

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CAMP COURT ABBOTTABAD:

Service Appeal No. 1113/2016

Date of Institution ... 02.11.2016

Date of Decision ... 17.04.2019

Muhammad Riaz, Field Worker, Office of Agriculture Office Mansehra-I District
Mansehra. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Agriculture and Livestock,
Khyber Pakhtunkhwa, Peshawar and two others. ... (Respondents)

MR. MUHAMMAD ARSHAD KHAN TANOLI,
Advocate

For appellant.

MR. MUHAMMAD BILAL,
Deputy District Attorney

For respondents

MR. AHMAD HASSAN,
MR. HAMID FAROOQ DURRANI

MEMBER (Executive)
CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the
parties heard and record perused.

ARGUMENTS.

2. Learned counsel for the appellant argued that he was appointed as
Chowkidar in the respondent-department vide order dated 10.12.1991. He was
allegedly shown absent from duty w.e.f 14.09.2015 to 22.11.2015. Issue of his
absence was probed by constituting an enquiry committee. That the respondents
illegally converted the period from 14.09.2015 to 22.11.2015 as leave without pay
vide order dated 04.01.2016. Without following the due process of law and
fulfillment of codal formalities major penalty of compulsory retirement from

service was awarded to the appellant vide impugned order dated 30.05.2016. Feeling aggrieved, he filed departmental appeal on 10.06.2016, which was rejected on 05.09.2016, hence, the present service appeal. Despite recommendations of the enquiry committee to reinstate the appellant, major penalty was awarded to him.

3. Learned Deputy District Attorney argued that the appellant had a tainted service record. Being an unwilling worker, he was asked to explain his position from time to time. Previously on account of willful absence from duty w.e.f 14.09.2015 to 22.11.2015, the period was treated as leave without pay vide order dated 04.1.2016. Proper enquiry was conducted and thereafter major penalty was awarded to him.

CONCLUSION

4. Previous conduct of a government servant cannot be made a ground for award of punishment in a subsequent case. The record available on the case file revealed that the appellant was found guilty of misconduct and awarded appropriate punishment from time to time.

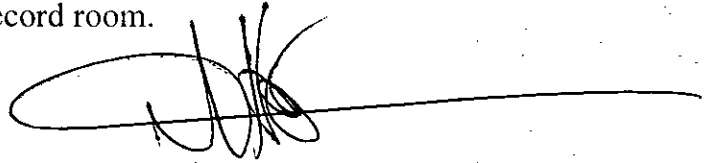
5. As regards award of major punishment of compulsory retirement through impugned order dated 30.05.2016 was concerned, it was void, arbitrary, whimsical, illegal, unlawful and nullity in the eyes of law. It lacked the backing of procedure laid down in E&D Rules 2011. Punishment on the basis of fact finding enquiry cannot be awarded. Charges leveled against the appellant in the TORs assigned to the enquiry committee were not proved. There are numerous judgments of the superior courts, wherein it has been held that in case of imposing of major penalty

regular enquiry coupled with observance of all codal formalities be conducted by extending fair opportunity of hearing/defense to the accused.

6. As a sequel to above, the appeal is accepted; impugned order dated 30.05.2016 and 05.09.2016 are set aside and the appellant is reinstated in service. The intervening period shall be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.



(HAMID FAROQQ DURRANI)
Chairman



(AHMAD HASSAN)
Member
Camp Court Abbottabad.

ANNOUNCED
17.04.2019

Order

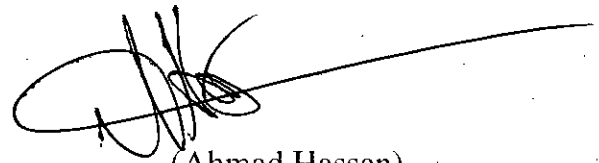
17.04.2019 Appellant with counsel present. Mr. Muhammad Bilal, Deputy District Attorney for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the appeal is accepted, impugned order dated 30.05.2016 and 05.09.2016 are set aside and the appellant is reinstated in service. The intervening period shall be treated as leave of the kind due. Parties are left to bear their own cost. File be consigned to the record room.

Announced:
17.04.2019



(Hamid Farooq Durrani)
Chairman



(Ahmad Hassan)
Member
Camp Court A/Abad

17.10.2018

Counsel for the appellant Mr. Muhammad Arshad Khan Tanoli, Advocate present. Syed Sabir Shah, Subject-matter-Specialist alongwith Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the appellant made a request for adjournment. Granted. To come up for arguments on 14.01.2019 before the D.B at camp court, Abbottabad.

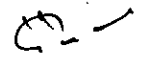

Member


Chairman
Camp Court, A/Abad

14.01.2019

Learned counsel for the appellant and Mr. Muhammad Bilal learned Deputy District Attorney alongwith Muhammad Naseem Superintendent present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 21.02.2019 before D.B at Camp Court Abbottabad.



MEMBER



Member

Camp Court Abbottabad

21.02.2019

Clerk of counsel for the appellant present. Mr. Muhammad Bilal Khan, Deputy District Attorney for the respondents present. Clerk of counsel for the appellant requested for adjournment. Adjourned to 17.04.2019 for arguments before D.B at Camp Court Abbottabad.



(Ahmad Hassan)
Member
Camp Court Abbottabad


(Muhammad Amin Khan Kundi)
Member
Camp Court Abbottabad

21.03.2018

Clerk to counsel for the appellant and Mr. Usman Ghani, District Attorney for respondents present. Clerk to counsel for the appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for rejoinder and arguments on 24.05.2018 before the D.B at camp court, Abbottabad.


Member


Chairman
Camp court, A/Abad

24.05.2018

Appellant in person and Mr. Muhammad Jan learned Deputy District Attorney alongwith Sadiq Hussain Shah Subject Specialist for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourned. To come up for arguments on 28.08.2018 before D.B at camp court, Abbottabad.

28.08.2018

Appellant in person and Sadiq Shah SS for respondents present. Due to summer vacations, the case is adjourned. To come up for the same on 17.10.2018 at camp court Abbottabad.

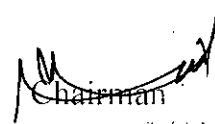

Member


Chairman
Camp court, A/Abad



Reader

1113/16


5. 22.06.2017 Appellant in person and Mr. Muhammad Bilal, Deputy District Attorney alongwith Syed Sadiq Hussain Shah, Subject Mater Specialist for the respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 24.08.2017 at camp court, Abbottabad.


Chairman
Camp court, A/Abad

24.08.2017 Appellant in person present. Mr. Muhammad Bilal, Deputy District Attorney alongwith Mr. Syed Sadiq Hussain Shah, Subject Meter Specialist for the respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 21.12.2017 at camp court, Abbottabad.


Chairman
Camp/court, A/Abad

21.12.2017 Clerk of the counsel for appellant present. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Syed Sadiq Hussain Shah, Deputy Director for the respondents present. Arguments could not be heard due to incomplete bench. To come up arguments on 21.03.2018 before D.B at Camp Court, Abbottabad.


(Gul Zeb Khan)
Member (Executive)
Camp Court, Abbottabad.

22.12.2016

Learned counsel for the appellant argued that the appellant was serving as Field Worker Union Council Shaukat Abad when subjected to enquiry on the allegations of absence from government duty and over performance beside lack of interest in official duty and vide order dated 04.01.2016 the allegations of wilful absence were meted out by treating the same as extraordinary leave without pay and vide impugned order dated 30.05.2016 appellant was compulsorily retired from service where-against his departmental appeal was also rejected on 05.09.2016 constraining the appellant to prefer the instant service appeal on 02.11.2016.

That the impugned order is unfounded as no enquiry in the mode and manners prescribed by rules was conducted and no opportunity of hearing was ever extended to the appellant. That the impugned order contains grounds which were neither the subject of enquiry nor attributed to the appellant in any fashion.

Points raised need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents. To come up for written reply/comments on 17.03.2017 before S.B at camp court, Abbottabad.

Chairman
Camp court, A/Abad

17.03.2017

Counsel for the appellant present and Mr. Muhammad Khan, Supdt. alongwith Mr. Muhammad Siddique, Sr.GP for the respondents present. Requested for adjournment. To come up for written reply/comments on 22.06.2017 at camp court. Abbottabad.



Chairman
Camp court, A/Abad

Appellant Deposited
Security & Process Fee
27-01-2016

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1113/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02/11/2016	<p>The appeal of Muhammad Riaz received today by post through Muhammad Arshad Khan Tanoli Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	04-11-2016	<p>This case is entrusted to Touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22-12-2016</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

Service Appeal No. 1113 /2016

Muhammad Riaz, Field Worker, Office of Agriculture Officer Mansehra-I
District Mansehra.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Agriculture & Lives
Stock, KPK Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

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2.	Copy of appointment order of the appellant	12	"A"
3.	Copy of letter dated 16/12/2015 regarding conducting of inquiry	13	"B"
4.	Copy of suspension order dated 16/11/2015	14	"C"
5.	Copy of conversion of service period w.e.f 14/09/2015 to 22/11/2015 into leave without pay dated 04/01/2016	15	"D"
6.	Copy of OPD Chit, test report and prescription of DHQ, King Abdullah Hospital Mansehra	16-18	"E"
7.	Copy of letter of Additional Assistant Commissioner Mansehra letter dated 25/01/2016	19-20	"F"

8.	Copy of impugned compulsory retirement from order of the appellant dated 30/05/2016	21	"G"
9.	Copy of departmental appeal	22-27	"H"
10.	Copies of impugned rejection letter dated 05/09/2016	28	"I"
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...

...APPELLANT

Dated: _____/2016

Through

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

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

Service Appeal No. 1113 /2016

Muhammad Riaz, Field Worker, Office of Agriculture Officer Mansehra-I
District Mansehra.

...APPELLANT

VERSUS

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1150

Dated 02-11-2016

1. Govt. of Khyber Pakhtunkhwa, through Secretary Agriculture & Lives Stock, KPK Peshawar.
2. Director General, Agriculture Extension Department, Khyber Pakhtunkhwa, Peshawar.
3. District Director, Agriculture Extension, District Mansehra.

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF
KPK SERVICE TRIBUNAL ACT, 1974, FOR
DECLARATION TO THE EFFECT THAT THE
APPELLANT HAS ILLEGALLY BEEN
RETIRED FROM SERVICE COMPULSORILY
ON 27/05/2016 VIDE IMPUGNED

Filed to-day
Registrar
2/11/16

COMPULSORY RETIREMENT ORDER NO.
919-23/DD/AGRICULTURE MANSEHRA
DATED 30/05/2016 DUE TO THE ALLEGED
ABSENCE W.E.F ~~31~~ 14/09/2015 TO 22/11/2015,
WITHOUT ANY SHOW CAUSE NOTICE,
EXPLANATION, OPPORTUNITY OF
PERSONAL HEARING AND THE IMPUGNED
COMPULSORY RETIREMENT OF THE
APPELLANT IS LIABLE TO BE SET A SIDE.

PRAYER: ON ACCEPTANCE OF THE
INSTANT SERVICE APPEAL OF THE
APPELLANT, HIS COMPULSORY
RETIREMENT FROM SERVICE ORDER
DATED 30/05/2016 MAY GRACIOUSLY BE
DECLARED ILLEGAL, WITHOUT LAWFUL
JUSTIFICATION AND RESPONDENTS
DEPARTMENT MAY BE DIRECTED TO RE-
INSTATE THE APPELLANT WITH EFFECT
FROM THE DATE OF RETIREMENT I.E
30/05/2016 WITH ALL SERVICE BACK
BENEFITS. ANY OTHER RELIEF WHICH
THIS HONOURABLE COURT DEEM
APPROPRIATE IN THE CIRCUMSTANCES

MAY ALSO BE GRANTED TO THE
APPELLANT.

Respectfully Sheweth;-

1. That the appellant got appointment in respondents' department vide appointment order No. 2482-84/AE/Hazara Division Mansehra dated 10/12/1991. Copy of appointment order of the appellant is attached as Annexure "A".
2. That the appellant served the department with complete devotion and dedication to the entire satisfaction of his Superiors and left no stone unturned in its smooth functioning of the department from the date of his appointment to the date of compulsory retirement.
3. That the appellant was illegally shown absent w.e.f 14/09/2015 to 22/11/2015 and

MAY ALSO BE GRANTED TO THE
APPELLANT.

Respectfully Sheweth;-

1. That the appellant got appointment in respondents' department vide appointment order No. 2482-84/AE/Hazara Division Mansehra dated 10/12/1991. Copy of appointment order of the appellant is attached as Annexure "A".
2. That the appellant served the department with complete devotion and dedication to the entire satisfaction of his Superiors and left no stone unturned in its smooth functioning of the department from the date of his appointment to the date of compulsory retirement.
3. That the appellant was illegally shown absent w.e.f 14/09/2015 to 22/11/2015 and

ordered an inquiry about the said absence by respondent No. 3 vide order No. 2244-50/D.D Agriculture dated 16/12/2015. Copy of letter dated 16/12/2015 regarding conducting of inquiry is attached as Annexure "B".

4. That prior to the order of inquiry in the so called absence of the appellant, respondent No. 3 suspended the appellant vide order No. 2070-75/D.D.A dated 16/11/2015. Copy of suspension order dated 16/11/2015 is attached as Annexure "C".

5. That respondent No. 3 illegally converted period of service w.e.f 14/09/2015 to 22/11/2015 as without pay vide order No. 17-21/D.D dated 04/01/2016. Copy of conversion of service period w.e.f 14/09/2015 to 22/11/2015 into leave without pay dated 04/01/2016 is attached as Annexure "D".

6. That the appellant was suffering from kidney deceases and after serving the respondents department on 05/11/2015 till 04:00 PM, rushed to king Abdullah Hospital in emergency condition for his kidney treatment but could not work in late hours. Copy of OPD Chit, test report and prescription of DHQ, King Abdullah Hospital Mansehra are attached as Annexure "E".

7. That without keeping appellant apprised, an inquiry was finalized which shows that the appellant remained absent for three days only and recommended minor penalty of Censure or deduction of salary of three days absence vide letter of Additional Assistant Commissioner-II Mansehra letter addressed to the Deputy Commissioner Mansehra letter No. 114/AAC-11 (M) dated 25/01/2016. Copy of letter of Additional Assistant Commissioner Mansehra letter dated 25/01/2016 is attached as annexure "F".

8. That respondent No. 3 without following the codal formalities i.e, explanation, show cause notice, and affording opportunity of personal hearing, retired the appellant compulsorily from service on 27/05/2016 vide impugned compulsory retirement order of the appellant dated 30/05/2016 which is against the law & liable to be set aside . Copy of impugned compulsory retirement order of the appellant dated 30/05/2016 is attached as Annexure "G".

9. That feeling aggrieved, the appellant filed departmental appeal to the next higher authority i.e respondent No. 2 on 10/06/2016. Copy of departmental appeal is attached as Annexure "H". But the department rejected the appeal on 05/09/2016. Copies of impugned rejection letter dated 05/09/2016 received on 05/10/2016 is attached as Annexure "I". Hence feeling aggrieved, the instant service appeal is filed inter-alia on the following grounds;-

GROUND:-

- a. That the compulsory retirement from service of the appellant is against the law as well as against the findings of inquiry. The inquiry officer did not recommend compulsory retirement of the appellant. Therefore the compulsory retirement from service order dated 30/05/2016 is liable to set aside.

- b. That the appellant was suffering from kidney diseases and after serving the respondents' department on 05/11/2015 till 04:00 PM, rushed to King Abdullah Hospital for emergency treatment. Hence, he could not work in late hours.

- c. That the appellant has never been provided proper opportunity by

respondent No. 3 to defend his case, and without following codal formalities, the appellant was compulsorily retired from service on 27/05/2016 which is against the principle of natural justice and fair play. Hence, the impugned retirement order of the appellant is liable to be set aside.

- d. That respondent No. 3 wants to accommodate some blue eyed chaps at the alter of the appellant and the impugned compulsory retirement from service order of the appellant dated 27/05/2016 is malafide and against the canons of justice.
- e. That the job was the only source of bread and butter and earning of livelihood of the appellant as well as for his dependants but respondent No. 3 willfully snatched morsel of bread

and butter from the mouth of the appellant and her dependants as well.

f. That when law prescribe something which is to be done in a particular manner that must be done in that manner and not other wise. Hence impugned compulsory retirement from service order dated 27/05/2016 is liable to be set aside.

g. That there is no other effective, prompt and efficacious remedy available to the appellant except to invoke the jurisdiction of this Honourable Tribunal.

h. That other points shall be urged with the permission of the court at the time of arguments.

It is, therefore, humbly prayed that, on acceptance of the instant service appeal of the

appellant, his compulsory retirement from service order dated 30/05/2016 may graciously be declared illegal, without lawful justification and respondents department may be directed to reinstate the appellant with effect from the date of retirement i.e 30/05/2016 with all service back benefits. Any other relief which this Honourable Court deem appropriate in the circumstances may also be granted to the appellant.

...APPELLANT

Through

Dated: _____/2016

(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal

...APPELLANT

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

Service Appeal No. _____/2016

Muhammad Riaz, Field Worker, Office of Agriculture Officer Mansehra-I
District Mansehra.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa, through Secretary Agriculture & Lives
Stock, KPK Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT

I, Muhammad Riaz, Field Worker, Office of Agriculture Officer Mansehra-I
District Mansehra, do hereby solemnly affirm and declare that the contents
of forgoing appeal are true and correct to the best of my knowledge and
belief and nothing has been concealed therein from this Honourable Court.


DEPONENT

Identified by;


(Muhammad Arshad Khan Tanoli)
Advocate High Court, Abbottabad



OFFICE ORDER. /

Mr, Mohammad Riaz S/O, Ali Akbar Village and P/O Jhangi Teh; and District, Mansehra is hereby appointed as Chowkidar in EP; in Agril: Engineering Wing on temporary basis with effect from the date of taking over the charge of the said post.

His appointment is subject to the following conditions

- 1- He shall be governed by the Government servants conduct Rules 1966, the NWFP Government Servant (Efficiency and Discipline) Rules 1973, and any other instructions on the subject as may be issued by the Government of NWFP from time to time.
- 2- He will initially be on probation for a period of two years. His services will be liable to termination at any time without assigning any reason before expiry of the period of probation extended period of probation if his work and conduct during this period is not found to be satisfactory. In such a case he shall be given a month notice of termination of service and one month pay in lieu thereof. In case he wishes to resign any time, a month notice shall be necessary or in lieu thereof a month pay shall be forfeited.
- 3- He has not been previously dismissed or debarred from service of Government, Board, local body or Autonomous or semi-Autonomous Organization etc.
- 4- His employment will not in any case confer upon him a claim or right to permanent employment at in the deptt. He however, be eligible for continuance and eventual confirmation on satisfactory completion of probation (including the extended period of probation) if and when a regular substantive vacancy in the post is available from him.
- 5- He shall not be entitled to any travelling Allowance/D Allowance on his first appointment except in case of permanent Government Servants.
- 6- He shall have to provide Medical fitness certificate from the Medical Superintendent Civil Hospital and prior to joining for which authority letter shall be issued.
- 7- He shall be liable to serve any where within NWFP in a post under the provincial Government.

If the above terms and conditions of appointment accepted in him he should immediately communicate his acceptance in writing to this office, and report for duty to the office of Agricultural Engineer, Hazara Division Mansehra on or before 22.12.1991.

Attested
 Muhammad Khan Tahir
 High Court
 Office No. 33 Adjacent to
 District Office Abbottabad

SD/-
 (MOHAMMAD YUSUF KHAN)
 Agricultural Engineer,
 Hazara Division,
 Mansehra.

No: - 2482-84 / AE/Hazara Division Mansehra dt: 10/12 / 1991

Copy of the above is forwarded to:-

- 1- Mr, Mohammad Riaz S/O, Ali Akbar Village and Post Office Jhangi Teh; and District, Mansehra.
- 2- The District, Account, Officer, Mansehra. for information.
- 3- P/File of the Official.

Amir Durrani
 Agricultural Engineer.

Annex- B P. 13

OFFICE OF THE DISTRICT DIRECTOR AGRICULTURE MANSEHRA

OFFICE ORDER

A committee comprising of the following officers is hereby constituted to probe into the matter mentioned in the TOR in respect of Mr. Muhammad Riaz Field Worker and Ghulam Sarwar Field Worker of this office:

1. Masood-ur-Rehman Subject Matter Specialist (Hort) Mansehra.
2. Shoaib Saleem Agriculture Officer Baffa.

TOR

1. Lack of interest in official duties.
2. Purposely misguided / mis-led the Assistant Director Anti Corruption.
3. Publishing baseless, unfounded news in the news papers against the department.
4. Conspiring for personal and vested interest against the Department

The enquiry committee should submit fact finding report within seven (07) days of the receipt of this order.

sd
District Director
Agriculture Mansehra

No. 2244-50 /D.D. Agriculture Dated Mansehra, the 16-12-2015

Copy to:

1. Masood-ur-Rehman SMS (Hort) Mansehra for information and necessary action.
2. Shoaib Saleem Agriculture Officer Baffa for information and necessary action.
3. The Agriculture Officer Mansehra-I for information.
4. The Agriculture Officer Mansehra-II for information.
5. Ghulam Sarwar Field Worker for information, with the direction to appear before the enquiry committee as and when call.
6. Muhammad Riaz Field Worker for information with the direction to appear before the enquiry committee as and when call.
7. Personal Files of the official concerned.

Muhammad Arshad Khan Tanoli
Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Distt Bar Abbottabad

sd
District Director
Agriculture Mansehra

11

1 - 11/11/11

11

11/11/11

11

Annex-C,

P-14



OFFICE OF THE DISTRICT DIRECTOR
AGRICULTURE EXTENSION MANSEHRA

Phone Number 0997-300647

Fax Number 0997-301749

SUSPENSION ORDER.

Mr. Muhammad Riaz Field Worker Union Council Shoukat Abad is hereby suspended with immediate effect due to absence from his duties during Insaf Food Security Programme, on account of following allegation as under.

- Absent from Government duty.
- Poor Performance.
- Lack of interest in official duties.

Sd/-
District Director
Agriculture Mansehra

No. *2070-75* /D.D.A

Dated Mansehra, the

16-11-2015

Copy to:

1. Official Concerned.
2. Establishment Clerk.
3. District Account Officer Mansehra.
4. Cashier of this office for information and with the direction to stopped the pay through source till further order.

Nadeed
District Director
Agriculture Mansehra

Attested
Muhammad Arshad Khan Farooq
Muhammad Arshad Khan Farooq
Advocate High Court
Office No: 33 Adjacent to
Distt Bar Abbottabad

Annex-D

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OFFICE OF THE DISTRICT DIRECTOR AGRICULTURE MANSEHRA

OFFICE ORDER

In the light of Enquiry report Mr. Muhammad Riaz Field Worker U/Council Shaukat Abad is treated without pay w.e.f.

14-09-2015 to 22-11-2015

Sd/- District Director
Agriculture Mansehra

No. 17-21 /DD Agriculture Dated Mansehra the 4-1- /2016

Copy to:

1. The District Accounts Officer Mansehra with the request to release the pay of official concerned and deduct the pay for absentee period.
2. The Agriculture Officer Mansehra-I.
3. The Official Concerned.
4. The Cashier of this office.
5. The Establishment Clerk of this office.

For information.

naaz
District Director
Agriculture Mansehra

Attested

Muhammad Arshad Khan Jabeel
Advocate High Court
Office No 33 Adjacent to
Dist. Bar Abbottabad

Annex- E

P-16

**KING ABDULLAH TEACHING
HOSPITAL MANSEHRA**

No _____ Rs.10/=
OUT PATIENTS DEPARTMENTS

NAME _____
YEARLY NO. 203285
DATE 5-11-15
DISEASE _____

w/s abdomen As
und/cradline
SD

Attested

Muhammad Iqbal Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Distt Bar Abbottabad

2 Noroxin
1-1-1
2 Motilium
1-1-1
Mucil
Citrolex
2-2-2
SD



Al Madina Clinical Laboratory

Opp: D.H.Q Hospital Abbottabad Road, Mansehra

Mobile: 0300 5633782, 0321 9682965

Email: almadinalab513@gmail.com

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ID NO	69 - 11 - 2015	DATE	NOV 05 , 2015
NAME	MUHAMMAD RIAZ	AGE/SEX	MALE
REF BY	DR, ABDUL HALEEM TANOLI	SPEC	BLOOD

Urea & Creatinine

TEST	RESULT	UNITS	N.RANGE
UREA	28	MG/DL	15 - 45 MG/DL
SERUM CREATININE	0.83	MG/DL	MALE: 0.6 - 1.1 MG/DL FEMALE: 0.5 - 0.9 MG/DL

RESULTS WERE PERFORMED WITH QUALITY CONTROL

COLLECTION: NOVEMBER 05, 2015
REPORTING: NOVEMBER 05, 2015

Attested
Muhammad Khalid Khan Tanoli
Advocate High Court
Office No 33 Adjacent to
Dist. Bar Abbottabad

NOTE: WE OFFER FAMILY PACKAGE, HOME COLLECTION FACILITY, AND BLOOD TRANSFUSION SERVICES AND SPECIAL DISCOUNT FOR DESERVING PATIENT IN ADDITION TO ALL ROUTINE AND SPECIALIZED TESTS

لیبارٹری کی سہولت 24 گھنٹے میسر ہے

Signature

Dr. Muhammad Shoaib
MBBS, DTCD, MPH
Principal Medical Officer
K.A.T.H Mansehra

Dr. Jawad Ali
MBBS, (Pesh)
MCPS (Psychiatry)
Ayub Medical College Abbottabad

Dr. Shahid Iqbal
MBBS, (RMP)
Ayub Medical College
Abbottabad.



Al Madina Clinical Laboratory

Opp: D.H.Q Hospital Abbottabad Road, Mansehra

Mobile: 0300 5633782, 0321 9682965

Email: almadinalab513@gmail.com

P-18

ID No	69/11/20105	Date	Nov 05, 2015
Name	Muhammad Riaz	Age/Sex	Male
Ref By	Dr	Spec	Urine

11/5/2015 4:39:35 PM

URINE ANALYSIS

Physical Examination:-

TEST NAME	RESULT	NORMAL RANGE
Colour	Pale Yellow	Pale yellow
Specific Gravity	1.025	1.005 - 1.030
PH	Acidic (6.0)	5.0 - 7.0
Albumin	Nil	Nil
Glucose	Nil	Nil

Microscopic Examination :-

RBC,s	Nil	/HPF	0 - 2
Pus Cells	Numerous	/HPF	0 - 5
Epithelial Cells	02 - 03	/HPF	0 - 1
Calcium Oxalate	01 - 02	/HPF	Nil
Pus Cast	Nil	/HPF	Nil
Mucus Thread	Nil	HPF	Nil
Amorphous Urates	Nil	HPF	Nil
Bacteria	Nil	/HPF	Nil
Bile Salt & Pigments	Nil	/HPF	Nil
Others			

Attested
Muhammad Arshad Khan Janoll
Advocate High Court
Office No 33 Adjacent to
Distt. Bar Abbottabad

Collection Date: November 05, 2015

Reporting Date: November 05, 2015

لیبارٹری کی سہولت 24 گھنٹے میسر ہے

Signature

Dr. Muhammad Shoaib
MBBS, DTCD, MPH
Principal Medical Officer
K.A.T.H Mansehra

Dr. Jawad Ali
MBBS, (Pesh)
MCPS (Psychiatry)
Ayub Medical College Abbottabad

Dr. Shahid Iqbal
MBBS, (RMP)
Ayub Medical College
Abbottabad.

Annex- F & P 19

OFFICE OF THE ADDITIONAL ASSISTANT COMMISSIONER-II
MANSEHRA

NO. 114 /AAC-II(M)
Dated: 25/01/2016

To
The Deputy Commissioner
Mansehra.

Subject: APPLICATION OF MUHAMMAD RIAZ FIELD WORKER
AGRICULTURE DEPARTMENT MANSEHRA.

Memo:
Reference application of Mr. Muhammad Riaz, Field Worker Agriculture Department Mansehra addressed to your good office, which later on marked to the undersigned for inquiry and report.

After receiving the application, the applicant was heard in detail. The application of the applicant was sent to District Director Agriculture Mansehra for comments along with relevant record. The District Director Agriculture Mansehra submitted his comments along with the copy of inquiry report vide his office letter bearing No. 98/D.D Agriculture, dated 15-01-2016.

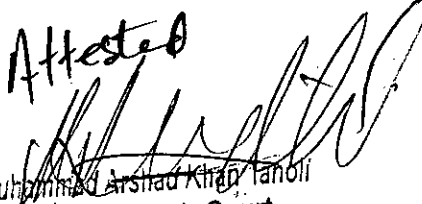
BACKGROUND:-

Muhammad Ibrar, Field Assistant Union Council Shoukatabad reported to Agriculture Officer Mansehra-1 about the long absence of Mr. Riaz Field Worker during the distribution of Insaaf Food Security Programme. The same report was forwarded to District Director Agriculture Mansehra by SMS (PP) with the recommendations of strict disciplinary action. The District Director Agriculture vide his order dated 8-11-2015 suspended Mr. Riaz and initiate inquiry by inquiry committee consisting upon Mr. Sadiq Hussain Shah SMS (PP) and Mr. Masood-ur-Rehman SMS (H). On the recommendations of inquiry committee the period of absence of Mr. Muhammad Riaz from 14-09-2015 to 22-11-2015 was treated as leave without pay.

FINDINGS:-

After listening to the applicant in detail and perusal of record provided by the applicant and Agriculture Department, I came to the following findings:-

1. Mr. Riaz Field Worker Union Council Shoukatabad was suspended by District Director Agriculture vide his office order bearing No. 2070-75/DDA, dated 16-11-2015 on the report of Field Assistant.
2. Inquiry on the issue was conducted by Mr. Sadique Hussain Shah and Mr. Masood-ur-Rehman.
3. District Director Agriculture stated in his comments that inquiry was conducted regarding the absence and found guilty of willful

Attested

Muhammad Arshad Khan, Tanoli
Advocate High Court
Office No. 33 Adjacent to
Dist. Bar Association

No. 955
26/16

DD Agr

Cat to

P 20

- absence, therefore in the light of the recommendations of inquiry the concerned official was treated as without pay.
4. The inquiry report reveals that as per the record of attendance register, the accused official was found absent for only three days from September to December 2015.
 5. The inquiry committee in conclusion of inquiry report stated that the attendance report received by the Agriculture Office Mansehra-1 shows the field worker's punctuality but after signing / marking his attendance abscond from duty. The inquiry committee did not mention any solid evidence about the absconding of official from duty.
 6. The inquiry committee recommended minor penalty action under E&D Rules, 2011 against the official concerned.

CONCLUSION / RECOMMENDATIONS:-

After perusal of the record I came to the conclusion that as per inquiry report only three days absence was proved against the applicant. The absconding from the duty was mentioned in the inquiry report but the inquiry officer / committee did not mention solid grounds in report. The inquiry officer / committee recommended minor penalty under E&D Rules 2011. It is therefore recommended that the District Director Agriculture Mansehra may be asked to review his order dated 17-21/DD Agriculture, dated 4-1-2016 and impose minor penalty under E&D Rules 2011 to the extent of "Censure" or deduction of three days absentee as proved in the inquiry from the applicant.

Report along with (12) pages is submitted for further necessary action please.

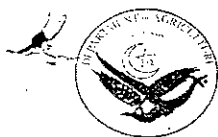
8
c

[Signature]
ADDITIONAL ASSISTANT COMMISSIONER-II
MANSEHRA

[Signature]
Advocate High Court
Office No. 33 Adjacent to
Muzungil, Mansehra

Annex- G

A-21



OFFICE OF THE DISTRICT DIRECTOR
AGRICULTURE EXTENSION MANSEHRA



Phone Number 0997-300647

Fax Number 0997-301749

OFFICE ORDER

An inquiry was conducted against Mr. Muhammad Riaz Field Worker BPS-04 office of the Agriculture Officer Mansehra-I, as per following TORs.

1. Lack of interest in official duties.
2. Purposely misguided/miss-led the Assistant Director Anti-Corruption.
3. Publishing baseless unfounded news in the News Paper against the department.
4. Conspiring for personal and vested interest against the department.

In the light of the inquiry report Mr. Muhammad Riaz Field Worker BPS-04 is hereby compulsory retired from service with effect from 27.05.2016 (After Noon) in the interest of public service under the Efficiency & Disciplinary Rules, 2011.

sd-
District Director
Agriculture Mansehra

No. 919-23 /DD Agriculture Dated Mansehra the 30/05 /2016

Copy to:

1. The Deputy Commissioner Mansehra for information please.
2. The District Accounts Officer Mansehra for information and necessary action please.
3. The Agriculture Office Mansehra-I, for information.
4. Official Concerned (Muhammad Riaz Field Worker).
5. The Cashier of this office with the direction to stop the pay through source.
6. The Establishment Clerk for information and necessary action.

Affected

Muhammad Arshad Khan Jatoi
Advocate High Court
Office No: 33 Adjacent to
Abbottabad

sd
District Director
Agriculture Mansehra

بخدمت جناب ڈائریکٹر جنرل ایگریکلچر ایکسٹینشن خیبر پختونخواہ (پشاور)

مضمون! محکمانہ اپیل برخلاف غیر قانونی جبری ریٹائرمنٹ آرڈر

نمبر 23-919 مورخہ 30.05.2016

جناب عالی! مضمون درخواست زیر عرض ہے۔

۱۔ یہ کہ سائل محکمہ زراعت میں بطور F/W اپنے فرائض بطریق احسن سرانجام

دے رہا ہے۔

۲۔ یہ کہ سائل مورخہ 05.11.2015 کو من سائل 4 بجے تک فوڈ سیکورٹی

پروگرام کی گندم کی بوریاں زمینداروں میں تقسیم کے لئے دن 4 بجے تک

اٹھاتا رہا جس کی وجہ سے سائل کو گردوں کی تکلیف لاحق ہوئی اور اسی دن

سائل ایمر جنسی KATH ہسپتال مانسہرہ میں ڈاکٹر صاحب کو چیک اپ

کروایا اور وہاں سے دوائی لینے کے بعد رات کو شدید درد کی کیفیت میں اپنے

گھر چلا گیا۔ اس دوران محمد ابرار F/A نے رات کو ڈیوٹی کرنے کا حکم دیا

چونکہ سائل دن 4 بجے تک ڈیوٹی کرتا رہا اور بوجہ تکلیف گردہ دوبارہ Night

shift کے لئے نہ جاسکا۔ ایمر جنسی کی سلیپ ساتھ منسلک ہے۔ اس بنیاد پر محمد

ابرار F/A نے ایک برخلاف حقیقت، واقعات ایک درخواست جناب

ایگریکلچر آفیسر مانسہرہ سرکل نمبر 1 کو دی۔ جس میں من گھڑت الزامات عائد

کیا کہ من سائل 14 ستمبر 2015ء سے 08.11.2015 تک انصاف

فوڈ سیکورٹی پروگرام میں غیر حاضر رہا حالانکہ سائل اس دوران آفس میں

ڈیوٹی کرتا رہا اور حاضری رجسٹر میں باقاعدہ حاضری بھی لگاتا رہا۔

۳۔ یہ کہ سائل کی 2 ماہ 10 دن کی تنخواہ بھی بند ہے اور سائل کا تنخواہ کے علاوہ

گزارہ بہت مشکل ہے استدعا ہے کہ 2 ماہ 10 دن کی تنخواہ جاری کرنے کا

بھی حکم صادر فرمایا جائے۔

۴۔ یہ کہ اس درخواست کی بنیاد پر سائل کو بغیر کسی انکوائری فائل شوکا زونٹس اور

ذاتی شنوائی اور صفائی کا موقع دیئے بغیر ایک نام نہاد انکوائری کی ذمہ داری

سائل کو مورخہ 30 مئی 2016ء اور مورخہ 27 مئی 2016ء

Muhammad Arshad Khan Tandir
Advocate High Court
Office No: 33 Adjacent to
District Bar Allahabad

P-23

کر دیا گیا جو کہ سراسر خلاف قانون خلاف واقعات ہے۔

۵۔ یہ کہ سائل نے انتہائی ایمانداری کے ساتھ اپنے فرائض سرانجام دیئے ہیں
سائل کے چھوٹے چھوٹے بچے زیر تعلیم ہیں سائل ایک انتہائی غریب آدمی
ہے بلاوجہ سائل اور اس کے بچوں کے منہ سے روزی چھن جانے کا صدر فیسوں ہے۔
اندریں حالات استدعا ہے کہ سائل کی اپیل کو منظور فرماتے ہوئے جبری
ریٹائرمنٹ آرڈر مورخہ 30 مئی 2016ء کو کینسل فرما کر سائل کی ملازمت
کو بحال فرمایا جانے کا حکم صادر فرمایا جائے۔ سائل اور اس کی فیملی جناب
کے لئے تاحیات دعا گور ہیں گے

المرقوم 10 جون 2016ء

محمد ریاض فیلڈورکر

سائل محمد ریاض فیلڈورکر

محکمہ زراعت شعبہ توسیع ضلع مانسہرہ

Attested
Muhammad Khaliq Khan
Advocate High Court
Office No 33 Adjacent to

Serial No.	Name	Father's Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No. of Days	Remarks	
1	M. Ishtaq		A.N	X	X	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	X	X	X	X	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	
2	M. Nasir		FA	X	X	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	X	X	X	X	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	
3	M. Amjad		FA	X	X	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	X	X	X	X	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	WS	
4	M. Asif		F.W	X	X	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
5	Baqir Shah		F.W	X	X	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
6	M. Riaz		F.W	X	X	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
7	Haseem		F.W	X	X	P	P	P	P	P	P	P	P	P	P	P	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

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checked with staff
AO along with staff
found absent from duty on
7-8-2015
22/8/2015
23/8/2015

checked
22/8/2015

Attested
[Signature]

Muhammad Ijaz Khan Tahir
Advocate High Court
Office No. 33 Adjacent to
Bank for Agriculture

Daily Attendance Register of the _____

for the month of _____

اکتوبر

Serial No.	Name	Father's Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No. of Days	Remarks		
1	M. Ishtiaq i-N		i-N	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W			
2	Waseem Khan		F.A	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W		
3	Amjid		F.A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
4	Asif		F.W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
5	Baqir shah		F.W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
6	Hassan		F.W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
7	Riaz		F.W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
8	Abad		F.W	P	P	P	P	A	P	P	P	P	P	P	P	P	P	A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
9	Rizwan		F.W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

P-25

P-25

not a witness
 Abad is absent for
 last 10 days w. of 11/12/15
 Baqir shah at J.C. office
 found absent but
 application of
 concerned NO

Mulham
 Advocate High Court
 Office No 33 Adjacent to

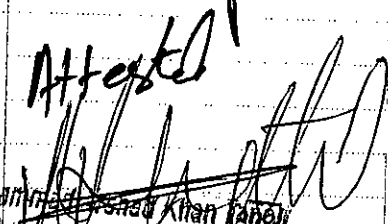
Daily Attendance Register of the A.O Manselva-I

for the month of September 2015

Serial No.	Name	Father's Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No. of Days	Remarks
1	M. Ishaq	I.N	I.N	W	W	W	W	W	W	W	W	W	W	W	W	X	X	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	31	
2	Waseem Khan	F.A	F.A	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	31	
3	Amjad	F.A	F.A	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	W	31	
4	Asif	F.W	F.W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	31	
5	Baqir Shah	F.W	F.W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	31	
6	Hassan	F.W	F.W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	31	
7	Riaz	F.W	F.W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	31	
8	Asad	F.W	F.W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	31	
9	Rizwan	F.W	F.W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	31	

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P-26

Attested


Muhammad Asad Khan Jabeel
 Advocate High Court
 Office No. 33 Adjacent to
 Dist Bar Abbottabad

Daily Attendance Register of the _____

for the month of _____

Serial No.	Name	Father's Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No. of Days	Remarks	
1	M. Shaiq I.N.			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
2	Warren Khan			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										Checked
3	Amjid		F.A	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
4	Asif		F.W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
5	Bazir Shah		F.W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
6	Hassan		F.W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
7	Riaz		F.W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
8	A. Bad		F.W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
9	Rizwan		F.W	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										

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P-27

Attested

Muhammad...
Advocate High Court
Office No 33 Adjacent to
... ..

Checked
ADc Mansur
23/11/2015

Annex 7 P-28

DIRECTORATE GENERAL AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR

No. 16/123/Estt/ 16912 /DG Dated Peshawar: the 5/9 /2016

To:

Mr. Muhammad Riaz,
Ex-Field Worker office of the DDA, Mansehra.

Subject:

DEPARTMENTAL APPEAL AGAINST THE ILLEGAL COMPULSORY
RETIREMENT ORDER NO.919-23 DATED 30.5.2016.

Memo:

Reference your appeal dated 8.6.2016.

On perusal of inquiry report / available record, you have been found guilty
of violating rules and regulation and ceased efficiency.

Your appeal is hereby rejected.

[Signature]
DIRECTOR GENERAL

Endst. No. _____

Copy forwarded to the District Director Agriculture, Mansehra for
information w/r to his letter No.1387 dated 23.8.2016.

//
DIRECTOR GENERAL

Dairy No: 560 dt. 16-9
016
Office of the District Director
Agriculture Mansehra/

R.R. pl.
hand over to M. Riaz E/F-Worker
to through person Books

[Signature] 16/9/16

H/Cat.
Provide this letter to
concerned official on person
positively *009/16/9/2016*

Handed over to
Riaz on 5/10/16

Attested
[Signature]
Muhammad Iqbal Khan
Advocate High Court
Office No: 33 Adjacent to
Tomb of Shah Waliullah

کورت فیس قیبتی

P-29
وکالت نامہ

Service Tribunal ICPC Peshawar بعدالت

عنوان: Govt ICPC بنام Muhammad Riaz

منجانب: Appellant

نوعیت مقدمہ: Service Appeal

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دہی کل کاروائی متعلقہ آں مقام

Abbottabad M. Arshad Khan Tanoli HC

کو وکیل مقرر کر کے افرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب

موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف و دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء

وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور

کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار

بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داخستہ مجھ کو منظور قبول

ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔

نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف

پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جز و بقایا ہو تو وکیل صاحب موصوف

مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست برادر استجارت نالاش بصیغہ مفلسی کے دائرہ کرنے اور اس کی

پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

المرقوم: 2016

بمقام: Abbottabad

Accepted

Muhammad Arshad Khan Tanoli
Advocate High Court
Office No. 33 Adjacent to
Abbottabad

Service Tribunal 1974
Munimuddin Khan
Appellant
Service Appeal

Appointed M. Abdul Karim Khan
Appointed
Hi

Appointed

2010

Accepted

(1)

**BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD**

Appeal No.1113/2016

Mr. Muhammad Riaz,
Ex-Field Worker, o/o District Director Agriculture
Mansehra

Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa,
Through Secretary Agriculture, Livestock
& Cooperation Department Peshawar
2. Director General,
Agriculture (Extension)
Khyber Pakhtunkhwa, Peshawar.
3. The District Director Agriculture, Mansehra.

Respondents

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS NO.1, 2 & 3

PRELIMINARY OBJECTIONS

1. That the appellant has got no locus standi to file the instant appeal.
2. That the appeal is not maintainable in its present form and liable to be dismissed.
3. That the appellant has no cause of action to file the instant appeal.
4. That the appellant has deliberately concealed the material fact from this Hon'ble Service Tribunal. Hence not entitled for any relief and appeal is liable to be dismissed with any further proceeding.
5. That the appellant has not come to this Hon'ble Service Tribunal with clean hand.
6. That the appeal is time barred. Hence liable to be dismissed and that all the proceeding has been done by the authorities after fulfillment all the codal formalities. Hence appeal is liable to be dismissed.

ON FACT PARA-WISE

Para-1 Para No 1 pertains to record.

Para-2 Incorrect. The appellant did never served the Department with devotion and dedication to the satisfaction of his superior and he was served so many explanations/warnings during service to be careful in future vide No 404, No 1709 dated 11-07-2011, No 1366 dated 16-05-2011, No 2640 dated 28-12-2016, No 3023-26 dated 01-11-2006, No 2239 dated 30-10-2006 and No 2118 dated 05-10-2006 as stated in fact (Annex-A, I to 7)

Para-3 Incorrect. The appellant was found absconding from duty with effect from 14-09-2015 to 22-11-2015 and the District Director Agriculture Mansehra, nominated Subject Matter Specialist Horticulture Mansehra as Inquiry Officer to probe into the matter. The Inquiry Officer reported that the incharge Field Assistant, the appellant was directed verbally and telephonically for conducting/performing the activities of Insaf Food Security Program, but the appellant did neither obey nor helped at Mansehra distribution point, and also ignored official activity at Union Council level regarding distribution and collection of Wheat Seed application forms and cards amongst the farming community. The appellant remained absence from duty with effect from

14-09-2015 upto the end of Insaf Food Security Program i.e 22-11-2015. The Inquiry Officer recommended minary disciplinary action against the appellant under (E&D) Rules 2011, vide letter No 17 dated 14-12-2015 copy inquiry report is (Annex-B). The absconding period was treated without pay vides order No 17-21 dated 04-01-2016 (Annex-C).

Para-4 In reply of Para No 4 it is submitted that due to prolong absent from duty, the appellant was suspended from his duty on 16-11-2015 and inquiry was conducted to probe the case. The Inquiry Officer recommended to take minor penalty under (E&D) Rules 2011 against the appellant vide No 17 dated 14-12-2015 already Annex as Annex-B.

Para-5 As already explained in Para-3 above.

Para-6 Incorrect. Hence denied in fact the appellant did not serve full duty time in the Department on 05-11-2015 till 4:00 PM. He was come to the office and marked his attendance and then fled away from the scene during the reported period. Actually on that day no Seed distribution took place but Wheat Seed was received from main store Havelian in the office and bags were un-loaded by the private labors engaged by Union Carriage Company.

Para-7 Incorrect. The Additional Commissioner Mansehra could not understand nature of Job of Field Worker. He did not keep in consideration the sensivity of the work (Insaf Food Security Program) at that time when office was open till late hours and all other staff remained busy in official assignments. At that crucial time he used to mark his attendance and skip away. The Departmental Inquiry Officer after proper investigation maintained this fact in his inquiry report.

Para-8 Incorrect. The appellant under the leadership of Sayed Hanif Shah Office Assistant called a Press Conference in the office of District Director Agriculture Mansehra and ran Media Campaign against the Department and miss guided the Assistant Director Anti Corruption against the Department. Copy of News Paper as (Annex-D). The respondent No 3 nominated / constituted another inquiry committee comprising of MS Masood-ur-Rehman Subject Matter Specialist Horticulture Mansehra and Shoaib Saleem Agriculture Officer Baffa to probe into the matter mention in the following TORs vide office order No 2244-50 dated 16-12-2015 (Annex-E).

TORs

- i. Lack of interest in official duties.
- ii. Purposely miss guided/miss leded the Assistant Director Anti Corruption.
- iii. Published baseless, unfounded news in the News paper against the Department.
- iv. Conspiring for personal and vested interest against the Department.


The inquiry committee recommended that all four points in TORs have been proven against the appellant and he has found guilty of violation of (E&D) Rules 2011, and strongly recommended for disciplinary action. Copy of inquiry report is (Annex-F). In view of above the appellant was compulsory retired from service with effect from 27-05-2016 (AN) vide office order No 919-23 dated 30-05-2016 (Annex-G).

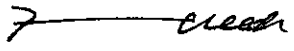
Para-9 Correct to the extent that the Departmental appeal of the appellant rejected on the perusal of inquiry report / available record and communicated to the petitioner on 05-09-2016 (Annex-H).

GROUND

- Para-a Incorrect. That the compulsory retirement order from service of the appellant is not against as stated in fact the authority has been passed the order dated 30-05-2016 after fulfillment all the requisite formalities including the recommendation of inquiry officer.
- Para-b Incorrect. Detail reply has been given in Para-6 above.
- Para-c Incorrect. Hence denied all the proceeding carried out against the appellant as per Law and Rules vide office order No 2244-50 dated 16-12-2015, (already Annex as Annexure E).
- Para-d Incorrect. That detail comments given in Para-8 above.
- Para-e Incorrect. The appellant has been treated in accordance with Law.
- Para-f That both the orders passed by the authorities after observing all the formalities maintained hence the appeal is liable to be dismissed on this score alone.
- Para-g Legal treated as per Law.
- Para-h That the Respondents Seeks permission to argo the further points at the time of hearing.

It is hereby humbly prayed that on acceptance on the instant comments, the appeal of the appellant may kindly be dismissed.


 SECRETARY TO GOVT. OF
 KHYBER PAKHTUNKHWA, AGRICULTURE
 LIVESTOCK & COOPERATIVE DEPARTMENT
 PESHAWAR


 DIRECTOR GENERAL,
 AGRICULTURE (EXTENSION)
 KHYBER PAKHTUNKHWA, PESHAWAR


 DISTRICT DIRECTOR AGRICULTURE,
 Agriculture Manshera
 MANSEHRA

**BEFORE THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
CAMP COURT ABBOTTABAD**

Appeal No.1113/2016

Mr. Muhammad Riaz,
Ex-Field Worker, o/o District Director Agriculture
Mansehra

Appellant

VERSUS

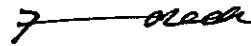
1. Government of Khyber Pakhtunkhwa,
Through Secretary Agriculture, Livestock
& Cooperation Department Peshawar
2. Director General,
Agriculture (Extension)
Khyber Pakhtunkhwa, Peshawar.
3. The District Director Agriculture, Mansehra.

Respondents

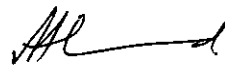
COUNTER AFFIDAVIT

We the undersigned hereby solemnly declare / affirm that the contents of the Para-wise reply / comments are true and correct to the best of our knowledge and belief and nothing has been kept secret from this Honorable Tribunal.

SECRETARY TO GOVT. OF
KHYBER PAKHTUNKHWA, AGRICULTURE
LIVESTOCK & COOPERATIVE DEPARTMENT
PESHAWAR



DIRECTOR GENERAL,
AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR



DISTRICT DIRECTOR AGRICULTURE,
MANSEHRA

Annexure A-I

Page No. 131



عربی، 404

47

تاریخ
15

محمد ریاض
فیلڈ ورکر

مضمون غیر حاضری رپورٹ اجواب طلبی

آب 15 اکتوبر کا ممبر کو بغیر کسی اطلاع
تہ غیر حاضری میں۔ اس ممبر کے تین دن کے اندر
اندر جواب دینے اور اپنی غیر حاضری کی
وجہ بیان کرے۔ بصورت دیگر آب کے خلاف
کلمہ کارروائی عمل میں لائی جائے گی۔

انگریز ممبر
15 اکتوبر

(6)

Annex A-2

~~Annexure 30~~

Page NO (34)

DF

(72)

No. 1709
Date 11-07-2011
District Officer Agriculture
Shinkhari Road Mansehra

To,

Mr. Muhammad Riaz F.W
DOA Office Mansehra.

Subject: WARNING.

Memo:-

The reply submitted by you is not satisfactory, so this time you are hereby excused with the warning to be care full in future, otherwise disciplinary action will be ~~take~~ initiated against you.

A
District Officer
Agriculture Mansehra

No. 1710 /D.O. Agriculture Mansehra dated the 11-07-2011.

Copy to Cashier of this office with the remarks to released the pay of official concerned.

A
District Officer
Agriculture Mansehra

Handwritten signature and date: 12/7/2011

(8)

Annex-A-3

Annexure (1366)

Page No. 13A
70 89

No. 1366
To,

/DO Agriculture dated Mansehra the 6-5-2011

Mr. Muhammad Riaz F/Worker,
C/O Agriculture Officer Mansehra-I.

Subject: ABSENT FROM DTUY/EXPLAIN ATIN THEIR OFF.
Memo:

While checking the attendance to day at 9.am. You were found absent from duty with out application/prior permission absent period w.e. from 1.4.2011 to up till now, and you have submit the arrival report on 29.4.2011 in this office. You are therefore directed to explain your position, otherwise drastic disciplinary action will be taken against you under E & D rules 1973.2000. Your reply should reach to the undersigned with in three days from the receipt of this letter.

[Signature]
District Officer
Agriculture Mansehra

No. 1367-68 /DO Agriculture Dated Mansehra the 6-5-2011.

Copy to:

1. The Accountant is directed to stop the pay for 5/2011 of the official concerned till the decision of case.
2. Agriculture Officer Manshra-I for information w/r to his letter Nop.53 dated 11.5.201.

[Signature]
District Officer
Agriculture Mansehra

(8)

Annex-A-4

~~Annexure 40~~

Page NO. ~~48~~
50

(44)

(57)

NO. 2640
DATE. 28/12
D.O. AGRI: (16)

(88)

To,

Mr. Muhammed Riez,
Field Worker.

Subject:- WARNING
Memo:-

You have warned to be carefull
in future, otherwise disciplinary action will
be taken against you.

DISTRICT OFFICER AGRI:
MANSEHRA.

NO. 2641 / D.O. AGRI: DATED 28/12 2006.

Copy to Executive Distt:Officer,
Agriculture Mansehra for information please.

DISTRICT OFFICER AGRI:
MANSEHRA

May be
field in his
purne file

(9)
Annex A-5

Page No (53)

~~Annex A-5~~

(20) (49)

18

NO: _____/EDO(Agri:)Mansehra

DATED _____/11/2006.

To,

Mr: Muhammad Riaz,
F/Worker O/O
D.O. Agri: Mansehra.

22 (105)

SUBJECT:
Memo:

ABSENCE FROM DUTY/CHARGESHEET.

As per report of D.O Agri: Mansehra vide his No. 2239 dt: 30/10/2006 regarding the absence from duty w.e. from 25/10/06 to 31/10/06.

I being the Executive Distt: Officer Agri: Mansehra chargesheeted you on the following grounds/ allegations.

ALLEGATIONS.

1. You were entrusted to perform the duties of Chowkidar w.e. from 25/10/06 to 31/10/2006 only Five days, but you failed to do so.
2. You disobey the order of Distt: Officer Agri: Mansehra.
3. Due to promotion of Ex-Chowkidar Mr: Muhammad Aslim the D.O, Agri: Mansehra was unable to issue the permanent order/appointment of Chowkidar & he directed all the F/Workers of EDO/DO, agri: office to discharge the watch & wards duties- but you are the only official who have refused to discharge the said duties.
4. Being a Govtt: Employ you are bound to perform the any type of Govtt: duties allotted by the D.O, Agri: Mansehra.

You are therefore directed to appear before the Enquiry committee on 03/11/2006 at 10 am positively.

ENQUIRY COMMITTEE.

The following officers are hereby nominated to conduct the enquiry in the said matter on or before 04/11/2006.

1. District Officer Livestock, Mansehra.
2. A.P.F.O, Mansehra.

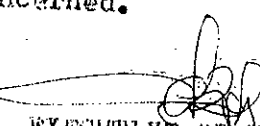
sd/
EXECUTIVE DISTRICT OFFICER
AGRICULTURE DEPARTMENT,
MANSEHRA.

NO: 3023-26

/EDO(Agri:)Mansehra
Copy to:

Dated 1/11/2006.

1. District Officer Livestock, Mansehra.
2. District Officer Agriculture, Mansehra.
3. A.P.F.O, Mansehra.
4. F/File of Official concerned.


EXECUTIVE DISTRICT OFFICER
AGRICULTURE DEPARTMENT,
MANSEHRA.

Handwritten notes and signatures at the bottom of the page.

(8)

Page No (58) Annexure 4 (54)
12

2239

تاریخ 30/10/06

(108)

از دفتر ڈیڑھ آفیسر زراعت فالسہ

صنات محمد باہن فلید ورکر

صہون - غیر حاضری / چوکیدار ڈیوٹی

حکم صبا ری - ڈی او زراعت ضلع فالسہ

آپ کی ڈیوٹی فلہ 25/10/06 تا 31/10/06 دفتر

میں بحالت چوکیدار گاجی کھی کھی صدر آپ نے ڈیوٹی

انعام یہی دی اور دفتر سے غیر حاضر رہے

لینا آپ کو مطلع کیا جاتا ہے کہ آپ ایسی

حکم ڈیوٹی سے واپس تیار اور آپ کے خلاف

عملیہ کارروائی عمل میں لائی جائیگی۔ دو دن

سے انڈر انڈر جواب دیں

ریاض الحسن شاہ

2240

ڈیپٹی ایگزیکٹو
صنات محمد باہن
فلید ورکر

تاریخ 30/10/06

(9)

حکم صبا ری - ڈی او زراعت ضلع فالسہ

(11)

Annex A-7

~~Annexure 55~~

Page 40 (12)

8
13/A

NO. 2118
DATE. 5-10-06
DO, AGRI: (M)

(110)

Mr. Muhammed Riaz,
Field Worker.

Subject:- ABSENT FROM DUTY

Memo:-

The reply submitted by you is not satisfactory, because your absentee period can not be regularized simply saying that you will excuse this time.

You have not performed your duties in this office not even a single day up till now.

You are therefore directed to explain the reasons of absence on solid ground, because you are absent till to day and attend this office dsily and observed the office timing, otherwise you will be recommend to E.D.O. Agri: for termination from service.

You are finally directed to submitt your reply with in 3 days of the receipt of this letter

Annex (B)

(12)

No. 17
To,

/S.M.S. Horticulture Dated Mansehra, the 14-12-2015

The District Director,
Agriculture Mansehra.

(71)

Annex-B

Subject: INQUIRY REPORT REGARDING MUHAMMAD RIAZ F/W
Memo:

Reference your letter No.2077-80 dated 16.11.2015.

In this regard it is stated that for conducting Inquiry about the official Muhammad Riaz Field Worker posted at U/Council Shaukat Abad regarding his absence from duty, lethargic performance and slackness in official duty. To probe the matter, got the informations from the concerned officers i.e Agriculture Officer Mansehra-I, subject Matter Specialist Plant Protection to whom assigned the duty regarding Insaf Food Security Programme and Field Assistant of U/Council Shaukat Abad. Agriculture Officer Mansehra-I provided photo copies of attendance register w.e.from the month of September to December 2015, which shows his absence for 3 days during the month of November, 2015.

Field Assistant Sahukat Abad Muhammad Ibrar replied that Field Worker Muhammad Riaz was oftenly directed verbally and telephonically for conducting/performing the activities of Insaf Food Security Programme but the Field Worker under report did not obey nor helped at Mansehra distribution point nor any activity at U/Council level regarding distribution and collection of wheat seed application farms and cards among the farming community. The Field Worker remained absent w.e.from 14 September 2015 upto the end of the Insaf Food Security campaign i.e 22.11.2015. All these activities were performed by my self alone in my circle U/Council Shaukat Abad while the concerned F.W did not helped me. Therefore I submitted the complaint against the official to the SMS (PP) who forwarded the letter to District Director Agriculture Mansehra with the remarks for taking strict disciplinary action against him. On the basis of which District Director Agriculture suspended the official. All the statements replied by the concerned officers / officials is attached herewith for ready reference.

Conclusion: After probing the issue through getting the information from the officers/officials concerned. It is very much astonishing to note that the attendance report received by the Agriculture Officer Manshera-I shows the Field Workers punctuality but after signing / marking his attendance abscond from the official duty neither played any role at U/Council level for facilitating farming community nor supported the concerned Field Assistant to perform the most important Insaf Food Security Programme. The statement of Field Worker under report regarding performing his duty look fake and ambiguous because do not have any proof.

It is therefore advise that Field Assistants should keep a vigilant eyes and over see the performance of Field Workers and Agriculture Officers to the Field Assistants so that all the departmental activities could be run smoothly.

Keeping in view the above mentioned report it is envisage that the officials under report performance shows slackness and abscondance from official duty as mentioned above. It is therefore recommended to take minor penalty action under E&D Rule, 2011 against the official concerned.


Subject Matter Specialist

(71)

(13)

~~AA~~

Ammet-e

OFFICE OF THE DISTRICT DIRECTOR AGRICULTURE MANSEHRA

OFFICE ORDER

In the light of Enquiry report Mr. Muhammad Riaz Field Worker U/Council Shaukat Abad is treated without pay w.e.f.

14-09-2015 to 22-11-2015

Sd/- District Director
Agriculture Mansehra

No. 17-21 /DD Agriculture Dated Mansehra the 4-1- /2016

Copy to:

1. The District Accounts Officer Mansehra with the request to release the pay of official concerned and deduct the pay for absentee period.
2. The Agriculture Officer Mansehra-I.
3. The Official Concerned.
4. The Cashier of this office.
5. The Establishment Clerk of this office.

For information.

naaz
District Director
Agriculture Mansehra

~~Annexure A~~ Annex-D

(14)

(18)

E-mail: dailymahasib@gmail.com www.mahasib.com.pk

MEMBER APNS

روزنامہ محاسب

ایسٹ ایبڈ

قیمت 5 روپے

پیشہ زراعت پرورین

14, 2018

شمارہ 314

انہر محکمز روایت میں بیابان پر کوشش کا ایسا ہیروکلرک کھول دیا

1 ہزار افراد سے 600 روپے کی کس روچش کے نام پر کیا گیا، مہم

انہر محکمز روایت میں بیابان پر کوشش کا ایسا ہیروکلرک کھول دیا

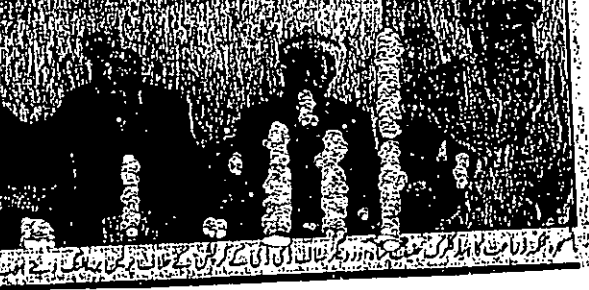
1 ہزار افراد سے 600 روپے کی کس روچش کے نام پر کیا گیا، مہم

انہر محکمز روایت میں بیابان پر کوشش کا ایسا ہیروکلرک کھول دیا

1 ہزار افراد سے 600 روپے کی کس روچش کے نام پر کیا گیا، مہم

انہر محکمز روایت میں بیابان پر کوشش کا ایسا ہیروکلرک کھول دیا

1 ہزار افراد سے 600 روپے کی کس روچش کے نام پر کیا گیا، مہم



15

Annex E

15

OFFICE OF THE DISTRICT DIRECTOR AGRICULTURE MANSEHRA

OFFICE ORDER

A committee comprising of the following officers is hereby constituted to probe into the matter mentioned in the TOR in respect of Mr. Muhammad Riaz Field Worker and Ghulam Sarwar Field Worker of this office.

1. Masood-ur-Rehman Subject Matter Specialist (Hort) Mansehra.
2. Shoaib Saleem Agriculture Officer Baffa.

TOR

1. Lack of interest in official duties.
2. Purposely misguided / mis-led the Assistant Director Anti Corruption.
3. Publishing baseless, unfounded news in the news papers against the department.
4. Conspiring for personal and vested interest against the Department

The enquiry committee should submit fact finding report within seven (07) days of the receipt of this order.

Sd —
District Director
Agriculture Mansehra

No. 2244-50 /D.D. Agriculture Dated Mansehra, the 16-12- /2015

Copy to:

1. Masood-ur-Rehman SMS (Hort) Mansehra for information and necessary action.
2. Shoaib Saleem Agriculture Officer Baffa for information and necessary action.
3. The Agriculture Officer Mansehra-I for information.
4. The Agriculture Officer Mansehra-II for information.
5. Ghulam Sarwar Field Worker for information, with the direction to appear before the enquiry committee as and when call.
6. Muhammad Riaz Field Worker for information with the direction to appear before the enquiry committee as and when call.
7. Personal Files of the official concerned.

No 20
District Director
Agriculture Mansehra

15



Inquiry Report

An Inquiry was conducted for probing the allegation levelled against the Field Workers Mr. Muhammad Riaz and Ghulam Sarwar as per following TORs.

1. Lack of interest in official duties.
2. Purposely misguided/ miss leaded the Assistant Director Anti-Corruption.
3. Publishing baseless, unfounded news in the newspaper against the department.
4. Conspiring for personal vested interest against the department.

For probing the above mentioned issues undersigned wrote letter No. 20-25 dated 04.01.2016 to the Agriculture Officer Mansehra-I and Agriculture officer Mansehra-II for getting the information about the concerned Field Workers working under their supervision in accordance with the TOR mentioned as above. Replies of the concerned officers were received vide letter No. 23 Agriculture officer Mansehra-I dated 12.02.2016 and No. 471 Agriculture officer Mansehra-II dated 08.02.2016 respectively.

The Both Field Workers were also directed to appear before the inquiry committee to reply the charges levelled against them. The officials under report i.e Muhammad Riaz Field Worker and Ghulam Sarwar Field Worker are deployed under the jurisdiction of Agriculture Officer Mansehra-I and Agriculture Officer Mansehra-II respectively.

Written statement of eye witnesses of the events were obtained. Press clippings in local newspapers were also gathered.

Both the Agriculture officers responded to facts and finding report as per 04 Nos TOR as mentioned above, about the Field Workers under report. Both officers stated that the officials under report were slack, lethargic and idle performers and did not know how to perform the assigned duties.

Furthermore both Agriculture Officers made mention of the written statements of Agriculture Inspector Muhammad Ishtiaq and Muhammad Anwar Field Assistant who reported that both officials under report gave misleading information to and tried to create negative impression of the department in front of Assistant Director Anticorruption during his visit to the office. The officials concerned also made a conspiracy group under the leadership of Mr. Hanif Shah Office Assistant to subdue officers and refrain them from directing for the performance. Agriculture Officers also reported about publication of baseless and unfounded news in local newspaper against the department.

During the interview the concerned Field Workers informed the inquiry committee as below.

Muhammad Riaz Field Worker under report stated that he had performed all the assigned duties obediently and efficiently. He performed the duties/ assigned regarding Fruit Nursery Farm Mansehra, Fermentaion Scheme along

with Field Assistant Ishtiaq and Insaf Food Security Project. A part from these facts there was no slackness on his part except one unintentional lapse on 05.11.2015, when Field Assistant Muhammad Ibrar called him for duty at 4:30 pm but he could not arrive as he was visiting hospital due to health problem (OPD chit attached). He further stated that he did not misguide visiting team of Anti-Corruption Department Mansehra. He visited the office of Anti-corruption Department Mansehra in connection with a complaint regarding PHE Department but it was not meant against his own department. He also stated that he did not misled/misguide the print media against the department nor had any contact with press reporters. He also mentioned that he had not been a part of conspiracy group. He further reported that being a poor person he also drives a taxi after office timing (the written statement attached).

Ghulam Sarwar Field Worker stated in interview before the committee that he was neither part of conspiracy group nor had any contact with print media or press reporters. He did not misguide Anti-Corruption department or provided any disinformations to press reporters. He stated that when he reached the office and entered meeting Hall only then he had found Muhammad Riaz and some other officials along with the press reporters gathered for press conference. He was asked by press reporters to comment on the affairs of department but he utterly refused citing reason of knowing nothing about them. The press reporters somehow took his picture and got it published, along with false statement attributed to him, in local newspapers.

CONCLUSION.

The inquiry committee on the basis of verbal and written statement of all concerned officer/officials, press clipping of local news papers and other documents on record have come to the following conclusion.

The performance of Mr. Muhammad Riaz Field Worker was reported as very idle, sluggish and absconder. He was punished as without pay for 70 days on the basis of inquiry conducted against him under written complaint of Field Assistant endorsed by the Subject Matter Specialist (P.P) for taking strict disciplinary action against him. The officials was annoyed and grieved over being reprimanded for his inefficiency therefore he under the leadership of Syed Hanif Shah Office Assistant started to hatch conspiracies against the department and its officers. He called a press conference and ran media campaign against the department. He purposely misguided the Assistant Director Anticorruption against the officers and department during his visit to this department (News paper clip attached). These moves were coveted attempt on part of him to subdue officers to refrain them from asking him to perform his duties.

Field worker Ghulam Sarwar was found not taking interest in his duties. He kept on applying for unnecessary excessive leaves. He was established as unpunctual, irregular and a lethargic employee. Other charges as mentioned in para 2.3 and 4 of TORs could not be established against him on account of his unintentional involvement in whole affairs.

Recommendation:-

Muhammad Riaz:


Annexure (22) 4/4

(18)

As all four points in TORs have been proven against Field Worker Muhammad Riaz he has been found guilty of violation of Efficiency and Disciplinary Rules 2011. Therefore a strong disciplinary action is recommended against him.

(7)

Ghulam Sarwar: Field Worker Ghulam Sarwar has been found guilty of lack of interest in Government duties. It is recommended that he may be served last warning to improve his efficiency and take interest in official duties.


Agriculture Officer


Subject Matter Specialist

Baffa

Horticulture Manshra

(17)



OFFICE OF THE DISTRICT DIRECTOR
AGRICULTURE EXTENSION MANSEHRA



Phone Number 0997-300647

Fax Number 0997-301749

OFFICE ORDER

An inquiry was conducted against Mr. Muhammad Riaz Field Worker BPS-04 office of the Agriculture Officer Mansehra-I, as per following TORs.

1. Lack of interest in official duties.
2. Purposely misguided/miss-led the Assistant Director Anti-Corruption.
3. Publishing baseless unfounded news in the News Paper against the department.
4. Conspiring for personal and vested interest against the department.

In the light of the inquiry report Mr. Muhammad Riaz Field Worker BPS-04 is hereby compulsory retired from service with effect from 27.05.2016 (After Noon) in the interest of public service under the Efficiency & Disciplinary Rules, 2011.

⁵²
District Director
Agriculture Mansehra

No. 919-23 /DD Agriculture Dated Mansehra the 30/05/2016

Copy to:

1. The Deputy Commissioner Mansehra for information please.
2. The District Accounts Officer Mansehra for information and necessary action please.
3. The Agriculture Office Mansehra-I, for information.
4. Official Concerned (Muhammad Riaz Field Worker).
5. The Cashier of this office with the direction to stop the pay through source.
6. The Establishment Clerk for information and necessary action.

⁴⁰²
District Director
Agriculture Mansehra

E/Order file

57

(18)

(20) Annex - H

DIRECTORATE GENERAL AGRICULTURE (EXTENSION)
KHYBER PAKHTUNKHWA, PESHAWAR

No. 16/123/Estt/ _____ /DG Dated Peshawar: the 5/9 /2016

To:

Mr. Muhammad Riaz,
Ex-Field Worker office of the DDA, Mansehra.

Subject: DEPARTMENTAL APPEAL AGAINST THE ILLEGAL COMPULSORY RETIREMENT ORDER NO.919-23 DATED 30.5.2016.

Memo:

Reference your appeal dated 8.6.2016.

On perusal of inquiry report / available record, you have been found guilty of violating rules and regulation and ceased efficiency.

Your appeal is hereby rejected.

//

DIRECTOR GENERAL

Endst. No

16913

Copy forwarded to the District Director Agriculture, Mansehra for information w/r to his letter No.1387 dated 23.8.2016.

[Signature]
DIRECTOR GENERAL

Dairy No: 561 dt: 16-9
Office of the District Director
Agriculture Mansehra

*Refer
put it in personal file
of concerned official.
All
copy 16/9/16*

*R-K-pl.
~~after taking copy~~
it hand over to DDA-SB;
as the p-file is with DDA, SB;*

16/9/16

24/5



www.agriculture.kp.gov.pk

**OFFICE OF THE DISTRICT DIRECTOR
AGRICULTURE EXTENSION MANSEHRA**
Shinkiari Road Near Erum Hotel Mansehra



Ph: 0997-300647

Email: doamansehra@gmail.com

Fax: 0997301749

AUTHORITY LETTER

I do hereby authorize Mr. Syed Sadiq Hussain Shah Subject Matter Specialist (Plant Protection) office of the District Director Agriculture Mansehra to attend the Honourable Court of Service Tribunal at Abbottabad in the title case Riaz Vs Government of Khyber Pakhtunkhwa on 21.03.2018.

District Director
Agriculture Mansehra

Date 20-3- /2018



www.agriculture.kp.gov.pk

**OFFICE OF THE DISTRICT DIRECTOR
AGRICULTURE EXTENSION MANSEHRA**
Shinkiari Road Near Errum Hotel Mansehra



Ph: 0997-300647

Email: doamansehra@gmail.com

Fax: 0997301749

AUTHORITY LETTER

I do hereby authorize Mr. Syed Sadiq Hussain Shah Subject Matter Specialist (Plant Protection) office of the District Director Agriculture Mansehra to attend the Honourable Service Tribunal Court Bench Abbottabad in the title case of Riaz Vs Secretary Agriculture W.P 1113/2016 on 24.05.2018 on behalf of Respondent No. 1, 2 & 3.

Date 23/5 /2018

District Director
Agriculture Mansehra
~~District Director~~
~~Agriculture Mansehra~~



www.agriculture.kp.gov.pk

**OFFICE OF THE DISTRICT DIRECTOR
AGRICULTURE EXTENSION MANSEHRA**
Shinkhari Road Near Errum Hotel Mansehra



Ph: 0997-300647

Email: doamansehra@gmail.com

Fax: 0997301749

AUTHORITY LETTER

I do hereby authorize Mr. Syed Sadiq Hussain Shah Subject Matter Specialist (Plant Protection) BPS-18 office of the District Director Agriculture Mansehra to attend Honourable Court detailing as under on behalf of Respondent No. 1,2 at S.No. 01 and 1, 2, 3 at S No.02.

S.No	Name of Title	Court name	Dated of attendance
1.	Shafaqat Ali Vs Director General Agriculture Extension Peshawar and other WP No.1044-A /2017	PHC Abbottabad Bench	17.10.2018
2.	Muhammad Riaz Vs Secretary Agriculture KPK And other WP No.1113/2016	Service Tribunal Abbottabad Camp	17.10.2018 ✓

Date 16-10- /2018


District Director
Agriculture Mansehra

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 848 /ST Dated 29-4- /2019

To


The District Director, Agriculture (Extension),
Government of Khyber Pakhtunkhwa,
Mansehra.

Subject: -

JUDGMENT IN APPEAL NO. 1113/2016, MR. MUHAMMAD RIAZ.

I am directed to forward herewith a certified copy of Judgement dated 17.04.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.