23 / 06 /2018

To.

Mr. Usman Khan Ex-Foodgrain Supervisor

Office of District Food Controller,

Chitral

Subject-:

CHARGE REPORT/PERSONAL HEARING.

Reference your application dated 13-06-2016 on the subject noted above

You have already been removed from service vide Food Directorate Office Order No. 2037/PF-1123 dated 21-04-2015, on account of embezzlement/misappropriation of 789 bags (78.9 Tons wheat costing Rs.3.003 Millions, (copy of removal order) senctored

DIRECTOR FOOD KHYBER PAKHUTNKHWA, PESHAWAR.

Endorsement No. & Date Even

Alustad

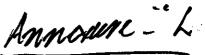
Antacianna

Copy is forwarded to

- 1) The Assistant Director Food Malakand Division at Saidu Sharif Swat for information and necessary action..
- 2) The Director Anti Corruption Establishment Khyber Pakhtunkhwa for information with reference to this Directorate letter No.5817/PF-1123 dated 16-10-2014 (Copy enclosed). He is requested to investigate the matter for affecting complete recovery from the ex-Official so as to save the Government exchaquer from sustaining huge financial loss.
- The Circle Officer Anti-Corruption Establishment Chitral for information & necessary action.

4) The District Food Controller Chitral for information and necessary action.

DIRECTOR FOOD KIIYBER PAKIUTNKIIWA, PESIIAWAR.



OFFICE ORDER

FOOD DIRECTORATE, KHYBER PAKHTUNKHWA PESHAWAR

037 7117-1123

Dated 21 10/2015

Where as the District Food Controller, Chitral reported vide letters No.1554-58/Usman Khan dated 06-06-2014, No.1561-65/Usman Khan dated 06-06-2014. No.1591/Usman Khan FGS, dated 10-06-2014 and office order No.2535-39/4/3-ET, dated 02-10-2014 (copy enclosed) that during physical verification a quantity of 789 bags (78.9) M. Tons wheat valuing Rs.2.76 Million was short detected against Mr. Usman Khan Foodgrain Supervisor Incharge Provincial Reserve Centres Booni and Kushum. An amount of Rs.350000/ on account of cost of wheat/ empty guinny bags has been recovered from the official and deposited into Government treasury through proper Challan leaving behind, a balance of Rs.2411500/-. He was upon with notice by the DFC Chitral to deposit the remaining balance into Government treasury and produce Original treasury Challan, but he have failed to deposit the outstanding amount.

- The District Food Controller Chitral has worked out the cost of wheat on the basis of issue price ie. 3500 per bags however the landed cost of the embezzled quantity comes out to be Rs.3.353 Million out of which the accused has deposited Rs.0.35 Millions while Rs.3.003 Millions are still outstanding against you.
- Mr. Usman Khan Foodgrain Inspector (incharge of PRC Booni & Kushum Chitral) was served with Show Cause Notice vide Food Directorate letter No. 6533/PF-1123 dated 06-11-2014, No. 6793/PF-1039 dated 21-11-2014 and No. 1258/PF-1039 dated 27-02-2015, for appearance before the competent authority along with reply to the Show Cause Notice for personal hearing on 19-03-2015 to proceed further but he not only failed to appear before the authority to be heard in person, depositing the outstanding amount but, rather absented himself from the office.
- After full consideration of the case, the said official is held responsible for embezzlement/ misappropriation of789 bags (78.9 Tons wheat costing Rs.3.003 Millions, ill discipline and hereby awarded the major penalty of removal from service with immediate effect.

The embezzlement / misapprofination quantity which are atill posstanding against him will be recovered from his moveable / immoveable property as per Rules.

> DORECTOR FOOL KHYTER PAKHTUNKHWA, PESHAWAR

Aud MEndstt: of even No & Date

Copy is forwarded to:-.

The Deputy Commissioner Chitral.

The Director Anti-Corruption Establishment Khyber Pakhtunkhwa Peshawar.

The District Accounts Officer Chitral.

The District Revenue Officer Chitral The Assistant Director Food Malakand Division at Saidu Sharif Swat.

The Circle Officer Anti-Corruption Establishment Chitral.

The District Food Controller Chitral.

Mr. Usman Khan FGS Chitral.

Personal File.

DIRECTOR FOOD KHYBER PAKHTUNKHWA, PESHAWAR

Office Order for removal from service Usman Khan FGS dated 19-03 (2015,doc

NO 12212.

pb (29)

Annexuse : M

To,

The Seceratory

Food Directorate Knyber Pakhtun Khwa Peshawar.

Sub:

Departmental Appeal against the order Dt: 21-04-2015, which is commicated to Petitioner through letter no. 3558/PF/1123 Dt: 23-06-2016, will which the petitioner was removed from service which against law and facts and liable to be set aside and petitioner may kindly be reinstated in service with all back benifits.

R/S ir,

1. That the petitioner was appointed as Food Grain Supervisor (FSS) BF-6 on 24-11-2008.

(Copy attached)

That petitioner has performed his duty with full devotion and entire satisfiction of his superior.

That petitioner was removed from service without any cogent reasons.

(Copy of removal order attached)

That the petitioner was not provided the appartunity of personal hearing.

That being new and fresh cummer full charge was



- 6. That the allegation of embezzlement/missappropriation are not correct because petitioner already returned/deposited Rs.0.35 million to government.
- 7. That the major penalty of removal from service of petitioner vide order dated 21-04-2015, is illegal against law and facts and cliable to be setwaside on the following grounds.

GROUNDS:-

- A. Because petitioner is innocent and falsly implicated for the allegation of embezzlement/
- B. Because the short detection of wheet was due to weather condition automaticaly hapends.
 - Because the poor people of the locality borrow

 Some quantity from the petitioner and now

 petitioner is ready to recover that amount on

 his personal efforts and deposited with government.

Because petitioner already deposited Rs.0.35 millions outstanding amount.

Because petitioner was not provided the opportunity of personal hearing.

Because petitioner is poor person and sol@ bread earner of his family.





G. Because petitioner has no other source of income and if the departmental appeal of petitioner is not accepted the petitioner and his family will supper irreparable loss.

It is therefore, numbly requested, that the petitioner may kindly be reinstated in service with the back benifits and the removal order dated 21-04-2015 may kindly be set-sside.

Dated: 01-07-2016

Your's Sincearly

Usman Khan (FGS) S/O

Kameen Khan R/O Mohallah
Ehatai Koorona V & P/O
Hathyan Mardan.
Cell No. 0345-9374499
0300-9014044





FOOD DIRECTORATE KHYBER PAKHTUN KHWA **PESHAWAR**

Annexure - A

No 3914 /PF-1123

Dated 2 / 67 /2016

The Section Officer Food Government of Khyber Pakhtunkhwa, Food Department Peshawar.

Subject-:

APPEAL AGAINST THE ORDER DATED 21-04-2015, WHICH COMMUNICATED TO PETITIONER THROUGH LETTER NO. 3558/PF-1123 DATED 23-06-2016 VIDE WHICH THE PETITIONER WAS REMOVED FROM SERVICE WHICH IF AGAINST LAW AND FACTS AND LIABLE TO BE SET ASIDE AND PETITIONER M KINDLY BE REINSTATED IN SERVICE WITH ALL BACK BENEFITS.

Reference your letter No. SOF/1-6/2010/2823 dated 14-07-2016, on the subject noted above.

Para wise comments on appeal of Mr. Usman Khan Ex-Foodgrain Supervisor are as under:-

- 1. Mr. Usman Khan was appointed as Foodgrain Supervisor (BS-06) vide Food Directorate office order No. 27336/ET-542 dated 28-11-2008 and posted in DFC office Chitral against the vacant post of Foodgrain Supervisor.
- 2. District Food Controller, Chitral reported vide letters No.1554-58/Usman Khan dated 06-06-2014, No. No.1561-65/Usman Khan dated 06-06-2014. No.1591/Usman Khan FGS, dated 10-06-2014 and office order No.2535-39/4/3-ET, dated 02-10-2014 (copy enclosed) that during physical verification a quantity of 789 bags (78.9) M. Tons wheat valuing Rs.2.76 Million was short detected against Mr. Usman Khan Foodgrain Supervisor Incharge Provincial Reserve Centres Booni and Kushum. An amount of Rs.350000/ on account of cost of wheat/ empty gunny bags has been recovered from the official and deposited into Government treasury through proper Challan leaving behind, a balance of Rs.2411500/-.He was served upon with notice by the DFC Chitral to deposit the remaining balance into Government treasury and produce Original treasury Challan, but he has failed to deposit the outstanding amount.

The District Food Controller Chitral had worked out the cost of wheat on the basis of issue price ie. 3500 per bags however the landed cost of the embezzled quantity comes out to be Rs.3.353 Million out of which the appellant has deposited Rs.0.35 Millions while Rs.3.003 Millions are still outstanding against him.

The appellant ex- Incharge of PRC Boonj & Kushum Chitral was served with Show Cause Notice vide Food Directorate letter No. 6533/PF-1123 dated 06-11-2014, No. 6793/PF-1039 dated 21-11-2014 and No. 1258/PF-1039 dated 27-02-2015, for appearance before the competent authority along with reply to the Show Cause Notice for personal hearing on 19-03-2015 to proceed further but he not only failed to appear before the authority to be heard in person, depositing the outstanding amount but rather absented himself from the office till removal from Service.

The appellant was held responsible for embezzlement/ misappropriation of789 bags (78.9 Tons wheat costing Rs.3.003 Millions, ill discipline and hereby awarded the major penalty of removal from service with immediate effect vide Food Directorate, Office Order No. 2037/PF-1123 dated 21-04-2015.

The embezzlement / misappropriation quantity which are still outstanding against him will be recovered from his moveable / immoveable property as per Rules. Almito

3. As per reply given at Para-02 above.

4. As per reply given at Para-02 above.

PF-1123 Usman Khan FGS dated 21-07-2016.doc





- After appointment as Foodgrain Supervisor and posting as Incharge Provincial Reserve Centres Booni and Kushum Chitrral full charge has been handed over to him. No application regarding handling over incomplete charge of PRCs has been received till date of removal from service.
- As per reply given at Para-02 above
- 7. As per reply given at Para-02 above

Grounds:-

District Food Controller, Chitral reported vide letters No.1554-58/Usman Khan dated 06-06-2014, No. No.1561-65/Usman Khan dated 06-06-2014. No.1591/Usman Khan FGS, dated 10-06-2014 and office order No.2535-39/4/3-ET, dated 02-10-2014 (copy enclosed) that during physical verification a quantity of 789 bags (78.9) M. Tons wheat valuing Rs.2.76 Million was short detected against Mr. Usman Khan Foodgrain Supervisor Incharge Provincial Reserve Centres Booni and Kushum. An amount of Rs.350000/ on account of cost of wheat/ empty gunny bags has been recovered from the official and deposited into Government treasury through proper Challan leaving behind, a balance of Rs.2411500/-. He was upon with notice by the DFC Chitral to deposit the remaining balance into Government treasury and produce Original treasury Challan, but he has failed to deposit the outstanding amount.

The District Food Controller Chitral was worked out the cost of wheat on the basis of issue price ie. 3500 per bags however the landed cost of the embezzled quantity comes out to be Rs.3.353 Million out of which the appellant has deposited Rs.0.35 Millions while Rs.3.003 Millions are still outstanding against him

- B. As per reply given at Para-A above.
- C. No Comments.
- D. As per reply given at Para-A above
- E. The appellant ex-Incharge of PRC Booni & Kushum Chitral was served with Show Cause Notice vide Food Directorate letter No. 6533/PF-1123 dated 06-11-2014, No. 6793/PF-1039 dated 21-11-2014 and No. 1258/PF-1039 dated 27-02-2015, for appearance before the competent authority along with reply to the Show Cause Notice for personal hearing on 19-03-2015 to proceed further but he not only failed to appear before the authority to be heard in person, depositing the outstanding amount but rather absented himself from the office till date removal from Service
- No Comments.
- No Comments.

The appeal being devoid of merit/ time barred may therefore be dismissed / rejected please

DEPUTY DIRECTOR FOOD (A&C) KHYBER PAKHUTNKHWA, PESHAWAR.

Endorsement No. & Date Even

The Assistant Director Food Malakand Division at Saidu Sharif Swat.

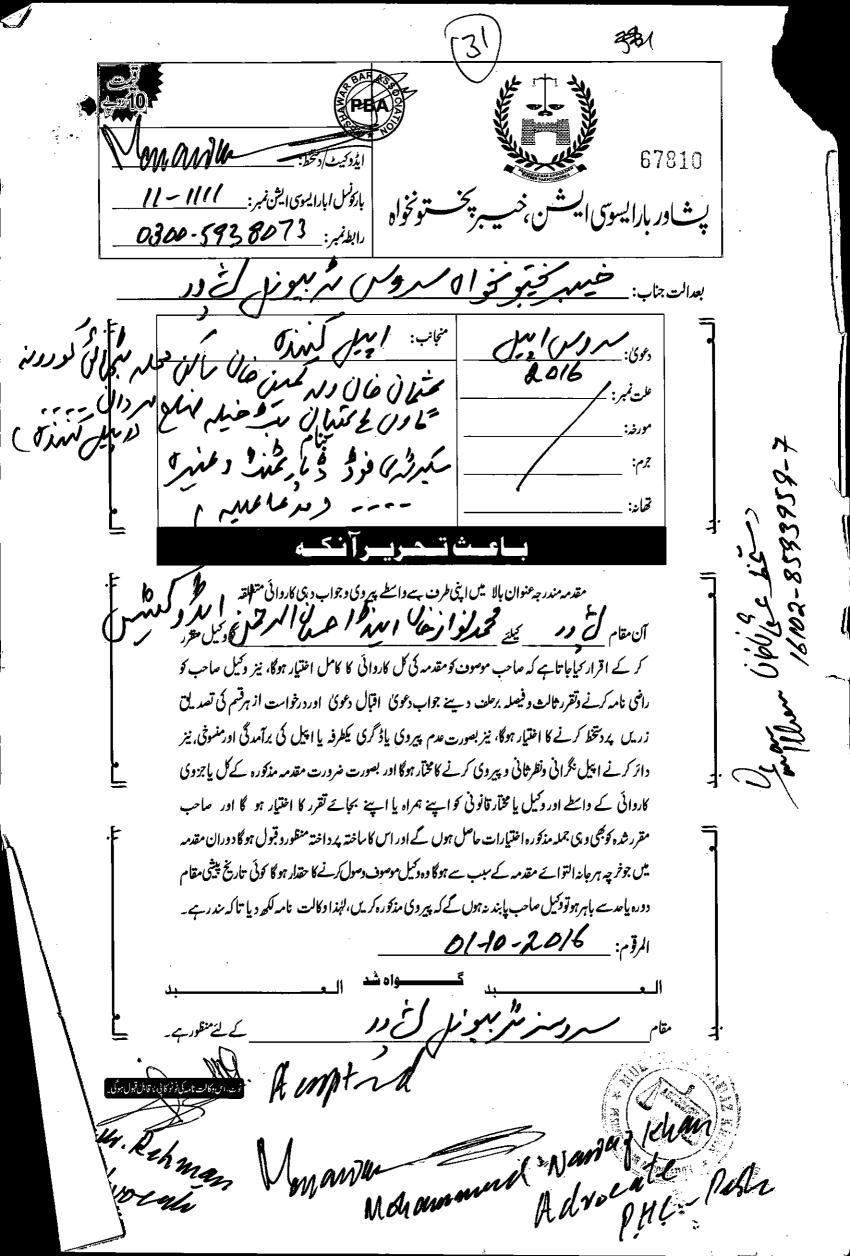
The District Food Controller, Chitral

Mr. Usman Khan Ex-Foodgrain Supervisor S/O Kameen Khan Resident Mohallah Bhatai Koorona Village & Post Office Hathyan Mardan.

Riluta

PF-1123 Usman Khan FGS dated 21-07-2016.doc

DEPUTY DIRECTOR FOOD (A&C) KHYBER PAKHUTNKHWA, PESHAWAR.



BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.APPEAL NO.1029/2016

Usman Khan S/O Kamin Khan R/O Mohallah Bhatai Korona Village Hathain Batkhela, District Mardan

Appellant

Versus

Secretary Food,
Government of Khyber Pakhtunkhwa,
Food Department, Peshawar.

Respondents

- Director Food,Government of Khyber PakhtunkhwaPeshawar.
- Deputy Director Food (A&C)
 Khyber Pakhtunkhwa, Peshawar.
- 4 District Food Controller Chitral.

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Preliminary Objections

Ø

- 1. The appellant being a civil servant is subject to certain rules / regulations and necessary proceedings under the Khyber Pakhtunkhwa Government servants (Efficiency and Discipline) Rules, 2011 have been justly and fairly undertaken against him.
- 2. The appellant has twisted the facts with an ambitious attempt to mislead this Hon'able Tribunal and pre-empt / avert the clutches of law.
- 3. The appellant has neither got locus-standi nor has he come to this Hon'able Tribunal with clean hands.
- 4. The instant appeal is not maintainable in its present form.
- 5. The appellant is estopped by his own conduct to file this appeal.
- 6. The appeal is based on malafide and ulterior motive.
- 7. That the appellant has no cause of action

RESPECTFULLY SHEWETH: ON FACTS:

1. Mr. Usman Khan was appointed as FGS (BS-06) vide Director Food Khyber Pakhtunkhwa, office order No. 261121/ET-542 dated 24-11-2008 in Food Department / Food Directorate Khyber Pakhtunkhwa, Peshawar and initially he was posted in the office of District Food Controller, Chitral vide Director Food Khyber Pakhtunkhwa Office Order bearing No. 27336/ET-542 dated 28-11-2008. (Annex-A) District Food Controller, Chitral reported vide letters No.1554-58/Usman Khan dated 06-06-2014, No. No.1561-65/Usman Khan dated 06-06-2014. No.1591/Usman Khan FGS, dated 10-06-2014 and office order No.2535-39/4/3-ET, dated 02-10-2014 (Annex-B) that during physical verification, a quantity of 789 bags (78.9 M.Tons) wheat valuing Rs.2.76 Million was short detected against Mr. Usman Khan Foodgrain Supervisor Incharge Provincial Reserve Centres Booni and Kushum. An amount of Rs.350000/ on account of cost of wheat/ empty gunny bags had been recovered from the official and deposited into Government treasury through proper Challan leaving behind a balance of Rs.2411500/-.He was served with a notice by the DFC Chitral to deposit the remaining balance into Government treasury and produce Original treasury Challans but he failed to deposit the remaining outstanding amount.

The District Food Controller Chitral had worked out the cost of wheat on the basis of issue price ie. Rs.3500 per bag, however, the total amount including landed cost of the embezzle quantity comes out to be Rs.3.353 Million, out of which, the accused has already deposited Rs.0.35 Million while Rs.3.003 Million are still outstanding against him.

Mr. Usman Khan Foodgrain Inspector was served with a Show Cause Notice vide Food Directorate letter No. 6533/PF-1123 dated 06-11-2014, No. 6793/PF-1039 dated 21-11-2014 and No. 1258/PF-1039 dated 27-02-2015 but he did not submit his reply. Moreover, an opportunity of personal hearing was given to him on 19-03-2015 (Annex-C), but he again failed to appear before the authority to be heard in person. The accused did not submit the remaining outstanding amount of Rs. 3.003 Million rather absented himself from the office. After full consideration of the case, the said Ex-official was held responsible for embezzlement/ misappropriation of 789 bags (78.9 Tons wheat costing Rs.3.003 Millions) & violation of service rules, therefore, the competent authority imposed major penalty of removal from service upon the accused under E&D Rules,2011 with immediate effect vide Food Directorate Office Order No.2037/PF-1123 dated 21-04-2015 and ordering therein recovery of the embezzle / misappropriated quantity still outstanding against him from his moveable / immoveable property as per Rules. (Annex-D)

- 2. Para-02 of the prayer is missing.
- 3. As per reply given at Para-01 above.
- 4. As per reply given at Para-01 above.
- 5. Correct.
- 6. As per reply given at Para-01 above
- 7. As per reply given at Para-01 above
- 8. As per reply given at Para-01 above. Moreover, an application for posting /promotion submitted by the appellant herein dated 14-06-2016, he was informed vide letter No. 3558/PF-1123 dated 23-06-2016 that he had already been removed from service vide Food Directorate Office Order No. 2037/PF-1123 dated 21-04-2015 on account of embezzlement/ misappropriation of 789 bags (78.9 tons wheat costing Rs.3.535 Million, out of which, Rs. 3.003 Million is / was still outstanding against him) on 21-04-2015 (Annex-E).
- 9. As per reply given at Para-01 above.
- 10. As per reply given at Para-01 above.
- 11. As per reply given at Para-08 above.
- 12. On departmental appeal, the decision of the appellate authority was communicated to the appellant herein on his home / postal address.
- 13. Incorrect. As per paras above.

ON GROUNDS

- A. Incorrect. The appellant herein has been treated in accordance with due procedure and relevant laws / rules, as explained at para-01 of the facts.
- B. Incorrect. As explained at para-01 of the facts that an opportunity of personal hearing was given to the appellant herein on 19-03-2015, but he failed to appear before the competent authority (already placed at **Annex-C**).
- C. Incorrect. As per reply given at Para-01 of the facts.

- D. Incorrect. As per reply given at Para-01 of the facts that an amount of Rs. 35, 0000/- on account of cost of wheat / EG Bags has already been recovered from the appellant herein & deposited into Government Treasury through proper Challan.
- E. Incorrect. As per reply given at Para-01 of the facts that the major penalty of removal from service has been imposed by the competent authority under E&D Rules, 2011.
- F. Incorrect. As per reply given at Para-01 of the facts.
- G. Incorrect. As per reply given at Para-01 of the facts that the said major penalty has been imposed by the competent in accordance with due procedure under E&D Rules,2011.
- H. Incorrect. As per reply given at Para-01 of the facts.
- I. Incorrect. As explained at Para-01 of the facts that District Food Controller, Chitral reported vide letters No.1554-58/Usman Khan dated 06-06-2014, No. No.1561-65/Usman Khan dated 06-06-2014. No.1591/Usman Khan FGS, dated 10-06-2014 and office order No.2535-39/4/3-ET, dated 02-10-2014, that during physical verification a quantity of 789 bags (78.9 M. Tons wheat) valuing Rs.2.76 Million was short detected against Mr. Usman Khan Foodgrain Supervisor Incharge Provincial Reserve Centres Booni and Kushum. An amount of Rs.350000/ on account of cost of wheat/ empty gunny bags had been recovered from the official and deposited into Government treasury through proper Challan leaving behind a balance of Rs.2411500/-.He was served with a notice by the DFC Chitral to deposit the remaining balance into Government treasury and produce Original treasury Challan, but he failed to deposit the remaining outstanding amount.

The District Food Controller Chitral had worked out the cost of wheat on the basis of issue price i.e. Rs. 3500 per bag, however, total amount including landed cost of the embezzled quantity comes out to be Rs.3.353 Million, out of which, the accused has deposited Rs.0.35 Million while Rs.3.003 Million are still outstanding against him.

- J. As per replies given at Para-01 of the facts & Para-I of the grounds.
- K. Incorrect. As per reply given at Para-01 of the facts. The appellant herein has very astutely misrepresented the facts to create an impression of being subjected to vindictiveness. It is therefore, humbly prayed that this august Court may graciously dismiss the instant appeal of appellant with cost being devoid of cogent & convincing stand-point.

Secretary Food-cum-Director Food, Khyber Pakhtunkhwa

(Respondents No.01 & 02).

Deputy Director Food (A&C), Khyber Pakhtunkhwa (Respondent No.03)

District Food Controller

Chitral

(Respondent No.04)



FOOD DIRECTORATE, NWFP, PESHAWAR...

Dated 24/11/2008

APPOINTMENT OFFER

On the recommendation of Departmental Selection Committee of Food Directorate NWFP Peshawar, Usman Khan S/O Kameen Khan Mohallah Bhatai Korona V& Post Office hathian Batkhela Mardan is hereby offered a temporary post of Food grain Supervisor (EPS-06) on the following terms & conditions:-

His employment in the Food Department would be purely on temporary basis.

His services will be subject to Medical fitness for Government service. He 11. Medical certificate from Medical and fitness produce Superintendent/Civil Surgeon of a Government Hospital.

He will be governed by the Rules and Regulations issue by the Government from iii. time to time for such category of Government servants to which he belongs.

His service is not pension able and he will not claim any pension/gratuity for the service rendered by him.

His employment will be subject to deduction of Benevolent Fund and contributory ٧. Provident Fund as required under the policy.

He will join duty at his own expenses. νi.

He shall produce domicile certificate of being a bonafide resident of NWFP. vii.

In case he wishes to resign at any time, one month notice will be necessary or one viii. month pay in lieu thereof will have to be forfeited to Government.

- If he accepts the post on the above terms and conditions, he should convey his acceptance in writing to the undersigned by 24/11/2008 and produce original domicile and academic qualifications certificates as well as character certificate from two respectable persons not being his relatives who are will acquainted with him.
- The appointment offer will be cancelled if no reply is received or the candidate failed to respond by the due date.

DIRECTOR FOOD, N.W.F.P.,

PESHAWAR.

Dated 34 /11/2008

E.No. 26/122-24/ET-542

Copy forwarded to :-

The P.S. to Minister Food, NWFP for information of the Minister Food, NWFP.

The P.S. to Secretary Food, NWFP for information of the Secretary Food, NWFP. 2.

Usman Khan S/O Kameen KhanMohallah Bhatai Korona V& Post Office Hathian Batkhela Mardan for information & compliance.

DIRECTOR FOOD

PESHAWAR



FOOD DIRECTORATE, NWFP, PESHAWAR. No. **37336** ___/ET-542

Dated **28**/11/2008

Consequent upon the acceptance of appointment offer bearing No.261121/ ET-542 dated 24-11-2008 and in pursuance of NWFP, Establishment & Administration Department Circular letter No.SOR-VI (E&A)1-13/2005 dated 10-08-2005 Mr. Usman Khan S/O Kameen Khan Mohallah Batti Koroona Village & Post Office Hathian Tehsil Takht Bhai District Mardan is hereby appointed as Foodgrain Supervisor, (BPS-06) on temporary basis on the terms and conditions laid down in his appointment offer referred to above.

- On appointment as Foodgrain Supervisor (BPS-06), he is hereby posted in District Food Controller Office Chitral, against the vacant post.
- He shall be on probation for a period of one year which can be 3. extended subject to his performance as per rules.

DIRECTOR FOOD NWFP, OC PESHAWAR.

Dated 23 /11/2008

Copy forwarded to :-

P.S. to Minister Food for information of the Minister Food, NWFP Peshawar.

P.S. to Secretary Food, NWFP for information of the Secretary Food, NWFPPeshawar.

Accountant General, NWFP, Peshawar.

The District Accounts Officer Chitral DEC chirt sal

NA T The Budget Officer Food Directorate NWFP Peshawar:

The District Food Controller, Chitral.

Mr. Usman Khan S/O Kameen Khan Mohallah Batti Koroona village & Post Office Hathian Tehsil Takht Bhai District Mardan

ET-542/Personal File

DIRECTOR FOOD NWFP, PESHAWAR.

Capt to Record.

To,

Subject: -

/Usman Khan,

Incharge PRC Booni/Kushum.

Mr. Usman Khan FGS,

NOC.

/06/2004.

26

Annier-B

Dated Chitral the

OFFICE OF THE DISTRICT FOOD CONTROLLER CHITRAL

DEPARTMENTAL PROMOTION COMMITTEE MEETING /

Memo	
	Reference Director Food Khyber Pakhtunkhwa letter No.3491/ET-660- , dated 04/06/2014 and subsequent telephonic message of Director Food tunkhwa conveyed by Mr. Falak Naz Assistant Establishment Branch Food n 05/06/2014.
	You are hereby directed to deposit the Government dues into Government fonday i.e. 09/06/2014 positively, other wise case will be forwarded to Food or onward submission to the Director Anti Corruption Establishment and on will be stopped till clearance of Government dues.
	Matter may be treated most important.
	District Food Controller, Chitral.
No. 1561-0	/Usman Khan, Dated Chitral the / /06/2014.
Co	py forwarded to:-
2. PS 3. PS the 4. The infe 5. Ass	e Director Food Khyber Pakhtunkhwa Peshawar for information with erence to above, please. to Minister Food Khyber Pakhtunkhwa for information, please. to Secretary Food Government of Khyber Pakhtunkhwa for information of Hon'able Secretary Food. e Assistant Director Food Malakand Division at Saidu Sharif Swat for formation. sistant Food Controller Mastuj at Booni with the direction to ensure the posit of cost of short fallen quantity into Government treasury by Mr. man Khan FGS Incharge PRC Booni/Kushum with in one weak positively.
Usman Khan FGS (nc	District Food Controller Chitral. 5363 MMG

OFFICE OF THE DISTRICT FOOD CONTROLLER CHITRAL

No	/Usman Khan,	Dated Chitral the	/06/2004.
To,			/00/2004.
	Ma II Mile mag		
•	Mr. Usman Khan FGS,	•	
	Incharge PRC Booni/Kushum.	, vie	
•		W.	
Subject: -	RECOVERY OF GOVERNI	TENT DIFERENTAL NA	NOT CITE
Memo:-		IDITI DUESIFINAL N	JIICE.
	•		
enquiry-20 (Photo state	Reference Director Food Khy 13, dated 04/06/2014 address to e copy of which is enclosed for your	this office and conver	No.3482/ET-660- adorsed to others.
anne hosta	You are hereby finally direct nt treasury and produce original tre ively. Otherwise case will be for to the Director Anti Corruption Est	easury challan to this off	ice within a weak
•	Matter may be treated most imp	ortant.	
			•
•		District Food Control Chitral	oller,
No. 1554	/-58 /Usman Khan, D	ated Chitral the	(0.5/0.01 -
	O o o o o o o o o o o o o o o o o o o o	ated Citital the	/06/2014.
	Copy forwarded to:-		v.
1.	The Director Food Khyber Pakhtun	khiya Dachaning far infa	
. ••	reference to above, please.	KITMA LESIMMAN TOL MITOL	mation with
	PS to Minister Food Khyber Pakhtu	inkhwa for information r	leace
3.	PS to Secretary Food Government of	of Khyber Pakhtunkhwa (ncaso. Or information of
	the Hon'able Secretary Food.		or imprination of
4,	The Assistant Director Food Malaki	and Division at Saidu Sh	arif Swat for
	information.		arii Owat 10
5.	Assistant Food Controller Mastuj at	Booni with the direction	to ensure the
	deposit of cost of short fallen quant	ity into Government treas	arry by Mr
	Usman Khan FGS Incharge PRC Be	ooni/Kushum with in one	weak positively.
		District Rood Centr	
		# Chitral	₹ '

Jalil SK Ayun (notice)

ESH OF SS 64 ON TO DATE

ADJUE (MA)

No	/Usman Khan FGS,	Doted Chiaval at Advanced
To,		Dated Chitral the/06/2014.
	The Director Food,	
	Khyber Pakhtunkhwa,	
	Peshawar.	
1	•	
Subject:	- RECOVERY OF GOVERN	MENT DIEC
Memo:-		TRANS.
	Kindly refer your No.3482/ET	-660-Enquiry-2013, dated 04/06/2014.
		15-17 dated 04/06/2014.
2.	In this connection it is submit	ted that during physical verification carried
out in th	e current financial year a quantity	of 789 bags 78.900 M.Ton wheat valuing
Rs.27615	500/- was short detected against Mr	of 789 bags 78.900 M.Ton wheat valuing Usman Khan FGS / Incharge PR Centres
Booni a	nd Kushum. The recovery process	Usman Khan FGS / Incharge PR Centres immediately started and an amount of
Rs.35000	00/-on account of cost of wheat / own	s infinediately started and an amount of
and depo	sited into Government treasure the	pry guilly bags recovered from the official
of Rs.24	11500/ The official was served le	ugir proper challan living behind, a balance
remainin	g balance into Government tracers	ugn proper challan living behind, a balance ist notice with the direction to deposit the
one weak	time, but he was unable to deposit the	st nonce with the direction to deposit the and produce original treasury challan within
	to deposit ti	ne outstanding amount.
3.	In view of the chara form	
forwarde	i to Director Anti Commission Est. 11	is submitted that the case may kindly be
further ne	cessary action.	is submitted that the case may kindly be shment Khyber Pakhtunkhwa Peshawar for
	action.	· • • • • • • • • • • • • • • • • • • •
		3 IIII / 1
		District Food Controller
		Chitral.
Jo	· // I 151	,
···	/Usman Khan FGS,	Dated Chitral the/06/2014.
	C	
	Copy forwarded to:-	
1.	DC 4- NC 1 / W 1 - 1	
2.	PS to Minister Food Khyber Pakhtu	nkhwa for information, please
۷.	TO Secretary Food Government C	of Khyber Pakhtunkhwa for information of
2		
3.	ine Assistant Director Food Malaka	and Division at Saidu Sharif Swat for
4.	Assistant Food Controller Mastuj at	Booni for information and necessary
	action.	

M. Process WA

District Food Controller, Chitral.

Khan FGS 09.06.2014

12-Wonan FCS.

OFFICE ORDER.

Mr. Riaz Ahmad Foodgrain Supervisor Incharge PR Centre Mulkoh is hereby directed to take over the charge; of PR Centres Booni & Kushum from Mr. Usman Khan Foodgrain Supervisor in addition to his own with immediate effect. Charge Report complete in all aspect duly verified by concerned Assistant Food Controller Incharge Sub Division Mastuj should be submitted to this office for record. Mr. Usman Khan Foodgrain Supervisor is hereby directed to remain attach with Mr. Riaz Ahmad Foodgrain Supervisor and expedite his recovery process.

hitral

Dated Chitral the <u>62</u>/10/2014.

Forwarded to:-

The Director Food Khyber Pakhtunkhwa Peshawar for information, please. Į.

The Deputy Commissioner Chitral for information, please. 2.

The Assistant Director Food Malakand Division at Saidu Sharif Swat. 3.

Assistant Food Controller Incharge Sub Division Mastuj for information with 4: reference to his proposal dated 02/10/2014. He is directed to supervise the handing / taking over charge of PR Centres mentioned above.

5 Officials concerned for information and necessary action.

> District Rood Controller, Chitral.

Office order Usman & Riaz

30



FOOD DIRECTORATE KHYBER PAKHTUNKHWA,, PESHAWAR

No 6533 /PF-11123

Dated 06 / 11/2014

SHOW CAUSE NOTICE

I Muhammad Anwar Khan Director Food Khyber Pakhtunkhwa being competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve Mr. Usman Khan Foodgrain Supervisor Incharge of PRCs Booni and Kushum at District Chitral as follows:

- a) The District Food Controller, Chitral reported vide letters No.1554-58/Usman Khan dated 06-06-2014, No. No.1561-65/Usman Khan dated 06-06-2014. No.1591/Usman Khan FGS, dated 10-06-2014 and office order No.2535-39/4/3-ET, dated 02-10-2014 (copy enclosed) that during physical verification carried out in the current financial year a quantity of 789 bags (78.9) M. Tons wheat valuing Rs.2761500/was short detected against Mr. Usman Khan Foodgrain Supervisor Incharge Provincial Reserve Centres Booni and Kushum. Ān amount of Rs.350000/ on account of cost of wheat/empty gunny bags has been recovered from you and deposited into Government treasury through proper Challan leaving behind, a balance of Rs.2411500/- You were served last notice by the DFC Chitral with the direction to deposit the remaining balance into Government treasury and produce Original treasury Challan within one weak time, but you have failed to deposit the outstanding amount.
- b) The District Food Controller Chitral has worked out the cost of wheat on the basis of issue price ie. 3500 per bags however the landed cost of the embezzled quantity at the present rate comes out to be Rs.3.353 Million out of which the accused has deposited Rs.0.35 Millions while Rs.3.003 Millions are still outstanding against you.

On going through the material on record provided by the DFC Chitral, I am satisfied that you have committed the above atc/omissions specified in rule-3 of the said rules.

- As a result thereof, the under signed being competent authority, have tentatively decided to impose upon you the <u>Major Penalty ie. Removal from Service</u> under rule (4) (b) (iii) Efficiency & Discipline Rules 1973 amended / revised 2011.
- 3. You are, therefore, required to Show Cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
- 4. If no reply to this notice is received with in seven days, it shall be presumed that you have no reply to put in your defence and in that case an ex-parte action shall be taken against you.

DIRECTOR FOOD KHYBER PAKHTUNKHWA,

PESHAWAR



FOOD DIRECTORATE KHYBER PAKHTUNKHWA,, PESHAWAR

No <u>6793</u> /PF-1039 Dated Peshawar the <u>1</u>/11/2014

TO

Mr. Usman Khan FGS Office of District Food Controller, Chitral.

Subject:-

SHOW CAUSE NOTICE / PERSONAL HEARING

Memo

Reference this Directorate Show Cause Notice No.6533/PF-1123 dated 06-11-2014, on the subject noted above (Copy enclosed)

- You were directed to submit the reply to the Show Cause Notice as noted above within 07 days, but you have failed to submit the reply of the Show Cause Notice till date.
- You are directed to appear before the competent authority along with reply to the Show Cause Notice for personal hearing on 27/11/2014 to proceed further action in the matter.

DIRECTOR FOOD KHYBER PAKHTUNKHWA, PESHAWAR.

Endorsement No & Date Even

Copy is forwarded to

- 1) The Assistant Director Food Malakand Division at Saidu Sharif Swat for information & necessary action .
- 2) The District Food Controller, Chitral for information & necessary action.

DIRECTOR FOOD KHYBER PAKHTUNKHWA, PESHAWAR.

OFFICE OF THE DISTRICT FOOD CONTROLLER CHITRAL.

	No		/PF,	Dated Chitral the_	/03/2105.
To,					
· · · · · · · · · · · · · · · · · · ·		khtar Ahmed fiq-ur Rehma ullen.		/ Store Keeper	
		nar Wali FGI man Khan FC	S S		
Subject: Memo,	SHOW CA	LUSE NOTIO	CE/PERSOI	NAL HEARING	•
No.1251/PF- 27/02/2015 (Reference -1036, No.1 on the subject	253/PF-1039,	No.1257/	er Pakhtunkhwa Pe PF-1039, No.1258/F	eshawar letter F-1039 dated
2. Pakhtunkhw case on 19/0	You are a Peshawar ii 3/2015 persor	n connection	cted to atte with person	end the Food Directal hearing in the matt	ctorate Khyber er i.e. recovery
				District Food Control Chitral	ler,
No. <u>621</u>	_22 _{/PF}	, D	ated Chitral	he /2 /03/2015	5.
	Copy forwa	arded to:-		·	, .
2. T	eference to his	s letter above. Director Fo		nwa Peshawar for in	
(1), s	ESQ X	<u> </u>	7	District Food Control Chitral.	ler,
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Personal hearing		347			
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FOOD DIRECTORATE KHYBER PAKHTUNKHWA,, PESHAWAR

No <u>6958</u> /PF-1039 Dated Peshawar the <u>09</u> /1**1**/2014

TO

Mr. Usman Khan FGS Office of District Food Controller, Chitral.

Subject:-

SHOW CAUSE NOTICE / PERSONAL HEARING

Memo

Reference this Directorate letter No.6533/PF-1123 dated 06-11-2014, No. 6993/PF-1123 dated 21-11-2014 and as per your verbal request for again appearance before the competent authority after 15 days, on the subject noted above

You are directed to appear before the competent authority along with reply to the Show Cause Notice for personal hearing on 12/12/2014 to proceed further action in the matter.

DIRÉCTOR FOOD KHYBER PAKHTUNKHWA, PESHAWAR.

Endorsement No & Date Even

Copy is forwarded to

1) The Assistant Director Food Malakand Division at Saidu Sharif Swat for information & necessary action.

2) The District Food Controller, Chitral for information & necessary action.

DIRECTOR FOOD KHYBER PAKHTUNKHWA, PESHAWAR.



FOOD DIRECTORATE KHYBER PAKHTUNKHWA,, PESHAWAR

No <u>1258</u> /PF-1039 Dated Peshawar the <u>27</u> /02/2015

TO

Mr. Usman Khan FGS
Office of District Food Controller,
Chitral.

Subject:-

Memo

SHOW CAUSE NOTICE / PERSONAL HEARING

Reference this Directorate letter No.6533/PF-1123 dated 06-11-2014, No. 6993/PF-1123 dated 21-11-2014 and 6958/PF-1039 dated 09-12-2014, on the subject noted above

You are directed to appear before the competent authority along with reply to the Show Cause Notice for personal hearing on 19 / 03 /2015 to proceed further action in the matter.

DIKECTOR FOOD KHYBER PAKHTUNKHWA, PESHAWAR.

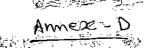
Endorsement No & Date Even

Copy is forwarded to

1) The Assistant Director Food Malakand Division at Saidu Sharif Swat for information & necessary action.

2) The District Food Controller, Chitral for information & necessary action.

DIRECTOR FOOD KHYBER PAKHTUNKHWA, PESHAWAR.





FOOD DIRECTORATE, KHYBER PAKHTUNKHWA PESHAWAR

No 2037 /PF-1123

Dated 1 /04/2015

Where as the District Food Controller, Chitral reported vide letters No.1554-58/Usman Khan dated 06-06-2014, No. No.1561-65/Usman Khan dated 06-06-2014. No.1591/Usman Khan FGS, dated 10-06-2014 and office order No.2535-39/4/3-ET, dated 02-10-2014 (copy enclosed) that during physical verification a quantity of 789 bags (78.9) M. Tons wheat valuing Rs.2.76 Million was short detected against Mr. Usman Khan Foodgrain Supervisor Incharge Provincial Reserve Centres Booni and Kushum. An amount of Rs.350000/ on account of cost of wheat/ empty gunny bags has been recovered from the official and deposited into Government treasury through proper Challan leaving behind, a balance of Rs.2411500/-.He was upon with notice by the DFC Chitral to deposit the remaining balance into Government treasury and produce Original treasury Challan, but he have failed to deposit the outstanding amount.

- The District Food Controller Chitral has worked out the cost of wheat on the basis of issue price ie. 3500 per bags however the landed cost of the embezzled quantity comes out to be Rs.3.353 Million out of which the accused has deposited Rs.0.35 Millions while Rs.3.003 Millions are still outstanding against you.
- Mr. Usman Khan Foodgrain Inspector (incharge of PRC Booni & Kushum Chitral) was served with Show Cause Notice vide Food Directorate letter No. 6533/PF-1123 dated 06-11-2014, No. 6793/PF-1039 dated 21-11-2014 and No. 1258/PF-1039 dated 27-02-2015, for appearance before the competent authority along with reply to the Show Cause Notice for personal hearing on 19-03-2015 to proceed further but he not only failed to appear before the authority to be heard in person, depositing the outstanding amount but rather absented himself from the office.
- 4 After full consideration of the case, the said official is held responsible for embezzlement/ misappropriation of 789 bags (78.9 Tons wheat costing Rs.3.003 Millions, ill discipline and hereby awarded the major penalty of removal from service with immediate effect.

The embezzlement / misappropriation quantity which are still outstanding against him will be recovered from his moveable / immoveable property as per Rules.

DIRECTOR FOOD KHYBER PAKHTUNKHWA, PESHAWAR

Endstt: of even No & Date

Copy is forwarded to:-.

- The Deputy Commissioner Chitral.
- 2 The Director Anti-Corruption Establishment Khyber Pakhtunkhwa Peshawar.
- 3 The District Accounts Officer Chitral.
- 4 The District Revenue Officer Chitral
- 5 The Assistant Director Food Malakand Division at Saidu Sharif Swat.
- 6 The Circle Officer Anti-Corruption Establishment Chitral.
- 7 The District Food Controller Chitral.
- 8 Mr. Usman Khan FGS Chitral.
- 9 Personal File.

DIRECTOR FOOD KHYBER PAKHTUNKHWA, PESHAWAR

201



FOOD DIRECTORATE KHYBER PAKHTUN KHWA, PESHAWAR

No (8/7 /PF-1123

Dated <u>/6 //0</u>/2014

To.

The Director Anti Corruption, Establishment, Government of Khyber Pakhtunkhwa,

Peshawar.

Subject-:

RECOVERY OF GOVERNENT DUES AGAINST MR. USMAN KHAN FOODGRAIN SUPERVISOR CHITRAL

The District Food Controller, Chitral reported vide letters No.1554-58/Usman Khan dated 06-06-2014, No. No.1561-65/Usman Khan dated 06-06-2014. No.1591/Usman Khan FGS, dated 10-06-2014 and office order No.2535-39/4/3-ET, dated 02-10-2014, Copies enclosed.

- The District Food Controller, Chitral reported that during physical verification carried out in the current financial year a quantity of 789 bags (78.9) M. Tons wheat valuing Rs.2761500/ was short detected against Mr. Usman Khan Foodgrain Supervisor Incharge3 Provincial Reserve Centres Booni and Kushum. The recovery process immediately started and in amount of Rs.350000/ on account of cost of what/ empty gunny bags recovered from the official and deposited into Government treasury through proper Challan leaving behind, a balance of Rs.2411500/- The accused official was served last notice by the DFC Chitral with the direction to deposit the remaining balance into Government treasury and produce Original treasury Challan within one weak time, but he was unable to deposit the outstanding amount.
- The District Food Controller Chitral has worked out the cost of wheat on the basis of issue price ie. 3500 per bags however the landed cost of the embezzled quantity at the present rate comes out to be Rs.3.353 Million out of which the accused has deposited Rs.0.35 Millions while Rs.3.003 Millions are still outstanding against him.
- 4 The official has been given ample time to deposit the outstanding liabilities due against him but he failed to comply with.
- It is therefore requested to investigate the matter for affecting complete recovery from the official so as to save the Government exchaquer from sustaining huge financial loss.

DIBLETOR FOOD KHYBER PAKHUTNKHWA, PESHAWAR.

Endorsement No. & Date Even

Copy is forwarded to

- 1) PS to Minister Food for information of the Minister Food Khyber Pakhtunkhwa
- 2) PS to Secretary Food for information of the Secretary Food Government of Khyber Pakhtunkhwa Food Department Peshawar.
- 3) The Assistant Director Food Malakand Division at Saidu Sharif Swat.
- 4) The Circle Officer Anti-Corruption Establishment Chitral for information & necessary action.
- 5) The District Food Controller, Chitral for information & necessary action.
- 6) Mr. Usman Khan Foodgrain Supervisor Office of DFC Chitral for information & recessary action.

DHRECTOR FOOD WILLIAM KHYBER PAKHUTNKHWA, PESHAWAR.

EAST TO SERVE

The Director Food, Khyber Pakhtunkhwa Peshawar

Subject:-CHARGE REPORT/PERSONAL HEARING.

Respected Sir,

With due respect and humble submission I beg to say that I handed over the charge of the post of Foodgrain Supervisor Booni on 20.10.2014 but unfortunately my further posting is awaited till date. My personal hearing about the said charge report is also awaited.

It is therefore requested to kindly post me and also kindly promote me on my due seniority position.

Thanks.

Yours obedient Servant

(USMAN KHAN) Foodgrain Supervisor,

Booni.

DF DD ES1+ Diary No Dated

16/6 Rea/no!

App-13.06.2016





FOOD DIRECTORATE KHYBER PAKHTUN KHWA, **PESHAWAR**

No 3558 /PF-1123

Dated 23 / 06 /2016

To.

Mr. Usman Khan Ex-Foodgrain Supervisor Office of District Food Controller, Chitral

Subject-:

CHARGE REPORT/PERSONAL HEARING.

Reference your application dated 13-06-2016 on the subject noted above

You have already been removed from service vide Food Directorate Office Order No. 2037/PF-1123 dated 21-04-2015, on account of embezzlement/ misappropriation of 789 bags (78.9 Tons wheat costing Rs.3.003 Millions, (copy of removal order is enclosed)

> RECTOR FOOD KHYBER PAKHUTNKHWA, PESHAWAR.

Endorsement No. & Date Even

Copy is forwarded to

- 1) The Assistant Director Food Malakand Division at Saidu Sharif Swat for information and necessary action...
- 2) The Director Anti Corruption Establishment Khyber Pakhtunkhwa for information with reference to this Directorate letter No.5817/PF-1123 dated 16-10-2014 (Copy enclosed). He is requested to investigate the matter for affecting complete recovery from the ex-Official so as to save the Government exchequer from sustaining huge financial loss.
- 3) The Circle Officer Anti-Corruption Establishment Chitral for information & necessary action.

4) The District Food Controller Chitral for information and necessary action.

CTOR FOOD KHYBER PAKHUTNKHWA, PESHAWAR.

POWER OF ATTORNEY

ie Honoulable	SERVICES TRIBUNAL FH	IBER PAKHTUNKHWA, PESH
	of 20	
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. USMAN K.	HAIV	Petitioner
		Applicant
		Plaintiff Complainant
		Appellant
	VERSUS	
consally to line	I ! ATLERY	
ECRETARY TO GO	y y omers	Respondent (s)
		Deferdant Judgment Debtor
		Accused
USMAN KHAN	SJOKAMIN KHAN	/
A 44 A	1012,740,7	· · · · · · · · · · · · · · · · · · ·
Appellant	_ above named, hereby appoint BARR	ISTER WAQAR ALI, AAMIR ALI
RISTER SYED MUHAMMAD SHA		(S) HIGH COURT, PESHAWAR, in th
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-mentioned case, to do all or any of the	e followings acts, deeds and things.	
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_	e tried or heard, and any other proceedings aristrate all proceedings, petitions, appeals affide	-
	arbitration of the same case, or any other d	
	prosecution or defense of the said case at all the	• •
	receipts for, all the money that may be or become	ome due and payable to during the course
on the conclusion of the proceeding	_ ,	
 To do all other acts and things, wh 	ich may be deemed necessary or advisable, du	ring the course of proceedings
AND HEREBY AGREE:		
a. To ratify whatever the said advoca		
 Not to hold the advocate respons absence from the Court/ Tribunal 	ible if the said case be proceeded ex-parte or	dismissed in default in consequence of h
	ed to withdraw from the prosecution of the s	aid case if the whole or any amount of th
agreed fee remains unpaid.	,	, , , , , , , , , , , , , , , , , , , ,
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& Signature of the Executant		O 1 A \cdot
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•	Z. MANOTEN GIED MOHAMMAD	
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ICE ADDRESS: Barrister Wagar	Ali Khan & Associates, 1st Floor, J.K Plaz	a, Opposite Arbab Road, Univer
Tall#. 0002 01 5050552	,	

BEFORE THE HON'BLE SERVICE TRIBUNAL KPK

Appeal NO. 1029/16

USMAN KHAN

VIS FOOD DEPARTMENT

Application for and behalf of Council of The Appellant for Adjument

Respectfully Sheweth,

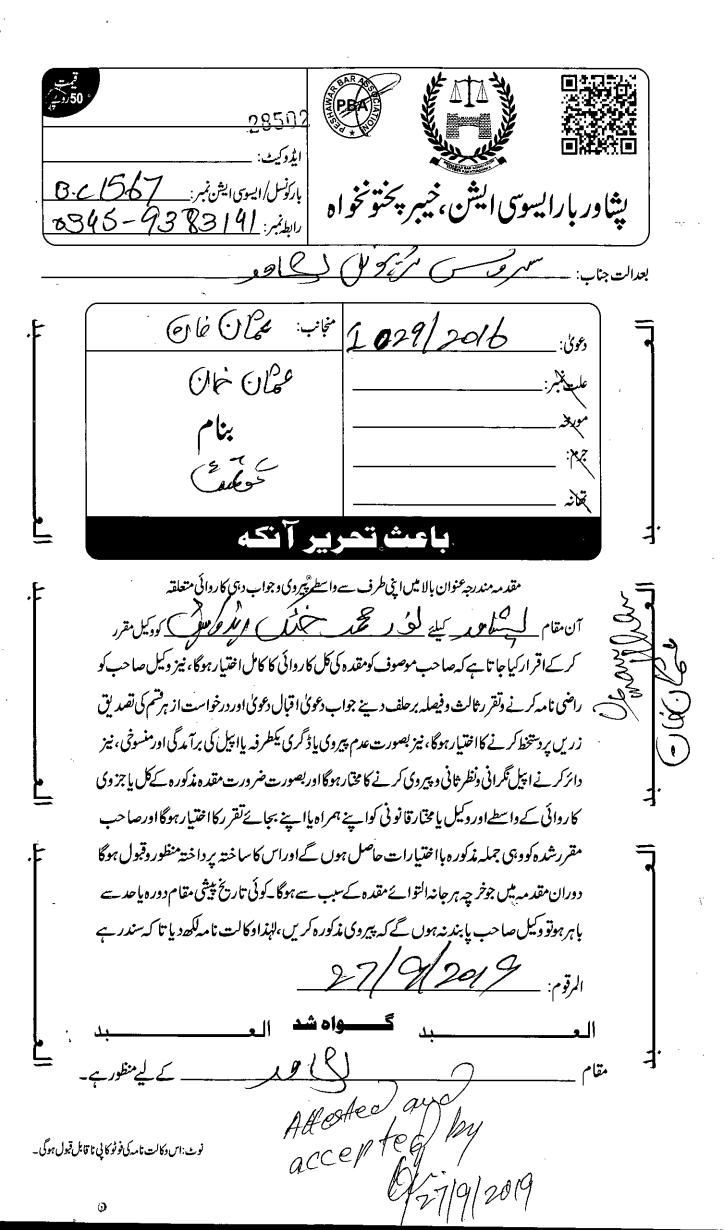
That the above littled can is pending for adjudication before the Horible Service Tribunal KPK, and is fixed for today. i.e 20/06/19

That the Coursel for Appellant Mr. Barnsten wagar Ali Khani is unable to attend the Honble Court today, as he is Indusposed due to have tractine in his leg.

It is therefore regulated to kindly adjourned to case for tady.

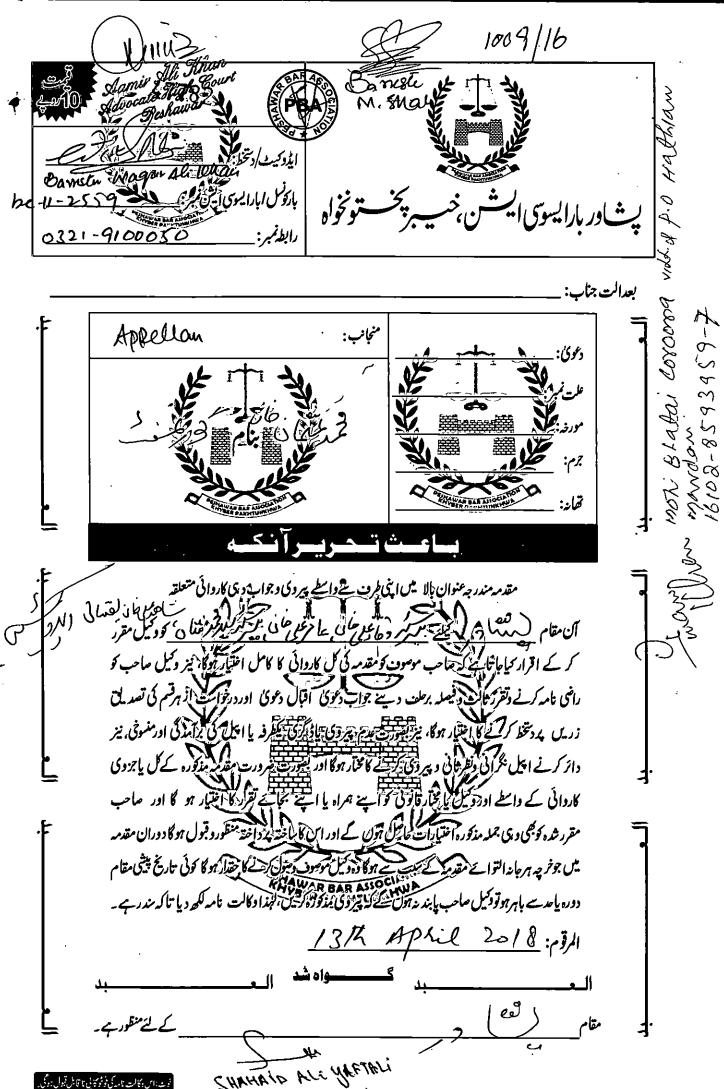
Dated 20/66/19

Applieanit theough Ills Shahrat Ali Yay tale Advocate High Comi



VAI	<u>KALATNAMA</u>
Before the KP Ser	vice Tribunal, Peshavar
	OF 2019
Usman Chan	(APPELLANT) (PLAINTIFF) (PETITIONER)
Food Depart	respondent) (RESPONDENT) (DEFENDANT)
I/We	Chan I constitute NOOR MOHAMMAD Peshawar to appear, plead, act, or refer to arbitration for me/us as
without any liability for hengage/appoint any other I/we authorize the said receive on my/our beha	nis default and with the authority to er Advocate Counsel on my/our cost. Advocate to deposit, withdraw and If all sums and amounts payable or count in the above noted matter.
Dated. <u>30 / /0</u> /201	9 CLIENT
	ACCEPTED NOOR MOHAMMAD KHATTAK
	SHAHZULLAH YOUSAFZAI & MIR ZAMAN SAFI ADVOCATES
OFFICE: Flat No.3, Upper Floor,	

Islamia Club Building, Khyber Bazar, Peshawar City. Mobile No.0345-9383141



وت: اس وكالت نامه كي فوثو كانيا ما قابل قبول وركي

SHAHAID ALE YAFTALI Advised Renginer

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

In S.A # 1029/2016

Usman Khan

Versus

Secretary Food etc.

REJOINDER IN RESPONSE TO PARAWISE COMMENTS.

Respectfully Sheweth,

In response to para wise comments the appellant submits as under:-

Preliminary Objections:-

- 1 Correct to the extent of Civil servant position of appellant further no proper Rules were followed while issuing the impugned order.
- 2 Incorrect totally wrong, the appeal is filed on sound footing as per law.
- 3 Incorrect, wrong.
- 4 Incorrect, the appeal is within time and is maintainable.
- 5-7 Wrong, misleading, the appellant has got proper cause of action without malafide and interior motives.

FACTS:

Para 1. Correct to the extent of appointment and further postings of appellant in the office of District Food Controller Chitral. Further the allegation leveled against the appellant vide referred letter are baseless, because no such embizzelment was made nor any such enquiry was conducted. As far as the alleged recovery of Rs.3,50,000/- is concerned the same is shown against the appellant, whereas the respondents sold-out empty gunny bags and the sale proceeds of the same is shown as recovery from the appellant.

Further no show cause notice was served against the appellant nor any further enquiry was conducted nor any opportunity of personal hearing was afforded.

Para-2 to 7 Reply is as para No.1 supra.

Para -8. Correct to the extent of an application (Annexure-E), was filed by the appellant on 14-06-2016 before the respondents No.2 wherein a request was made for further posting and awarding of an opportunity for personal hearing which was not entertained rather in response a letter No.3558/PF-1123, dated 23-06-2016 was communicated, whereby the appellant was informed about by the issuing of the impugned order. So the only point is enough to

It is, therefore, humbly prayed that on acceptance of this rejoinder as integral parts o main appeal an order as prayed for in main appeal may kindly be passed.

Petitioner

Usman Khan

Through

MUHAMMAD NAWAZ KHAN

Advocate, High Court

Peshawar.

AFFIDAVIT

I, Usman Khan, do hereby solemnly affirm and declare on oath that the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

DEPONENT

CALL NO: 16102-85-93 959-7



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 609 /ST

Dated: 3-3- /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281 Fax:- 091-9213262

To

The Director Food Department,
Government of Khyber Pakhtunkhwa
Peshawar.

Subject:

JUDGMENT IN APPEAL NO. 1029/2016 MR. USMAN KHAN.

I am directed to forward herewith a certified copy of Judgement dated 26.01.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR