

MP 234/2016

Rahim dad Khan VS Govt

03.03.2017

Counsel for the petitioner and M/S Mukhtiar Ali, Supdt. and Zakiullah, Senior Auditor alongwith Addl. AG for the respondents present. Arguments on execution petition heard and record perused.

On the strength of the judgment of this Tribunal the penalty awarded to the petitioner in the shape of dismissal from service was converted into compulsory retirement w.e.f. 22.10.2014. In pursuance of the judgment of this Tribunal notification dated 08.06.2016 was also issued by the Senior Member Board of Revenue.

According to the stance of the petitioner no one is accepting his application for processing his case for financial benefits accruable to him on the strength of the judgment of this Tribunal and the said notification of retirement.

It is directed that the petitioner shall submit such application to respondent No. 3 (SMBR) who shall process the same according to law. The execution petition is disposed of accordingly. File be consigned to the record room.

Chairman

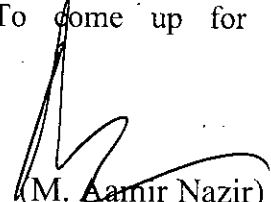
ANNOUNCED

03.03.2017

03.03.17.

24.01.2017

Counsel for the petitioner and Addl: AG alongwith Mr. Muhammad Ibrar, Assistant Secretary for respondents present. Implementation report submitted. To come up for further proceedings on 03.03.2017 before S.B.

  
(M. Amir Nazir)  
Member

*Delivered*

12-15-2016

*LA*

*LA*

*[A long, thin, curved handwritten mark]*

2

FORM OF ORDER SHEET

Execution Petition No. 234/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01.12.2016	<p>The Execution Petition of Mr. Rahim Dad Khan submitted to day by through Muhibullah Tarichvi Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i> REGISTRAR</p>
2-		<p>This Execution Petition be put up before S. Bench on <u>15-12-2016</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p>
	15.12.2016	<p>Counsel for the appellant and Addl. AG for respondents present. Notices be issued to the respondents. To come up for implementation report on 24.01.2017 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i> Chairman</p>

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

*Execution Petition no. 234/2016*

Rahim Dad Khan.....(Applicant/Appellant)

**VERSUS**

Government of Khyber Pakhtunkhwa through Chief Secretary,  
Peshawar and others.....(Respondents)

**I N D E X**

<b>S.No</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Application		1-3
2.	Affidavit		4
3.	Copy of the order dated 04/03/2016	A	5-8
4.	Copy of Notification	B	9
5.	Copies of Transfer orders		10-12
6.	Other documents		13-15
7.	Wakalat Nama		16

Applicant/Appellant  
Rahim Dad Khan  
Ex-Tehsildar, Haripur

Through

*M. Tarichvi*

**Muhibullah Tarichvi**  
Advocate High Court,  
Peshawar.

Cell No. 0345-3434235

Dated: 29/11/2016

1

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

Khyber Pakhtukhwa  
Service Tribunal

Execution Petition no. 234/16

Diary No. 1144

Dated 1-12-16

Rahim Dad Khan S/o Lais Khan R/o Tappi, Tehsil and District  
Kohat.....(Applicant/Appellant)

**VERSUS**

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
2. Accountant General Khyber Pakhtunkhwa, Fort Road, Peshawar.
3. Senior Member Board of Revenue, KPK, Peshawar.....(Respondents)

**APPLICATION U/S 7. (2) (D) FOR**  
**EXECUTING THE ORDER/**  
**JUDGMENT DATED 04/03/2016**  
**DELIVERED BY THIS HON'BLE**  
**TRIBUNAL**

**Respectfully Sheweth:**

1. That the applicant/ appellant was serving as Tehsildar in the Revenue Department, Abbottabad however on 02/07/2013 the applicant was transferred to Haripur.

2

2. That soon this order was followed by another order dated 12/07/2013 whereby the applicant was transferred to Dassu, Kohistan for no lawful reason.
3. That this order was challenged by the applicant before the Peshawar High Court, Peshawar Abbottabad Bench, where the impugned order was suspended for some time, however the applicant was soon dismissed from service on 22/10/2014 for the alleged absence from duty.
4. That applicant challenged this order in this hon'ble Tribunal through appeal No. 80/2015 which was accepted on 04/03/2016 to the extent that the dismissal order was modified into compulsory retirement. (Copy of the order is attached).
5. That the applicant produced copy of the order to the Revenue Department on which Notification No. 16223 dated 08/06/2016 was issued for compliance of the order/ judgment of this hon'ble Tribunal dated 04/03/2016, and as such the applicant stood compulsorily retired since the said

3

date 20/10/2014. (Copy of the notification is attached).

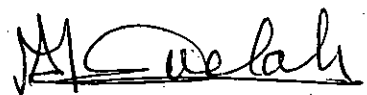
6. That the applicant now wants that the orders of this hon'ble Tribunal dated 04/03/2016 may be complied with for all purposes, directing the respondents to pay all pension expenses, salary and other emoluments admissible under the rules.

It is, therefore, prayed that the order dated 04/03/2016 may be complied-with/executed and the respondents may be directed to give all arrears including pension, salary and other emoluments admissible under the rules.

Applicant/Appellant

Through

Dated: 29/11/2016

  
**Muhibullah Tarichvi**  
Advocate High Court,  
Peshawar.  
Cell No. 0345-3434235

Rahim Dad Khan  
Ex-Tehsildar, Haripur



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

Rahim Dad Khan.....(Applicant/Appellant)

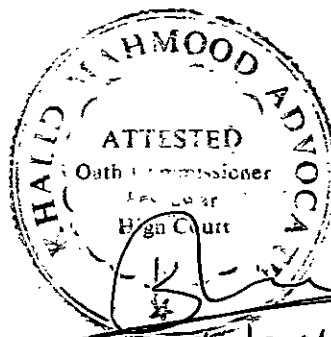
**VERSUS**

Government of Khyber Pakhtunkhwa through Chief Secretary,  
Peshawar and others.....(Respondents)

**AFFIDAVIT**

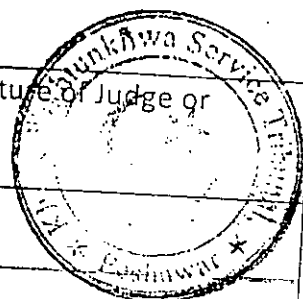
I, Rahim Dad Khan S/o Lais Khan R/o Tappi, Tehsil and District Kohat, do hereby solemnly affirm and declare that all the contents of the **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

**DEPONENT**



30/4/2016





Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2  04.03.2016	3  BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR  Appeal No. 80/2015 Rahim Dad Versus Government of KPK through Chief Secretary, Peshawar etc.  <u>JUDGMENT</u>  <u>PIR BAKHSH SHAH, MEMBER.-</u> Appellant with counsel (Mr. Khushdil Khan Advocate) and Government Pleader (Ziaullah), with Mukhtiar Ali, Supdt. for the respondents present.  2. At the relevant time, the appellant was employee of the Revenue Department holding the post of Tehsildar (BS-16). He was dismissed from service vide impugned order dated 22.10.2014 on the ground of absence from duty. His departmental appeal was also rejected vide order dated 07.01.2015. hence this appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.  3. Arguments heard and record perused.  4. The learned counsel for the appellant submitted that vide order dated 02.7.2013, the appellant was transferred from the post of Tehsildar, Abbottabad to Tehsildar, Haripur which order was very soon followed by another transfer

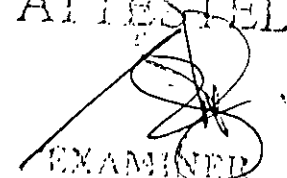
ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*[Handwritten signature]*

order dated 12.07.2013 of the appellant to Dassu Kohistan. That the same was unlawful and premature, compelling the appellant to knock at the doors of the Hon'ble Peshawar High Court, Abbottabad Bench in which petition a stay order was also granted in favour of the appellant. It was further submitted that transfer of the appellant was based on mala fide of the then SMBR who was not obliged by the appellant in a wrong mutation of his relative at Abbottabad. It was further stated that charge sheet and statement of allegations dated 26.09.2013 was issued at the office address of Deputy Commissioner, Dassu and a formal enquiry was directed to be conducted by Deputy Commissioner, Batagram. In his appeal, the appellant has denied that he was served with any notice and that the enquiry, if any, was also conducted at his back. The learned counsel for the appellant stressed that the appellant has served the department almost for 40 years and it was also stated before the Tribunal that he has attained his age of superannuation in the year, 2015 but it is evident that extremely harsh penalty was imposed on him without giving him opportunity of hearing. He requested that the impugned orders may be set aside and an appropriate relief may be granted to him.

ATTESTED

  
 EXAMINED  
 Khayber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

5. These arguments were resisted by the learned G.P on the grounds that all codal formalities were fulfilled and that as the appellant was absent, therefore, he was rightly dismissed from service.

ATTESTED  


6. We have heard pro & contra arguments and have perused the record.

7. It was found on record that from the post of Tehsildar, Abbottabad, appellant was transferred to Haripur vide order dated 02.7.2013 followed by another transfer order dated 12.07.2013, by way of which he was transferred to Dassu District Kohistan. It has been admitted by the respondent department in its reply that the said order was challenged by the appellant before the honourable High Court in which a stay order was also issued in favour of the appellant. Charge against the appellant is that pursuant to his transfer, he faxed charge assumption report to his senior but per report of D.C Kohistan, he did not physically reach on the station. Such report of the D.C Kohistan is not available on record but still important aspect of the matter is that while having a stay order in his favour, appellant could not be compelled to report at Dassu, Kohistan. From perusal of the record, it was also found that Writ Petition of the appellant was dismissed for want of jurisdiction by the Hon'ble Peshawar High Court, Abbottabad Bench vide order dated 11.2.2014 but prior to that the appellant had been charge sheeted on 10.09.2013. The allegation of the appellant is that the entire proceedings are tainted with malafide and based on revenge stated above. He also denied to have been associated with any enquiry proceedings or that

ATTESTED

*[Signature]*  
Khan  
Secretary,  
Peshawar

ATTESTED

*[Signature]*

he was properly served with any notice. It was not denied that the appellant has rendered 40 years of his service and further that he has attained his age of superannuation in 2015 as stated at the bar. In the stated facts and circumstances of the case, the Tribunal is of the considered view that even if he remained absent as charged by the department, the penalty of dismissal imposed on him is too harsh. Hence, we are inclined to modify the penalty of dismissal from service vide order dated 22.10.2014 into his compulsory retirement to be effective from the said date. The impugned order be read accordingly. This appeal is decided in the above terms. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED  
04.03.2016

*Sd/- Piro Bakht Sh Sheh,  
Member*

*Sd/- Abdul Latif,  
Member*

**Certified to be true copy**  
*[Signature]*  
JUDGE  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

**Date of Presentation of Application** \_\_\_\_\_

**Number of Words** \_\_\_\_\_

**Copying Fee** \_\_\_\_\_

**Urgent** \_\_\_\_\_

**Total** \_\_\_\_\_

**Name of Copyist** \_\_\_\_\_

**Date of Completion of Copy** \_\_\_\_\_

**Date of Delivery of Copy** \_\_\_\_\_

**ATTESTED**  
*[Signature]*

(9)

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 8 /06/2016

NOTIFICATION

No. Estt:I/Rahim Dad/ 16223. The Competent Authority in pursuance of the Service Tribunal, Khyber Pakhtunkhwa judgment/order dated 04.03.2016 has been pleased to modify, the dismissal order from Service in respect of Mr. Rahim Dad Ex-Tehsildar Dassu District Kohistan vide this department Notification No. Estt:I/PF/Rahim Dad /20768-72, dated 20.10.2014 into compulsory retirement.

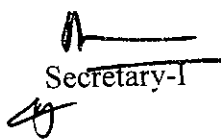
Sd/-  
Senior Member

No. Estt:I/Rahim Dad / 16224-28

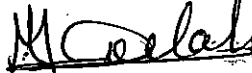
Copy forwarded for information to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. Commissioner Hazara and Kohat Division.
3. Deputy Commissioner Kohistan and Kohat.
4. District Account Officer Kohistan and Kohat.
5. Raheem Dad-Ex-Tehsildar District Kohistan.

3

  
Secretary-I

ATTESTED

  
M. Qureshi

10



**OFFICE OF THE  
COMMISSIONER HAZARA DIVISION  
ABBOTTABAD**

**ORDER**

The following posting/transfers amongst the Revenue Officers are hereby ordered in the best public interest:

S No.	Name of Revenue Officer	From	To	Remarks
1.	Mr. Rahim Dad	Tehsildar Abbottabad	Tehsildar Haripur	Vice S. No.2 below
2.	Mr. Ziafat Khan	Tehsildar Haripur (OPS)	Tehsildar Abbottabad (OPS)	Vice S No.1 above

AE

*(Signature)*  
**(Muhammad Khalid Khan Umerzai)**  
**Commissioner Hazara Division  
Abbottabad**

**Dated Abbottabad the 2/07/2013**

No. Estab/ 5750-57  
Copy forwarded to the:

1. Deputy Commissioner Abbottabad.
2. Deputy Commissioner Haripur.
3. District Comptroller of Accounts Abbottabad.
4. Senior District Accounts Officer Haripur.
5. PS to Senior Member Board of Revenue, Khyber Pakhtunkhwa, Peshawar.
6. Officers concerned.
7. Personal files.

*(Signature)*  
**Assistant to Commissioner (Rev/GA)**  
**Hazara Division Abbottabad**



**ATTESTED**

*(Signature)*

DC  
04/07  
2013



11

OFFICE OF THE  
COMMISSIONER HAZARA DIVISION  
ABBOTTABAD

37

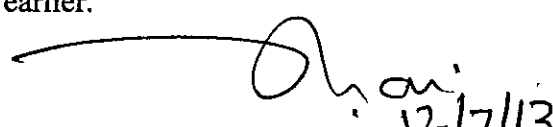
**O-R-D-E-R**

Consequent upon promotion of Tehsildar BS-16 and in compliance with Board of Revenue directive issued vide No.Estt:I/65/PT/12619-25 dated 20-06-2013, the following posting/ transfers amongst the Tehsildar and Naib Tehsildars are hereby ordered in the public interest with immediate effect:

S.No	Name	From	To	Remarks
1.	Mr. Iftikhar Ahmad Tehsildar(BPS-16)	Waiting for posting	Tehsildar Balakot	Vice No.2
2.	Mr. Faraz Qureshi Naib Tehsildar (BPS-14)	Tehsildar Balakot (in his own Pay & Scale)	Naib Tehsildar Land Acquisition Mansehra	Vice No. 3
3.	Qazi Muhammad Aslam Naib Tehsildar (BPS-14)	Naib Tehsildar Land Acquisition Mansehra	Naib Tehsildar Abbottabad	Vice No.4
4	Mr. Ejaz Ahmed Naib Tehsildar (BS-14)	Naib Tehsildar Abbottabad	Naib Tehsildar Allai	Against Vacant Post
5	Mr. Ziafat Khan, Naib Tehsildar (BS-14)	Tehsildar Abbottabad(in his own Pay and Scale)	Tehsildar Pattan (in his own Pay & Scale)	Vice No.6
6	Mr. Mohammad Taj, Tehsildar (BS-16)	Tehsildar Pattan	Tehsildar Mansehra	Vice No.7
7	Mr. Fayaz Ahmad Naib Tehsildar (BS-14)	Tehsildar Mansehra(in own Pay and Scale)	Tehsildar Palas (in his own Pay & Scale)	Vice No.8
8	Mr. Abdul Haleem, Tehsildar (BS-16)	Tehsildar Palas	Tehsildar Abbottabad	Vice No.5
9	Mr. Waheed Ahmed, Tehsildar (BS-16)	Tehsildar Allai	Tehsildar Haripur	Vice No.10
10	Mr. Rarhim Dad Khan, Tehsildar(BS-16)	Tehsildar Haripur	Tehsildar Dassu	Vice No.11
11	Mr. Sher Dil, Naib Tehsildar (BS-14)	Tehsildar Dassu (in his own pay & Scale)	Tehsildar Oghi (in his own Pay & Scale)	Vice No.12
12	Mr. Iftikhar Ahmad Tanoli, Tehsildar (BS-16)	Tehsildar Oghi	Tehsildar Land Acquisition Abbottabad	Against vacant Post
13	Mr. Fazal-ur- Rehman, Naib Tehsildar(BS-14)	Naib Tehsildar Haripur	Naib Tehsildar Dassu	Vice No.14
14	Mr. Ghulam Murtaza, Naib Tehsildar(BS-14)	Naib Tehsildar Dassu	Naib Tehsildar Haripur	Vice No.13
15	Mr. Muhammad Nazir	Naib Tehsildar Kandar Tor Ghar	Naib Tehsildar Mansehra	Against Vacant Post

The posting of (BS-14) officials at Serial No. 5, 7 & 11 in their own Pay & Scale against the posts of Tehsildar (BS-16) is made only as a stop gap arrangement due to shortage of Tehsildar (BS-16) and will be revised as and when Tehsildar (BS-16) are placed at the disposal of this office, for which Board of Revenue has already been requested vide this office No. 4/9-Estab:2240 dated 12.07.2013, or till their posting out on administrative grounds whichever is earlier.

APPROVED  
M. Qureshi

  
Commissioner,  
Hazara Division, Abbottabad

12/7/13

12

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No. 4/9-Estab: 2252-83

Dated Abbottabad the 12.07.2013

Copy forwarded to the: -

1. Senior Member Board of Revenue, Revenue & Estate Department, Government of Khyber Pakhtunkhwa, Peshawar for information w/r to our telephonic discussion followed by letter No. 4/9-Estab:2240 dated 12.07.2013. As already requested early placement of 8 Tehsildar and 6 Naib Tehsildar may be made in the best public interest.
- ✓ 2. All the Deputy Commissioners in Hazara Division. (Ad)
3. All the District Accounts Officer in Hazara Division.
4. Tehsildar/Naib Tehsildar Concerned for immediate compliance.

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

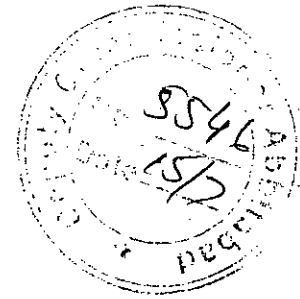
AE

W

DC  
15/07/13

ATTESTED

M. W. Khan





**OFFICE OF THE DISTRICT ACCOUNT OFFICER ABBOTTABAD**

Ph : 0992-9310352, 9310219, Fax # 9310351

No RE/DAO/AD/Misc./293  
To

Dated 21/08/2013

The District Accounts Officer  
Harpur

Subject: TRANSFER OF SERVICE DOCUMENTS.

The service of Mr/Mrs Rahim Dard (Tehsildar)  
bearer of Personal No 158368 has been transferred to the Audit jurisdiction of your office. Therefore his/her personal file (service statement etc) are enclosed herewith for record of your office please. He / She has been paid upto 31.7.2013 at the following rates. Rs 16800/16000

**PAYMENTS**

**DEDUCTIONS**

Basic pay	Rs	23600
S.Pay / P.Pay	Rs	5000
HRA	Rs	1966
NPA	Rs	6555
A.R.A	Rs	1966
D.A	Rs	4720
50% D.A	Rs	3540
AR-2011	Rs	
AR-2012	Rs	
Med:All	Rs	
Conveyance All	Rs	
Gross Pay	Rs	47347

G.P.Fund	Rs	1760
B.Fund	Rs	250
G.Ins	Rs	173
A.G.Ins	Rs	19
I Tax	Rs	600
HR 5%	Rs	1180
ROP	Rs	
GP-Fund A/c		
No		
Net	Rs	

ATTESTED  
[Signature]

1) He/She is authorized to draw pay & Allowances from \_\_\_\_\_ to \_\_\_\_\_ at the above rates.

2 - Real pay & all w. of 4/7/13 to 31/7/13 at the above rates

No. G O/DAO/HR/Nil dt. 14.7.2014  
Forwarded in file The above named Tehsildar has served as Tehsildar Haripur from 3.7.2013 to 15.7.2013. No payment has been made by this office on this L.P.C. overpayment of pay & allowances from 16.7.2013 to 31.7.2013 shown by DAO Abbottabad may be rectified by adjustment. To The D.A.O Accounts Officer Haripur.

21.8.13  
District Account Officer  
Abbottabad  
DISTRICT  
Comptroller of Accounts  
ABBOTTABAD

Senior Distt: Accounts Officer  
Harpur

**SERVICE STATEMENT**

Prior to 13.6.11 the officer was under the Audit jurisdictions of District / Agency Accounts Officers Kohat.

Station	Period	Particulars							Total	
		Pay	HRA	NPA SDH	ARA	DA	AR	DA		
ACU	13.6.11	13114		576	933	933	1153	2617	6155	27779
"	1.7.11	2220	2483				1966	1966	6555	24967
13	1.12.11	22819	2487				1966	1966	6555	25767
"	1.7.12	22877	5114				1966	1966	6555	42847
"	1.12.12	2362	5114				1966	1966	6555	43827
"	1.7.13	2362	5114				1966	1966	6555	42847
										2040
										42947

Handed over charge of the post on Fore /After Noon of 27.2.13 Detail of leave availed is as under.

From \_\_\_\_\_ to 4/7/13 to 31/7/13  
*R. P. P. Y. ...*

**DETAIL OF RECOVERIES**


1. Motor Care Advance Rs. \_\_\_\_\_ is recoverable @ Rs. \_\_\_\_\_ PM
  2. HBA Rs. \_\_\_\_\_ is recoverable @ Rs. \_\_\_\_\_ PM
  3. Interest of HBA / M Car / M Cycle Rs. \_\_\_\_\_
  4. TA Advance Rs. \_\_\_\_\_ is recoverable @ Rs. \_\_\_\_\_ PM
- (Signature)*  
 District Account Officer  
 Abbottabad

Copy forwarded to the Assistant Account officer GP-Fund Section Local with the request to transfer the GP-Fund Balance in r/o above named officer to the District Accounts Officer *(Signature)* at the earliest please.

District Account Officer  
 Abbottabad  
*(Signature)*

CHARGE ASSUMPTION REPORT

In pursuance of the order bearing endst: No.Estab/5750-57 dated 2.7.2013, issued by the Commissioner, Hazara Division, Abbottabad, I assume the charge of the post of Tehsildar, Haripur today on 3.7.2013 (After-noon)

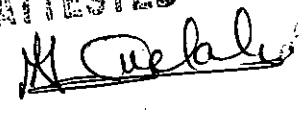
  
Rahim Dad  
Tehsildar Haripur

No. SS-60-010 / Dated Abbottabad the 03 /7/2013

Copy forwarded to the:-

1. Commissioner, Hazara Division, Abbottabad.
2. Deputy Commissioner, Abbottabad.
3. Deputy Commissioner, Haripur.
4. District Accounts Officer, Abbottabad.
5. District Accounts Officer, Haripur.
6. P.S to Senior Member Board of Revenue Khyber PAKHTUBKHWA Peshawar.

  
Rahim Dad  
Tehsildar Haripur

**ATTESTED**  


WAKALATNAMA

IN The KPK Service Tribunal Peshawar,

Rahim Dad Khan

(Petitioner) ✓  
(Plaintiff) —  
(Applicant)  
(Complainant)  
(Decree Holder)

**VERSUS**

Govt of KPK and others

(Respondent) ✓  
(Defendant)  
(Accused)  
(Judgment Debtor)

Case Application u/s 7(2)(d)

I/We, Rahim Dad Khan do hereby appoint and constitute **MUHIBULLAH TARICHVI** High Court, Peshawar, to appear. Plead, act, compromise, withdraw or refer to arbitration to me/ ~~us~~ as my/ ~~our~~ Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ ~~our~~ matter.

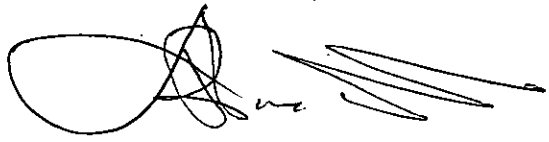
Attested & Accepted

M. Qureshi 30-Nov 2016

**MUHIBULLAH TARICHVI**

Advocate, High Court, Peshawar.  
Office Chitral Law Chamber  
Municipal Building, Naz Cinema  
Road, Chowk Yadgar, Peshawar  
Mobile: 0345-3434235

CLIENT/S



Rahim Dad Khan

CNIC# 14301-2313293-3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution petition No.234/2016

Service Appeal No.80/2015

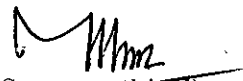
Mr.Rahim Dad Khan Tehsildar .....Appellant

VERSUR

Senior Member Board of Revenue, Khyber Pakhtunkhwa & Others.....Respondents

AFFIDAVIT

I Mr.Mukhtiar Ali, Superintendent (Lit-II), Board of Revenue Khyber Pakhtunkhwa do hereby solemnly affirm that the contents of the written reply are true and correct to the best of my knowledge and belief information provided to me and nothing has been deliberately concealed from this Hon'able Tribunal.

  
Assistant Secretary (Lit-II),  
Board of Revenue

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Execution petition No. 234/2016

Service Appeal No. 80/2015

Mr. Rahim Dad Khan Tehsildar .....Appellant

**VERSUS**

The Government of Khyber Pakhtunkhwa and others... Respondents

**PARAWISE COMMENTS ON EXECUTION PETITION ON BEHALF OF RESPONDENT NO. 1 & 3**

**RESPECTFULLY SHEWETH.**

**ON FACTS**

1. Correct.
2. The appellant was transferred from the post of Tehsildar Abbottabad and was posted as Tehsildar Haripur on 2.7.2013, but later on transferred as Tehsildar Dassu on 12.7.2013 on administrative grounds by Commissioner, Hazara Division.
3. Correct to extend that the said order was challenged by the appellant and succeeded in getting stay order from Peshawar High Court. Later on his writ petition was dismissed by Peshawar High Court on the ground of lack of jurisdiction. The appellant faxed charge assumption report (as reported by DC, Kohistan), but did not physically assume the charge of the post of Tehsildar Dassu and remained absent from duty from 12.07.2013 till 2.7.2014. On the basis of willful absence, he was suspended from service and an enquiry was conducted through Deputy Commissioner, Battagram and even after charge sheet, the appellant did not appear before the Enquiry Officer rather sent reply to the Enquiry Officer as well as to Board of Revenue stating therein that he has instituted a writ petition before Peshawar High Court. After completion of legal formalities the Enquiry Officer recommended imposition of major penalty of dismissal from service upon the accused official. A show cause notice was served upon the official and chance of personal hearing was afforded to defend his position. On the day of personal hearing, the appellant promised to assume his charge, but after assuming charge of the post of Tehsildar Dassu on 3.7.2014 he again absented himself till 19.10.2014. Resultantly he was dismissed from service.
4. Correct to the extent that his appeal was accepted to the extent of his dismissal order into compulsory retirement.
5. Correct. On the basis of judgment of Service Tribunal his dismissal order was converted into compulsory retirement (Annexure-A).
6. The order of hon'ble Tribunal dated 4.3.2016 has already been implemented, hence the instant petition becomes infractous.

It is therefore, requested that the execution petition of the appellant may be dismissed with cost.

  
Respondent No. 1 & 3

GOVERNMENT OF KHYBER PAKHTUNKHWA  
BOARD OF REVENUE  
REVENUE & ESTATE DEPARTMENT

Peshawar dated the 8/06/2016

NOTIFICATION

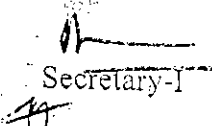
No. Estt:I/Rahim Dad/ 16223 . The Competent Authority in pursuance of the Service Tribunal, Khyber Pakhtunkhwa judgment/order dated 04.03.2016 has been pleased to modify, the dismissal order from Service in respect of Mr. Rahim Dad Ex-Tehsildar Dassu District Kohistan vide this department Notification No. Estt:I/PF/Rahim Dad /20768-72, dated 20.10.2014 into compulsory retirement.

Sd/  
Senior Member

No. Estt:I/Rahim Dad / 16224-28

Copy forwarded for information to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. Commissioner Hazara and Kohat Division.
3. Deputy Commissioner Kohistan and Kohat.
4. District Account Officer Kohistan and Kohat.
5. Raheem Dad-Ex-Tehsildar District Kohistan.

  
Secretary-I