

20.05.2015

Counsel for the appellant and Addl: A.G for respondent No. 1 present. Mr. Mansoor Tariq, Advocate on behalf of respondent No. 2 present and submitted fresh Wakalat Nama. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 9.9.2015.


Member

09.09.2015

Counsel for the appellant and Addl: A.G for respondents presents. Written reply not submitted. Requested for further time. To come up for written reply/comments on 12-10-2015


Member

12.10.2015


None present for the parties. Fresh notices shall be issued to them. To come up for reply on 28.04.2016 before S.B.


Member


Member

28.04.2016

None present for the appellant. Addl. AG for respondents present. Notice has been served on appellant through registered but no one is in attendance on behalf of the appellant. The court time is over. Dismissed for want of prosecution. File be consigned to the record room.


Chairman
28.04.16.

ANNOUNCED
28.04.2016

28.01.2015

Appellant with counsel present and heard. Learned counsel for the appellant contends that the appellant was initially appointed on contract as HTV Driver whose services were later on regularized. That during the performance of his duty appellant felt ill and was thus terminated from service on 26.06.2014 which order was communicated to the appellant on 11.08.2014. That the departmental appeal dated 08.09.2014 was dismissed by the appellate authority on 29.09.2014 against which the instant appeal was filed on 30.10.2014.

Learned counsel for the appellant further argued that no show cause notice, charge sheet etc were issued to the appellant nor any inquiry was conducted against the appellant and hence the impugned order as well as finding of the appellate authority are void and not tenable in the eye of law.

Points urged need further consideration. Admit. Subject to deposit of security and process fee, notices be issued to the respondents for written reply for 09.04.2015.


Chairman

09.4.2015

Appellant with counsel present and submitted that due to mis-understanding security and process fee have not been deposited. The learned counsel for the appellant requested for time to deposit security and process fee. Security and process fee be deposited within 7 days. Thereafter, notices be issued to the respondents. Case to come up for written reply on 21.5.2015.

Appellant Deposited
Security & Process Fee







MEMBER

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1301/2014


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	05.11.2014	<p>The appeal of Mr. Muhammad Israr resubmitted today by Mr. Fazal Shah Mohmand Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p>This case is entrusted to Bench <u>E</u> for preliminary hearing to be put up there on <u>16-01-2015</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
3	16.01.2015	<p>Agent of counsel for the appellant present. Seeks adjournment due to strike of the Bar. Adjourned for preliminary hearing to 28/1/2015.</p> <p style="text-align: right;"> Chairman.</p>

The appeal of Mr. Muhammad Israr Ex-HTV Driver emergency Rescue service (Rescue-1122) Khyber Pakhtunkhwa received today i.e. on 30.10.2014 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Affidavit may be got attested by the Oath-Commissioner.
- 3- Annexure-B of the appeal is illegible which may be replaced by legible/better one.
- 4- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1561 /S.T.

Dt. 30/10 /2014.


REGISTRAR - 30/10/14
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Fazal Shah Mohmand Adv. Peshawar.

sit, Resubmitted after necessary
Completion -



- Adv

5-11-2014

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1301 /2014

Muhammad Israr.....Appellant



VERSUS

Secretary and one other.....Respondents

INDEX

S No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-4
2.	Copies of Medical Chits	A	5-15
3.	Copy of application & order	B & C	16-17
4.	Copy of appeal and order dated 29-09-2014	D & E	18-22
5.	Wakalat Nama		23

Dated:- 30-10-2014


Appellant
Through

Fazal Shah Mohmand
Advocate, Peshawar

OFFICE:-
Cantonment Plaza Flat 3/B
Khyber Bazar Peshawar
Cell # 0301 8804841

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1301 /2014

Muhammad Israr Ex HTV Driver Emergency Rescue Service
(Rescue-1122) Khyber Pakhtun Khwa Peshawar.

.....Appellant

VERSUS

1. Secretary Relief, Rehabilitation, & Settlement Department,
Govt. of KPK Peshawar
2. Director General Emergency Rescue Service (Rescue-1122)
Khyber Pakhtun Khwa Peshawar.....Respondents

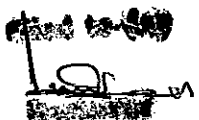
**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974
AGAINST THE ORDER DATED 29-09-2014 PASSED BY
RESPONDENT NO 1 WHERE BY DEPARTMENTAL
APPEAL OF THE APPELLANT FILED AGAINST THE ORDER
DATED 26-06-2014 OF RESPONDENT NO 2 WHEREBY
SERVICE OF THE APPELLANT WAS TERMINATED WITH
EFFECT FROM 21-01-2014 AND THE PERIOD OF ABSENCE
FROM DUTY WAS TREATED AS LEAVE WITHOUT PAY,
HAS BEEN DISMISSED.**

PRAYER:-

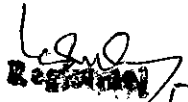
On acceptance of this appeal the impugned order dated 29-09-2014 of respondent No 1 and Order dated 26-06-2014 of respondent No 2, may kindly be set aside and the appellant may kindly be ordered to be reinstated in Service with all back benefits

Respectfully Submitted:-

1. That the appellant was selected as HTV Driver BPS-4 by respondent No 2 on contract/temporary basis and later on his services were regularized, and since then he performed his duties with honesty and full devotion and to the entire satisfaction of his superior officers.
2. That in April 2013, the appellant fell seriously ill and was unable to had performed his duties, therefore he informed his shift incharge Sajjad Khan SI and Station House Incharge Mr. Hassan Dad and also visited Doctors who advised him Medicines. Investigations and bed rest as well. (Copies of Medical chits are enclosed as Annexure A).


30/10/14

re-submitted to-
and filed.


5/11/14

3. That the appellant also informed the authority through written application dated 16-01-2014, but even then the service of the appellant was terminated vide order dated 26-06-2014 under Govt. Servants Efficiency & Disciplinary Rules 1973 and the period of absence was treated as leave without pay by respondent No 2, copy of which was communicated to the appellant on 11-08-2014. (Copy of application and order are enclosed as Annexure B & C).
4. That the appellant submitted Departmental appeal before respondent No 1, on 08-09-2014, which was dismissed vide order dated 29-09-2014. (Copy of appeal and order are enclosed as Annexure D & E respectively).
5. That the impugned order dated 29-09-2014 of respondent No 1 and order dated 26-06-2014 of respondent No 2 are against the law, facts and principles of justice on grounds inter alia as follows:-

GROUND:-

- A. That the impugned orders are illegal and void ab-initio.
- B. That no charge sheet and show cause notice were communicated to the appellant and Ex Parte action was taken against the appellant and he was thus condemned unheard..
- C. That no inquiry was conducted in order to had found out the true facts and circumstances.
- D. That the appellant was also not afforded the opportunity of personal hearing.
- E. That the impugned order is without jurisdiction and legal authority.
- F. That even otherwise the absence from duty was not willful and deliberate rather the same was due to serious illness which was beyond the control of the appellant.
- G. That mandatory provisions of law has been violated by the respondents while taking action against the appellant.
- H. That the period of absence has been regularized by treating the same as leave without pay and the appellant as such could not be punished on this ground again.

- I. That the order is defective being passed with retrospective effect.
- J. That there is misapplication of law as well and the order is as such not maintainable in the eyes of law.
- K. That the appellant has about 4 years of service with Unblemished service record and is jobless since his illegal dismissal from service.
- L. That the appellant seeks the permission of this honorable Tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that on acceptance of this appeal, the impugned order dated 29-09-2014 of respondent No 1 and Order dated 26-06-2014 of respondent No 2 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Dated:-30-10-2014

[Signature]
Appellant

Through

[Signature]
Fazal Shah Mohmand
Advocate, Peshawar

AFFIDAVIT

I, Muhammad Israr Ex HTV Driver Emergency Rescue Service (Rescue-1122) Khyber Pakhtun Khwa Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

DEPONENT

Identified by *[Signature]*

Fazal Shah Mohmand
Advocate Peshawar

[Signature]

ATTESTED

[Signature]
07.11.2014
Mian Sibghat Ullah Shah
Advocate
OATH COMMISSIONER
High Court Peshawar



RECEIPT

SMI HOSPITAL
MARDAN

8

A/S

No. 8 Date 2-6-13

Name D/O I. M. N.

Received Rs. 500/-

On Account of U.S.G. Akel

Signature [Signature]

Attested

[Signature]

CAK
3-10-14

7

ORIGINAL

RECEIPT

CMH MARDAN
(X-RAY)

6857

Receipt No 16449

Date 10-4-13

Received with thanks from Mr/Mrs/Miss M. Israr

Age _____ Sex M Address _____

Consultation USG Abd Rs. 500/- (in words)

[Signature]

Sig Acct CIK/NCO _____

Attested

[Signature]

Ad.

30-10-14

DISTRICT HEAD QUARTER HOSPITAL, MARDAN.

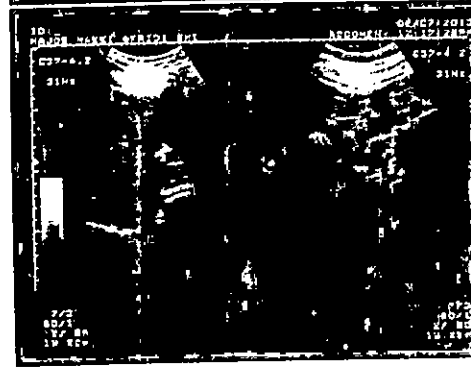
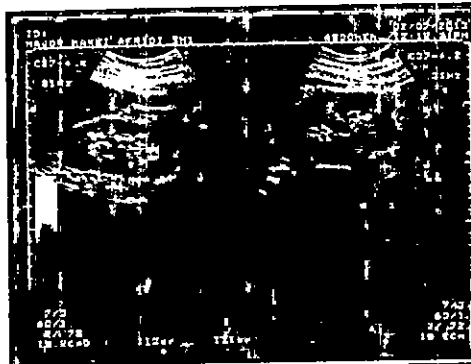
DISCHARGE SLIP

Name of Ward M.M.U

Patient's Name <u>M. Israr</u>	Father's Name <u>Abdur-Rahman</u>
Age	Weight
Adm. No. <u>1833-70</u>	Sex <u>m</u>
Date of Admission <u>11-4-13</u>	Bed No. <u>4</u>
Diagnosis <u>Renal Colic</u>	Date of Discharge <u>15-4-13</u>
	Condition of Discharge <u>Stable</u>
TREATMENT IN HOSPITAL	INVESTIGATION
1. <u>500 ml D. Water load iv B.D</u>	<u>U/S</u>
2. <u>500 ml Ceftazidime iv B.D</u>	<u>Urine R/E</u>
3. <u>500 ml Varen iv B.D</u>	
4. <u>500 ml Nalbin</u>	
5. <u>+ Sorakind iv B.D</u>	
6. <u>500 ml Motilium T.D.S</u>	
7.	
8.	
9.	
10.	
TREATMENT FOR HOME	<u>گھر کے لئے علاج</u>
1. <u>Tab Navedat Sand</u>	
2. <u>1+1</u>	
3. <u>Cap Rovatenic</u>	
4. <u>1+1</u>	
5. <u>Tab Varen Sand</u>	
6. <u>1+1</u>	
7. <u>Cap Citra Soda</u>	
8. <u>1+1</u>	
9. <u>500 ml Citralin</u>	
10.	
Doctor's Signature with stamp	OPD میں تشریف لائیں۔ 30-1-14

MEDICAL OFFICER
 D.H.Q. HOSPITAL
 MARDAN

02/20/2013
14:13:57PM
C37-4.2
SUPER SON




SUPER SONOPRINTER

Attested

[Handwritten signature]

Ad.

30-10-14

 MARDAN MEDICAL COMPLEX Teaching Hospital Mardan KPK (MARDAN MEDICAL COMPLEX)	
Name: <u>M. Iqbal</u> Sex: <u>Male</u>	
Department: <u>Surgical B</u> Address: <u>Mardan</u>	
OPD No. <u>112021616</u> Date: <u>17-Sep-2013</u>	
History	R/- Entered by: <u>AMANSHAH/11:48:05 AM</u>
Clinical Examination	<p><u>LRC</u></p> <p><u>① Digital X-RAY KUB</u></p> <p><u>② Urine Culture</u></p>
Provisional Diagnosis	<p>Taf Hemivertebra</p> <p>Taf Proximal Spina</p>
Investigations Required	<p>Citrusoda Sachet</p> <p>7 in p.</p> <p>027</p>

Attested

[Signature]

Adv

3-7-14

No.

Rs. 5/-

OUT-PATIENTS DEPARTMENT.

NAME 28119/1/1

YEARLY NO 25/5/2011

DATE

DISEASE

FACE VALUE RUPEES

Uxur R.E

Griffur nil

Pos. cell 08-10

RBC 01-02

Tab. Effiflox 500

025 - 121

Tab. Mipgesec 50

121

Dr. M. P. Utkal MD

3-3-2011

Attested


Adv

30-10-14

93

11

RECEIPT

SMI HOSPITAL
MARDAN

No. 1000 Date 07-07-13

Name M. I. R.

Received Rs 500/-

On Account of U.S.G.

Signature Gill Ad.

Attested

[Signature] Ad.
30-70-11

Pathology Unit

G. P. Koll

MARDAN MEDICAL COMPLEX

MARDAN

Patient Name

S. G. Ror

Date

HEMATOLOGY	
Hb _____	TLC _____
M.P _____	
Platelets _____	
DLC	
Polys _____	
Lymphos _____	
Monos _____	
Esoins _____	

SEROLOGY	
TO _____	TH _____
Widal AO _____	BO _____
Brucella A _____	M _____
Toxoplaxma _____	
RA Factor _____	
ASO titre _____	
Hbs Ag _____	
HCV _____	
HIV _____	
V DRL _____	
ANF _____	

URINE	
Suger _____	<i>Nil</i>
Albumn _____	<i>Nil</i>
Pus Cells _____	<i>01-02</i>
RBCs _____	<i>01-02</i>
Casts _____	<i>7</i>
Crystals _____	
Pregnancy _____	

CHEMISTRY	
1. Suger (F) _____	
2. Suger (R) _____	
3. BIL _____	
4. SGPT (ALT) _____	
Alk Phosph _____	
Urea _____	
Creatinine _____	
Uric Acid _____	
Cholestrol _____	
Trigycerrides _____	

Lab. Technician

[Signature]

Pathologist

Attested

[Signature]
Ad.

3-7074

MAJ DR. ZAFAR AMIN
AMC
M.B.B.S (RMC), FC.PS.
Consultant & Classified Radiologist
Mobile: 03335161641 - 03345253453



میجر ڈاکٹر ظفر امین
ایم بی بی ایس (آر ایم سی)، ایف سی پی ایس
کنسلٹنٹ اینڈ کلاسیفائیڈ ریڈیالوجسٹ

Name M ISRAR Age _____ Gender _____
I.D.No 6857 Date 10/4/13 Examination US Med

ULTRASOUND ABDOMEN

LIVER: Size, shape and texture is normal. Liver margins are smooth and regular. No focal mass lesion, cyst or area of altered texture noted. Echogenicity is within normal limits. Hepatic veins and IVC are of normal caliber. Portal vein diameter is within normal limit. Intra and extra hepatic bile ducts are of normal in dimensions.

Gall Bladder: It is normal in appearance having normal wall thickness (<3mm). No calculus, sludge, mass seen in GB lumen. GB neck region is normal.

Pancreas: Size, shape, position and texture is normal. Peri-pancreatic region show no abnormal fluid collection or enlarged lymph nodes. No focal mass lesion, cyst or area of altered texture noted.

Spleen: normal in size, shape and position. No focal mass lesion, cyst or area of altered texture noted.

- **Kidneys:** 5 mm calculus seen in right kidney and 4 mm calculus seen in left kidney along with few 2-3mm concretions. Both kidneys are regular in outline, normal in size, shape and position. No calculus, focal mass lesion, cyst or area of altered texture noted. Renal hilum appears normal. No hydronephrosis or abnormal dilatation of renal pelvis, calyces and ureter appreciated. Peri-renal area is normal. cm
- **Urinary Bladder:** it is normal in position and has normal well defined smooth walls. Wall thickness is increased (5mm) with low level internal echoes. No calculus or mass seen within UB.

General: No ascites abnormal enlarged Lymph nodes or abdominal mass seen, intestines appear normal in caliber.

CONCLUSION:

- 5 mm calculus in right kidney, 4 mm calculus in left kidney along with few 2-3mm concretions (No hydronephrosis seen on any side)
- UTI / Cystitis

Attested

[Handwritten signature]

[Handwritten initials]

3020-14

[Handwritten signature]
MAJOR ZAFAR AMIN
MBBS, FCPS
Classified Radiologist

Maj (AMC)

DR. MAKKI MUHAMMAD

Afridi

M.B.B.S (KMC), F.C.P.S.

Consultant & Classified RADIOLOGIST

Cell: 0332 - 9197721
0346 - 9053760

میجر ڈاکٹر

مکی محمد آفریدی

ایم بی بی ایس (کے ایم سی)، ایف سی پی ایس

کنسلٹنٹ اینڈ کلاسفائیڈ ریڈیالوجسٹ

Name	[Signature]		
Age		Gender	M
ID.No		Date	09-07-13

(Thanks for referral)

USG ABDOMEN

- **Liver:** Normal in size (14.0 cm), shape, contours and texture. The surfaces are smooth & margins are sharp. No focal mass, cyst or abscess seen. Parenchymal echogenicity is normal. Portal vein (1.0 cm) & hepatic veins caliber is within normal limits. Intra/extra hepatic biliary channels are normal.
- **Gall Bladder:** Normal wall thickness. No mass, calculus or fluid around wall seen.
- **Spleen:** Size is normal (9.3 cm) with normal homogeneous texture.
- **Pancreas:** No mass, smooth contours and normal texture.
- **Kidneys:** Both are normal in size, shape, contour, parenchymal echogenicity, cortical thickness with no mass, calculi or hydronephrosis.
- **Concretion (1.5 - 2.0 mm) noted in Lt renal mid & lower pole calyces with mild fullness (not dilatation) of collecting system.**
Rt. Kidney = 10.7 cm, Lt. Kidney = 10.8 cm
- **Urinary Bladder:** Wall is normal with no calculus /mass .
- **General:** No gut related mass, lymphadenopathy or ascites seen. Abdominal aorta & IVC seen normal. No pericardial / pleural fluid noted.

OPINION:

- **Lt renal concretion with mild fullness (not dilatation) of collecting system.**


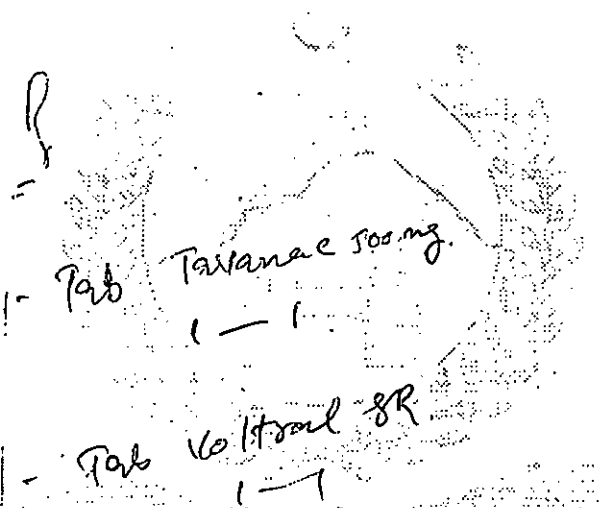
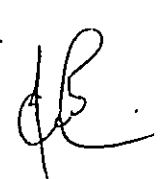
[Signature]


Maj. (AMC)
(Makki Muhammad Afridi)
MBBS, FCPS
Classified Radiologist

Attested

[Signature]

20-7-13

 MARDAN MEDICAL COMPLEX Teaching Hospital Mardan KPK OUTPATIENTS DEPARTMENT	
Name: _____ Sex: _____	
Department: _____ Address: _____	
OPD No: _____ Date: 21 Feb 2013	
History	R/- Entered by: ALI ANWAR 12:35:22 PM
Clinical Examination	
Provisional Diagnosis	
Investigations Required	
- Tab Tavanac 500mg 1 - 1 - Tab Voltarol 80 1 - 1 - Citrosol 1 - 1 	

Attested

 Adh
 30-10-14

B
16

The Director General
Emergency Rescue Services
Rescue 1122, KPK

Subj: Application for the request of rejoining duty after
sickness from "renal failure".

R/sir

It is stated that I was performing my duty with
Punctuality and enthusiasm at Rescue Station 111. In the start of
April 2013 (01 April) I was suffered by a serious kidney disease
"Renal Failure", due to which I was admitted to DHO Mardan
where they started "Dialysis". Due to the severity of the condition
I cannot inform my seniors and I was marked absent in the
Station. But now I am fully recovered and I want to rejoin
my duty. & therefore it is requested to convert my absence
to medical leave. I shall be very thankfull.

Note: My complete medical record is attached with the application.

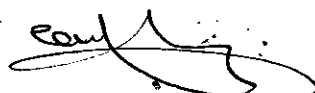
Yours obediently

Muhammad Israr

HTV (D)

Date: 16/01/14

Attestes


Barani

> HT-111:-
Please consider it on
humanitarian bases if possible

To

Batterby B
16

The Director General
Emergency Rescue Services
Rescue No.22 K.P.K.

Subject:- APPLICATION FOR THE REQUEST OF REJOINING DUTY
AFTER RECOVERY FROM "RENAL FAILURE"

Res Sir,

It is stated that I was performing my duty with punctility and enthiasim at Rescue Station 44. In the start of April 2013 (at April) . I was suffered by a serious kidney diser Renel Inhale due to which I was admitted to DHO Mardan where that started 'Dialysis. Due to the security of the Contilo I cannot inform my serious and I was marked about to the station, but now I am falling recovered and I want to rejoin my duty, & therefore, it is requested to consent my disentries to Medical leave. I shall be very thankful.

Note :- My complete Medical record is attached with the application.

Yours Obedidntly,

(Muhammad Israr

HIV

date 16/01/ 14

Attested

Carly
Adv



DIRECTORATE OF
EMERGENCY RESCUE SERVICE (RESCUE - 1122),
GOVERNMENT OF KHYBER PAKHTUNKHWA
info@rescue1122kpk.com www.rescue1122kpk.com

RECEIVED
17

DIRECTOR GENERAL

No.1-1/Office Order/DG-1122/Estt: 5925-22 Peshawar: 26-6-2014

OFFICE ORDER

Consequent upon approval of the competent authority and after fulfilling all codal formalities, the service of **Mr. Muhammad Israr S/o Abdur Rehman HTV Driver (BPS-4)** Khyber Pakhtunkhwa Emergency Rescue Service (Rescue-1122) Peshawar is hereby terminated due to his willful absence from duty with effect from 21-01-2014 under the Govt. servant efficiency and discipline rules 1973.

His willful absence from duty w.e.f 06-04-2013 to 20-01-2014 is hereby treated as leave without pay.

DIRECTOR ADMN
Emergency Rescue Service (Rescue 1122),
Khyber Pakhtunkhwa

Copy to:-

1. Accountant General, Khyber Pakhtunkhwa.
2. PS to Secretary Relief Rehabilitation & Settlement Department, Govt. of Khyber Pakhtunkhwa.
3. PA to Director General, Khyber Pakhtunkhwa ERS (Rescue-1122).
4. District Emergency Officer, Emergency Rescue Service (Rescue-1122), Peshawar.
5. Accountant, Emergency Rescue Service (Rescue-1122), Peshawar.
6. Senior Store Keeper, ERS (Rescue-1122) Head Quarter for information.
7. Mr. Muhammad Israr S/o Abdur Rehman Mado Road Shero P/O Katlang Tehsil District Mardan.
8. Office file.

DIRECTOR ADMN
Emergency Rescue Service (Rescue 1122),
Khyber Pakhtunkhwa

Attested

[Handwritten signature]
Adu

D
/D
18

**BEFORE THE SECRETARY, RELIEF, REHABILITATION &
SETTLEMENT DEPARTMENT, GOVERNMENT OF KHYBER
PAKHTUNKHWA, PESHAWAR.**

D/No. 995

Date: 8⁹/₁₄

M. Ibr

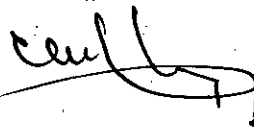
3:36 PM

REPRESENTATION AGAINST THE ORDER DATED 26/06/2014 PASSED BY THE DIRECTOR GENERAL, EMERGENCY RESCUE SERVICE K.P.K PESHAWAR, COMMUNICATED TO THE APPELLANT ON 11/08/2014, WHEREBY THE APPELLANT HAS BEEN TERMINATED FROM SERVICE W.E.F. 21/01/2014 AND THE PERIOD OF ABSENCE HAS BEEN TREATED AS LEAVE WITHOUT PAY.

Respectfully Sheweth:

1. That the appellant was selected as H.T.V BPS-4, Driver on contract/ temporary basis and his services were later on regularized.
2. That the appellant always performed his duties with honesty and full devotion and to the entire satisfaction of superior officers. The appellant fell ill in April, 2013, he duly informed his Shift Incharge Sajjad Khan S.I and Station House Incharge Mr. Hassan Dad and then visited the various doctors who conducted various investigations

Attested


30-10-14

and advised medicines along with bed rest. (Copies of medical documents are attached as annexure "A").

3. That the appellant duly informed the authority through written application dated 16/01/2014 but even then the appellant was terminated from service vide order dated 26/06/2014, which was communicated to the appellant on 11/08/2014. (Copy of application and order dated 11/08/2014 are annexure "B" and "C").

4. That the impugned termination order 11/08/2014 is against the law, facts and principles of justice on grounds inter alia, as follows:

GROUND:

- A. That the impugned order is illegal and void a-b-initio.
- B. That the impugned order is without jurisdiction and legal authority.
- C. That no Charge Sheet and Show Cause Notice were communicated to the appellant.


Attested

(Handwritten signature)

30-10-14

- D. That no inquiry was conducted in the matter to find out true facts and circumstances.
- E. That the appellant was not afforded the opportunity of personal hearing.
- F. That ex-parte actions has been taken against the appellant and he has been condemned unheard.
- G. That mandatory provisions of law have been violated by the respondents.
- H. That even otherwise the absence from duty was not willful and deliberate, rather the same was because of circumantces compelling in nature and were beyond the control of appellant as well.
- I. That even otherwise the period of absence has been regularized and the appellant could not be punished on that ground again.
- J. That the impugned order is defective being passed with retrospective effect.

Attested


32-10-14

K. That even the order has been passed under a wrong law and thus not maintainable in the eyes of law.

L. That the appellant has about 4 years of service with unblemished service record and with no pervious such allegations.

It is therefore, requested that on acceptance of this appeal, the impugned order dated 26/06/2014, may kindly be set aside and the appellant may kindly be reinstated in service will all back benefits.

Dated: 08/09/2014

Muhammad Israr
Ex- HTV Driver
S/o Abdur Rehman
R/o Shero, Tehsil Katlang
District Mardan.
Cell No. 0346-9346762

Attested
and

30-7-14



GOVERNMENT OF KHYBER PAKHTUNKHWA
RELIEF REHABILITATION & SETTLEMENT DEPARTMENT

E
22

ORDER

Dated Peshawar the 29th September, 2014

NO. SO(Estt:)/RR&SD/3-2/2014/Vol-II. Consequent upon personal hearing of Mr. Muhammad Israr, (Appellant), Ex-HTV Driver, Emergency Rescue Services (Rescue-1122), Peshawar held on 17-9-2014 in the presence of Mr. Khateer Ahmad, Director (Admn:) departmental representative, the appellate authority has been pleased to dismiss the representation of the appellate for reinstatement in service on the following ground:-

"Mr. Muhammad Israr, Ex-HTV Driver appeared before the undersigned for personal hearing but could not add any substance to the plea already taken by him before the authority that he could not attend the office due to his illness. Prolonged absence from duty over many months merely on the basis of renal colic for which none of the doctors consulted by appellant referred for surgery, does not explain the whole truth. The medical record of the aggrieved official was checked. However, the same did not show/ reveal any justification for willful absence of the appellant for six months. The earlier decision of the authority dated 26-06-2014 is upheld and the appeal thereof is dismissed."

-Sd-
Secretary
Relief Rehabilitation & Settlement
Department

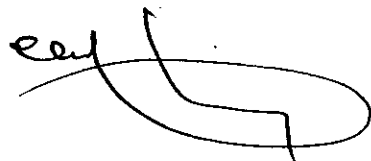
Endst: No. and date as above

Copy of above is forwarded for information to the:

1. Director General Rescue-1122 Khyber Pakhtunkhwa.
2. PS to Secretary RR&S Department.
3. Mr. Muhammad Israr, Ex-HTV Driver,
Emergency Rescue Services (Rescue-1122), Peshawar.


SECTION OFFICER (ESTT:)

Attested



Ad.

30-9-14

POWER OF ATTORNEY

IN THE COURT OF Service Tribunal KPK Peshawar

Muhammad Israr ex HTV Drive For Plaintiff
Rescue 1122 Appellant
Petitioner
Complainant

Secretary and others VERSUS Defendant
Respondent
Accused

Appeal/Revision/Suit/Application/Petition/Case No-----of 2014
Fixed for-----

I/We the undersigned do hereby nominate and appoint

FAZAL SHAH MOHMAND, ADVOCATE HIGH COURT, PESHAWAR

My/our true and lawful attorney, for me/our in my/our name and on my/our behalf to appear at.....Peshawar..... to appear, plead, act and answer in the above Court or any appellate Court or any Court to which the business is transferred in the above matter and is agreed to sign and file petitions, an appeal statements, accounts, exhibits, compromise or other documents whatsoever, in connection with the said matter or any matter arising there from and also to apply for and receive all documents or copies of documents, depositions etc and to apply for and issue summons and other writs or sub-poena and to apply for and get issued and arrest, attachment or other execution, warrants or order and to conduct any proceedings that may arise there out, and to apply for and receive payment of any or all sums or submit for the above matter to arbitration, and to employ any other legal practitioner authorizing him to exercise the powers and authorities here by conferred on the Advocate whenever he may think fit to do so, any other lawyer may be appointed by my said Counsel to conduct the case who shall have the same powers.

AND to do al acts legally necessary to manage and conduct the said case in all respects whether herein specified or not, as may be proper and expedient.
AND I/we here by agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we under take at time of calling of the case by the Court my/our authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte, the said Counsel shall not be held responsible for the same. All costs awarded in favor shall be the right of the Counsel or his nominee, and if awarded against shall be payable by me/us.

IN WITNESS, where of I/We have signed at.....Peshawar.....
This...30th...day of...October.....in the year...2014.....

Executant/Executants.....[Signature].....
Accepted subject to the terms regarding fee.....

Attested and Accepted by:

[Signature]
Fazal Shah Mohmand
Advocate High Court

OFFICE:- Cantonment Plaza, Flat, 3/B Khyber Bazar Peshawar. Cell # 0301 8804841

VAKALATNAMA

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR

Case No. _____

Muhammad Israr Ex-HTV Driver Emergency Rescue Service
(Rescue 1122), Khyber Pakhtunkhwa Peshawar.

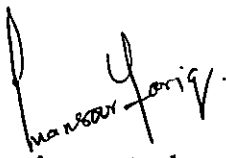
Appellant(s)

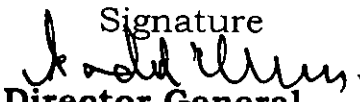
VERSUS

1. Secretary Relief, Rehabilitation & Settlement Department, Govt. of Khyber Pakhtunkhwa, Peshawar.
2. Director General, Emergency Rescue Service (Rescue 1122), Khyber Pakhtunkhwa, Peshawar.

Respondent(s)

By this, power-of-attorney I/we the said "Director General Rescue 1122" in the above case, do hereby constitute and appoint MANSOOR TARIO ADVOCATE HIGH COURT PESHAWAR, as my attorney for me/us in my/our name and on my behalf to appear, plead, give statement, verify, administer oath and do all lawful act and things in connection with the said case on my behalf or with the execution of any decree or order passed in the case in my favor/ against which I/we shall be entitled or permitted to do myself, and, in particular, shall be entitled to withdraw or compromise the case or refer it to arbitration or to agree to abide by the special oath of any person and to withdraw and receive documents and money from the Court or the opposite party and to sign proper receipts and discharges for the same and to engage and appoint any other pleader or pay him as his fee irrespective of my success or failure in case, provided that if the case is heard at anyplace other than the usual place of sitting of the court the pleader shall not bound to attend except on my agreeing to pay him a special fee to be settled between us.


Accepted.

Signature

Director General
Emergency Rescue Service
Rescue 1122, Peshawar
Khyber Pakhtunkhwa