### BEFORE THE SERVICE TRABUNIL K.P.K PESHAWAR.

S. Appeal No. of 2020.

### **VERSUS**

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Through

Petitioner

L. Nawab Ali Noor

Advocate High Court Peshawar.

03469076945

# BEFORE THE SERVICE TRABUNIL K.P.K PESHAWAR.

S. Appeal No. of 2020.

#### VERSUS

1.Govt of K.P.K Through Chief Secretary Civil Secretarian No. 1693
Peshawar.

- 2. Chief Engineer North Irrigation Department K.P.K at Kababiyan, Peshawar.
- 3. Executive, Engineer Malakand Irrigation Division Malakand.
- 4. Enquiry officer / S.D.O Drainage Irrigation sub Division

  Mardan, & Mardan Respondents.

Appeal under section -4 of the N.W.F.P service tribunal Act 1974 against the order dated 20.8.2020, through which appellant was awarded Major penalty dismissal from Govt service to compulsory retirement from the Govt service with immediate effect.

Filedto-diprayer:

Registraton acceptance of this appeal the order dated 20.8.20 of the 2/12/20 respondent no.3 may please be set aside and may please restore the service of the appellant with all back benefit.

RESPECTFULLY SUBMITTED,

- 1.That appellant was appointed as regulation beldar in irrigation department vide notification no.499/7-E SUB Dated 28.2.2004. Copy of the order as annexure A.
- 2.That appellant has tried has level best to performed his duty with full devotion and till date no complaint is there of his miss conduct nor any other allegation over the same.
- 3. That appellant as citizen of Pakistan / president of KPIEF KPK always rose his voice against the corruption, illegalities, irregularities, favrisom, nepotism a well as for the betterment of his colleagues, civil servants lead his unity with full devotion and done his best what he can. Copies of relevant as annexure B.
- 4. That in this respect appellant filed a declaratory suit before the scj which was dispose off between the parties. Copy of the suit as anaxure.
- 5.That it is to be noted by your honor that right from the begging a lot of interference of the political setup along with officers whom always obliged the blue eyed persons same time ignored the poor civil servant or those whom were entitled whom ignored, petitioner being citizen of Pakistan as well as president done his duty according law rules as result respondents and high officials along with political setup was

very much aggrieved from petitioner.

- 6.That It is further to be noted being aggrieved from the same respondents firstly threatened, warned to shut up the appellant and when petitioner didn't care the same respondents alleged baseless allegations on basis of which served show cause notices over the appellant.

  Copys of show cause as annexure D.
- 6. That appellant properly submitted detail reply on 4.3.20, 1.7.20 and 23.7.20 of the show cause notices as well as submitted copies of the civil suit, statements and judgment / order of the court mentioned the status of Employees union CBA no. 1389 irrigation department. Copies of the replications annexure E.
- 7. That may see no inquiry, no personal hearing, no cross examination no evidence even all mentioned done under the one roof of office with malafide intention bulldoze the basic constitutional rights of the appellant directly impose the major penalty dismissal from the service to domptod patroment from Government from the service fact. Copy of the order as annexure F.

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8. That may see so called show cause notice 23.7.20 only allegations of black mailing / Defamation of Govt officers /

officials through print and electronic media same is general allegations nor mentioned any verdict nor mentioned any name of any officers/ officials what is this? weather on same ground a civil servant is liable to award Major penalty or compulsory retirement only on this ground?

- 9.That may visit the statement of allegations, charge sheet, office order, question of inquiry is no more than joke?.
  Copies of allegations, charge sheet, questions of inquiry as annexure G.
- 10. That so much so may see the harassment / punishment of the appellant as well as family of appellant, little kids that appellant first dismissed from service the then compulsory retired without any justified reason only and lonely reason that why he raise voice for the rights of the people, why he rose against the corruption, why he is talking to print or electronic media? why he not got permeation for any statement to print or electronic media from officers? Why he disturb the officers/ officials? but till date not a single officer not any officials is aggrieved before any inquiry nor before any competent forum.

That having aggrieved from all mentioned entire processes' which is no relevancy with law same time violation of the service rules / constitution of Islamic republic of Pakistan 1973 appellant approach this Honorable forum on following amongst others:

Control of the Contro

#### **GROUNDS:**

- a. That over the political intervention, malafide intention baseless charges appellant under the punishment same is continue is/was against the service rules ,illegal , unlawful, unconstitutional act of the respondents hence need the same to be declare illegal unlawful, unconstitutional liable to be set aside.
- b. That when there is nothing in field no proper inquiry is there nor made responsible the appellant for any specific relevant misconduct, corruption, illegalities' or any specific crime committed or violation of any law, hence question of discrimination before this Honorable court.
- c. That till date no such like action was avertaken nor over the mentioned general allegations any president is present was there for civil servant nor respondents have right to initiate the same which is also violation of the constitution and service rules on base of the same order in question liable to be set-aside.
- d. That under what law and circumstances punishment of the appellant was awarded when no fault and default on part of appellant reason best known to them.

(x,y) = (x,y) + (x,y

- e. That under the constitution appellant has the same rights like other but same not extended equally, which is injustice.
- f. That act of the respondent to pick and chose is not justified at any cost.
- g. That respondents adopt the policy of pick and chose which is against service rules and basic provision of the constitution.
- h.That action on the part of respondents amount to misuse of power and approach beyond from the jurisdiction under the law mentioned for.
- i. That superior court repeatedly delivered judgment in respect Art.4, 25 etc and present case respondents violate the same also.
- j.That under the law being civil servant same is the negligence of the respondents with malafide intention.

It is therefore most humbly prayed that on acceptance of this appeal this honorable court may graciously be pleased to set aside / declare, null and void all mentioned processes and order dated 20.8.20 of respondent no.3 and appellant service may kindly be restore from the date of dismissal / compulsory retirement.

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Direct the respondents to treat the appellant according the law.

May please awarded any other relief for which appellant entitled not specifically mentioned deem appropriate may also awarded.

**Appellant** 

Through

L.Na wab Ali Noor Advocate High Court

Peshawar.

Certificate: certified that no such like S.Appeal is before this

Honorable trabunil.

AFFIDAVIT.

I, Shafi Ullah S/O ahir Shah Regulation Jamadar sub Division Dargai ,do solemnly affirm and declare on oath that the contents of the accompanying S. Appeal are true and correct to the best of my knowledge and belief and nothing been kept concealed from this

Honorable Trabunil.

I'dentified b

L.Nawab Al Moor Advocate

03469076/945

Deponent

Anx · A · (8)



No. 77-E(Süb) To.

Dated Malakand the 🥕

Mr. Shafiullah. Son of Zahir Shah Village and P.O.Piran (Oul Nargis). Malakand Agency:

Subject

### APPOINTMENT AS A REGULATION BELDAR BASIC SCALE No. (2) (1915-55-3865) IN AMANDARA SECTION.

As per decision of Government vide Notification No. SOR(VI)ERAD, dated 30.6.2003, you are hereby offered a post of Regulation Boldar BPS No. (2) (1915-65-3865) against the amount post of your father died on 16.05.2000 with the following conditions.

> The appointment is purely on contract basis in Basic Pay Scale No. (2) (1915-65: 3865) Per Month plus usual allowances as admissible under the contract policy of the Government.

> Your employment in this Division is purely on contract basis and your services may be terminated without any notice and reasons being assigned at any time.

You will have to join dime! your own expenses.

You will have to produce a medical certificare.

Community interests programs Thermone odrift ande.

You will have to produce a certificate that you are not a dismissed Government Servant.

Your services will be governed by Contract Policy Rules 2002 vide No. FD (SOSR-11/12-1/02, dated 25.10.2002. ...

If you accept the post on the above mentioned conditions you shall report for duty to the undersigned upto 15 /03/2004.

You should also bring come of Pension Book of your father for verification of Service Record.

> Executive Engineer. Malakand Irrigation Divisions Malakadé

8.

Superintending Engineer: Northern life getion Carele - surday for information please, P.S. s to Minister for Irrigation & Power MWill, Presentat for information pleases

Agency Accounts Officer, Malakand for information rease. SDO litigation Fload Works Malakand for information and accessary action.

DAO / HC (Local) for information.

Attested to be True

Executive Engineer, . Malakand Irrigation Division. Malakana:

Anx B-9 (20) KERBER PAKHTOON KHWA IRRIGATION EMPLOYEES FEDERATION خيبر پختون خواه ايريليش ايميلائز فيڈريش ايريليش ڈويژن ملاکلڈ مِيْدَاً نَس چيف انجينئر آفس حكمه ايريكيشن صوبه خيبر پختون خواه ورسک روڈ کبابیان پیثار دُ ویژن آفر : ابریکیشن آفس نهر بنگار درگی ملاکندُ S.I.E.F. رَجِرُ يشَّ لا كندُ دُورِيُن <mark>C.B.A</mark> 1389 صدرشفيح الله 53,19327 -0343 جزل يكرزى حنا رحي البيحان ABC CERTIFIED .. CONTROL MEMBER APHS/CPHE Doily AZADI Swat Ref No. ئيز بوغين سكا تخاباك كى تيار قول شرورع ، قیادت سے ملاز بین کے مسائل حل ہوسکیں گے، گل زمین بت حل (چددولیدت) سمبال لیروجزاد کیمنوا کیا بیمنو کا جدی نیمزما کردن تکی دلادخان کا بدارت برایکیشن دیمیا تیز بی تین جر آیاست آسا (بال مخد جهد نیمز و ۱۱)

ت کے فردگ افستاد کی در فرامست کی ملا میں است میات دورات داروں میں است داروں میں است است است است کا اجازت سے است کا اجازت سے است کا اجازت سے است میں کا میں میں است کی میں است کا میں است کا است میں اللہ نے آپ کے کہ میں کا است کار است کا است کار است کا است کار است کا است کار است کا است کا



الرُدْ للازمین کے کوٹے پرمیراٹ پر بھرتیاں ہوگئی، آفاب خان

# یشن نے دوریٹائزڈ اہلکا وں کے میٹوں کو بیلدار تھینات

بادل کردیے پہلے مرسلے عمد دیکڑ میں خان ما حب ادرگرشین کے چنول شیم اخداددا قال حین کی بعر بیلداد خیتال (باتی سل 6 جیر کمبر 5 5)

آلاب مان نے رہاڑ ایمان ترکیا ف كرماني ترريان كالار

عی الله اقبل مسین ادرسیم الله سازی کرنے م کا نے پرائشمین الاکٹر وصلا شائل کا حشر ہدادہ کی المالد مع والمالك والمالك Colospi ZE Colos



بلااريكيش الميلازونين كيمعدونك الجذمليم الأدكيرتي كاتعربنا مده

Hori

# KHYBER PAKHTOON KHWA IRRIGATION EMPLOYEES FEDERATION

خيبر پختون خواه ابريكيش ايمپلائز فيڈريش ابريكيشن ڈويژن ملاكنڈ

برن کرزی در این مین مورد و بروی و برای میروی و بروی و

ميرة فس چيف نجيئر آفس محكمه اريكيشن صوبه خيبر پختون خواه ورسک روژ کهابریان پشار ژویژن سفس ایریکییشن سفس نهر بنگله درگی ملاکنڈ

رجنريش ملاكند ژويزن 1389



.....PWF

مدر تنفيع شد 5319327-0343







المه جيل على بال بأف والى يع المراكات - Karulars Pla Bis 2 Anx. B-11

# KHYBER PAKHTOON KHWA IRRIGATION EMPLOYEES FEDERATION

خيبر پختون خواه ايريکيشن ايمپلائز فيڈريشن ايريکيشن ڈويژن ملاکنڈ

میڈآ فس چیف انجینئر آفس محکمه ایریکیشن صوبه خیبر پختو ن خواه درسک روڈ کبابیان بیثار ڈویژن آفس: ایریکیشن آفس نهر بنگله درگئی ملاکنڈ

رجمریش ملاکند دورژن 1389

جزل بکرزی کی ایج نے سبحات گر

Ref No.



المستن الرئيلييش المراكز من المراكز ا

امریکییس ایمیلا کرزیوس کے استخابات کی شاریان جاری استخابات کی شاریان جاری استخابات کی شاریان جاری استخطابات کی شاریان جاری استخطابات کی شاریان جاری استخطابات کی جست الشکار المائدة آئین مرای ایر بختر المحالی ایران برای فیر سلط عن گذشته دولا ایران برای بیری فیر سلط عن گذشته دولا ایران برای فیر سلط المحالی المواد المحالی ایران برای بیری فیر المحالی المواد المحالی المواد المحالی المواد المحالی المح

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Anx. B-12

مزدور اتحاد پائنده باد

بناؤ سجاؤ پاکستان

پاکستان زنده باد

Recognized by The K.P.K Government of Pakistan

بى دبلبودى لىبربونين ئايد دبرپخونواه

Gul Zameen President 0333-0287000

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# P.W.D Labour Union K.P.K

C&W Deptt:Reg: No: 43 C.B.A

Habib Nawaz V. President 0333-9730676

PAKISTAN WORKER FEDERATION

Syed Ghafar Shah D. G. Secretary 0301-8365419

Date:

Head Office: Fahim Plaza Flat # B-5 Hashtnaghari Peshawar

Ref No:\_\_\_\_\_L.U.P .

40 / دوزنارمإ عيموات در ماهم مران خان کے اعلان پر کل کرتے ہوئے اور بد منافیل کر مے خاب کرنے کی بات پر عکم ام میشون دوگا مبيش كرركيش مصارفنع الدخان كوجرك رعامما كرد إنماج كراضال ادرا فراس كاضون كويوالين ك يركه يا و ك على المام كور كالحديد بعاليس كي كما قوافساف ك في كارداز وكلفنا كي م ان خيالات كا ظهار في وغيروف لير اينك فير يتوثواه كرم إلى مدركل وعن فائن اوطنى معدامية تروينى مدرك زعن ذن نے كما كر بم نے مكر ام كيمن الماكذ عی طاف برے بحری ، فیر قان کی دروش اور اکا کند کے ایکسین ام کیشن کی خال سبت دیکر المالاول کے وكريون عرائع وشدوارون كوفوال في ظاف آواد ررین من اب در درون وواد سے حاص اواد بندی ہے اور بید کو سنم ، وقت یانے والے کا نگن ، کے جن اور اللہ اللہ کے مجر ان کرنے کا یات کا ہے جم کی کا من میں کا رفت کی حیار اور ان کو اپر ای لیر ہے تین کے ملی صور شیخ اللہ کا انتقال کا دوائل 「とうけんないなくいかとれるしょだい いきといれるいところがとした مالا كوام في كريش اور خلاف يرث مرتول كم خذاف آماز وزيراعظم عران خان كرون كرمان بلوكيا فيا جس کی مزاد کی جادی ہے اور جری دی ترمنت کیا تھ ماتھ دارے لیر ویٹن کے فاف می تی مازشی اور اعماریاں کے مدے میں مالانکہ مامک ایک 1954 م والعدد والإيكن بالدواد الراوار موات م بس بكديداد على عدسوان مدد ن كا كوكل ارتكيعن للكذي ساى الرورموخ اورداني بسدو ايسد ر روون او او تراس کے کے این جو کوفر ب انسان کی من می ادراف اے کا حوں کے باکل برکس ایس جس عدد بي موجد بيس لي عمران في سب الكات ا الني كريش ميت وكم متعلقہ كام سے فير جائيدانات الكي ترك الدجر كي ريا تواسى محدر كيائين مصارفتي اللہ كونى الغود بمال كرية كامطال كريع بين العودت ويكر بم اضاف کے لئے صالت سے رجوج کر چکے اور احجان ر میرورو ما بھتے جو کرا می ردایت اور بات بیری ہے۔ ل رین نے کہا کر کل اور کیسین طاکفہ ایکسین کی خان کے ردع اورخان محرث كامول كما وبدے مكومت م اوارے کی بدنای اوری عاص لیے اس کا اور مگر موث

المكارول كافى الغروج واركما باس الدكوس عاد عن كم عناف يار بار فكايات كالوص يكر وكوارى كا باسة كد الك ان محرس عاد عن كواي كر ما متركيل تك كا



ماکٹ (ویڈآ دے) ہسننے کشوریڈ کووان چرال کھ کام کے دلاکو میں تو کرکے بلداز جلد پار تھیل تک ریش مان نے متعلقہ کام کو باعث لک کہ داکا کی ہے ہیں میں سال طرح میں بادار میں سنال کی صورت لی کے ویل ریسٹ پاکس دول کی ویسی کے متعربے رفتیرون کی بھر جانے ، بازاد میں سیل اواجیہ 1 کے متو 7)

ی دید از اور دون ما کنگر میس گھوسٹ ملاز مین تعینات محکمہ اس یکییشن ملا کنگر میس گھوسٹ ملاز مین تعینات بی و بلیودی کیبر یونین نے تحقیقات اور جو ڈیٹل اکوائزی کرانے کامطالبر کردیا

درگی ( نماننده جائد ) فی والیدو کالی نیم بر می توفود تو فرنی پر موثن و بین توثیل کا اظهار کے اور عالم درگی اور ناکل اور میکنیس ماکات کے محب خالا تک کا واف نے فیر جانبدوات اور جوابی اگران کا رابط کا مال کردیا فیر حاضری دو کروں میں دائند دادول کو اور نے سرفیر کروش کے خالے کے ( بیٹر 4 م ک موال 7 )



ہ کے دیا دیا الم الم الم الم مدر كرو عن شخالف كے مراہ يك كانون كرد ي إلى

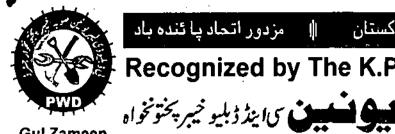
Alasked

mx.B-18

مزدور اتحاديا ئنده باد

بناؤ سجاؤ پاکستان

Recognized by The K.P.K Government of Pakistan



Gul Zameen President 0333-0287000

MARKET BEFORE

# P.W.D Labour Union K.P.K

C&W Deptt:Reg: No: 43 C.B.A Syed Ghafar Shah

**PAKISTAN WORKER FEDERATION** 

Head Office: Fahim Plaza Flat # B-5 Hashtnaghari Peshawar

Habib Nawaz V. President

D. G. Secretary 0301-8365419

Ref No:.

1

L.U.P



Date:

روز نامه بیغایات جعرات 27 آگست 2020ء



الغور بوال كرف كا مطالبه كرت بي بصورت دیکریم انساف کے لئے عمالت سے دجوج كرينك ادراهجاج يرمجور موجا تحظ جوكدامجل

ي ين 1954 عن إ تا عده وخرا ين عن إدر : حل في اورانسان كالمول ك بالك يكل مارا وفر نوات عن من الل المدر الدري في الله من كروت مى مرجود ين الل الله بها و الله الله الله الله الله الله ا مو إلى مدر نه كاكر كل الميليس الماكذ على الله على عبد و الله عن الله كريس ميت وكم معلقه حام ب فرواندارات اكرارى اورجرى

صوبالي صدر قل زعن خان نے کہا کہ ہم. اريليفن لماكذ جم خاف محرث بحرتيل يت ديكرا إكارول كولوكريول على اسية رشة دارول كولوازف كحظاف آداز بلند میں۔ شم ، وفات پائے والے کی ہے اور بیشد کوشہ ن ہے اور بیجہ وقد میں اول ہے۔ ماز من کے بچل اور افلیت کو بحرفی کر ات کی ہے جس بر محک ام میسین ماکندور کی سیشن کے میکیشن مصاراور کی ولمبودی لیر بونين سيضلعي مدرشفي الشركوانقاى كارواني كا نٹان یائے سے اوراس پر بلیک میلگ کا اثرام ماکر جری ریاز کرنے کے اطابات جاری مع مع بن مالاتكه بم في كريش اور خلاف ميرث بعرتيل كے خلاف آواز وزير اعظم عمران رے ریا ہے اور در در اور مران خان کے وون کے معابق بلد کیا تعالمس کی مرا دى مارى باور جرى دينا زمن كيما تعماته مادے لیبر ہونمن کے ظاف مجی منی سازھیں

يا (نمائنده خصوص) في فربليود ي ليبريونين ت مازمن ک وول سے قبر ماہری م نوكريون عن رشته دارون كونواز في اور فيرقالوني پروموش دین پرسخت تثویش کا اعمار ع فيرج نبدرانا ورج ويشل الحوائري خان کو جری ریائز د کرد یا میاج کدانساف ادر قالون کے قاضوں کو مورائیس کریا ۔جری ر یا ترؤ کے مجع ما زم کونوری طور پر بحال میں کیا م الله انساف کے لئے عدالت کا دروازہ كمنكمنا محقر ران خالات كااتمار لي دليوزي لير يونين نيبر پخوخواه كيموبالي مودكل د من خان درملني مدر ايمالار بونين ام يكيشن فتق الله خان نے ساکوٹ برلس کلب آفس عمل



وباتى مدركل زيمن پريس كانزنس كردس إي

Anx B-B

Khyber Pakhtunkhwa Irrigation Employees Federation k.P.K Peshawar (Reg No 06/2008)

(Reg No borzood)

Add: Chief Engineer Irrigation South Warsak Road Kababyan Peshawar.

president. S.Tahsinullah Cell:0346-5663356

1 2 A 25

Vsp.Sadaqat Ali Cell:0333-9229470 Sec Genral Rabnawaz Khan Khattak Cell:0346-9252984 0333-4933843 0300-5973605

Kes olib. K. P.K. J. F. F. Pesh man.

Date 07-12-2017

منسوخى نوتيمكيشن

خیر پختونخواہ ایر یکیشن ایم بلائز فیڈریشن کے صوبائی جزل سیکرٹری د بنواز خان خلک نے مور ند 2017-5-8 پر گران اور فیلیشن جاری کیا تھا جس کی منسوخی پرصوبائی سیر تحسین اللہ خیر پختونخواہ ایر یکیشن فیڈریشن نے دومرائع مان جاری کیا۔ جس پراضوبائی مدر نے بہت انتفار کیا لیکن اب مالا کنڈ ایر یکیشن کا بینہ میں اختیار تردی ہوا ہے۔ جس کی بناء پرصوبائی صدر نے دومرائع مار جاری کرکے دونوں کا بینہ کے صوبائی جزل سیکرٹری کا تھم نامہ بتاری 2017-5-8 جس کا صدر اجمل خان مجو کہ صوبائی جزل میکرٹری کے میں کا صدر اجمل خان مجو کہ صوبائی جزل سیکرٹری کا تھم نامہ بتاری کے 15-8-8 جس کا صدر اجمل خان مجو کہ صوبائی جزل سیکرٹری نے بہائی تھا اور دو برائی بینہ ہے۔ ورائع بیات میں انتظار کی دجہ سے صوبائی صدر نے دونوں کی بینہ جس میں صدر شخیخ اللہ گران صدر موگا ہے کو تین مہنے میں دوبارہ الم تابات میں ان کیں گے۔ انتظار کی جاتی جاتی ہو گئران کا بینہ کے ماتھ لمان میں سیکرٹری کے لئے تعاون کی امید کی جاتی ہائی جاتی افسران بالاسے گذار ٹی کی جاتی ہائی جس کے ماتھ لمان میں کے مسائل حل کرنے کے لتعاون کی امید کی جاتی ہائی جسائی ماتھ لمان میں کے حسائی طائر کی کے تعاون کی امید کی جاتی جاتی ہائی جاتی ہوں کے مسائل حل کرنے کے لئے تعاون کی امید کی جاتی ہائی جاتی ہیں دوبارہ الم جسائی حسائل حل کرنے کے لئے تعاون کی امید کی جاتی ہائی ہے۔

- كالى برائے اطلاع:

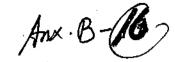
نوت: انتشار کی وجدے دونوں کا بینوں کوختم کرنے کا نوٹنگیشن جاری کیا کیا ہے۔

جناب بیکرنری ایریکیشن خیبز پخونخواه پیثادر جناب جیف انجیسر نادته اساد ته ایریکیشن خیبر پخونخواه پیثادر جناب لیبرد جنر ارصاحب خیبر پخونخواه جناب پرنشند تک انجیسر ایریکیشن مرکل مردان جناب د پُل کمشنر مالا کند جناب ایگری دانجیستر دایریکیشن مالاکند جمله ایس دی اوز صاحبان ایری گیشن مالاکند ماجند مدد دام حل خان د حیر بی ایری گیشن مالاکند

مره المن من الميلاز نيذريش جير بحوز واه)

Aller de







Khyber Pakhtunkhwa Irrigation Employees Federation k.P.K Peshawar (Reg No 06/2008)

Add: Chief Engineer Irrigation South Warsak Road Kababyan Peshawar.

President. S.Tahsinullah Cell:0346-5663356 Vsp.Sadaqat Ali Cell:0333-9229470 Sec Génral Rabnawaz Khan Khattak Cell:0346-9252984 0333-4933843

0333-4933843

. .

Date 20/4/2019

نو تيفييشر

عنوال: - منسوخي نو ثيفيكيش نمبر 0875 بمور ند 2019/01/08

سید حمین اللہ بحیثیت صدر خیبر پختون خواہ ار محمیش ایملائیز نیڈریش اپنے آگئ احتادات کو استعال کرتے ہوئے اور کابینہ کے عہد داران ہے مشاورت کر کے جزل سیکٹری خیبر پختون خواہ ار مکیش فیڈریش کا جاری کر دہ نوٹیمیشن جو کہ اس نے غیر قانونی طولی پر ضلع الاکڈ کے کابینہ کو جتم کر دیا اور وہی کابینہ جس میں مدر شفیخ اللہ اور تمام دیگر ارا کمین کو بحالی کانوٹیمیشیشن جاری کر تاہوں کیونکہ آئین کے روز سے جزل سیکٹری کو کابینہ ختم کرنے کا بجاز نہیں۔ لہذا وہ کاکابینہ جس میں صدر بہد ویکر عہد داران بحال رہے گا اور اپنے ملاز مین کے مطالبات پر انسر ان بالاے وقانو فاکنت شنود کرکے مسائل حل کرنے کی کوششیں

كريتك ، اوريه عهد داران الحك منعقد بونے والے اليكش تك بحال رہے گے۔

			ارىي :			
,		مدرا			شفيع البتد	1
	j	جزل سيكثر كي			څه نې	2
		سنيرنائب لمدر 1			,¢	3
		مينيرنائيك مدد ١١			وحمان س	4
	1	" نائب صدِد آ			وحير	5
		نائب مدراً 1			اجل	6
-	1	وپی جزل سکفری			منظور	7
	1 1	ایڈیشن جزل سیکٹری			جحت على	8
	Page 1	جائنت سيشركي			علی محمہ	9
	7. K	نانس سيخري		<b>™</b>	بلال احمد	10
	į.	پریس سکٹری		1	عبيدلله	11
	,	آ نس سيكفراي			سيد سميخ ال	12

معمد مراسية مرام مراس مسمد رسم سيد تعسين الله صدر خير يختون خواه اديگيش إيميلا ئيز فيدريش خير پختون خواه

كانى برائة اطلاع:

1 - أي تمشز ملاكند

سیر دُنتنگ انجینئر اریکیشن سر کل مر دان

3 - ایگزیکشوانجنیئراریگیش ملاکند ژویژن

4 - تمام سب ڈویژن آفسر ملاکنڈ ڈویژن

– تمام اخبارات

Attacked

Anx C- 12

العدالت جناب سينترسول جج صاحب العلى علاقه قاضي صاحب مالا كند بمقام بث حيله ا

شفع الله ولد ظاهِر شاه صدر مالا كندُ الريكيش ذويژن نالا كندُ بمقام بث حيله -----(43) . was not صعيدا تنت على ولدعبدالفدرييضان سابقه سينسرنائب صدر خيبر بختو نخواه الريكيشن ايميلائز فيذرابشن بشاورسكنيه ر تکی با دیزے بمعرفت مکینکل ایر یکیشن ورکشاپ درسک رود کیابیان نشاور۔ سيخسين الله ولدهفي الله سابقه صدر خيبر بختانخواه اريكيش ايميلا ئز فيدُّريش بيثا ورسكنه كالمُخصيل ر. مرينواز دلدېداسم نامعلوم سابقه صوبا کې جنز ل سکريٹري خيبر پختونخو اه امرانگيشن ايمپلا کز فيټر ايش ميثا ور سكنيةُ الجنانه اكوژه وختك ريلوے، بيما تك نمبر 117 حسن دره رود مختصيل وضلع نوشهره -اجمل خان ولدگل فوت كلاس فورمحكمه امريكيشن بث حيله سكنيها كوژيري لونژخور مختصيل تخت اهما كي ضلع مسعود خان ولدبهاوان کلاس فورتحکمه ارتیاش بی حیله سکنه ند و تورنمنٹ گرلز بانی سکول نیرکژ مطلصیل تزنت بھائی شلع مردان \_\_\_( کوعا عاملیان )\_ المازية يوانج ينتر بحكمه إمرتيكيين بالأكنار دعوی استنفر ارحن بدین مضمون که مدعی بروی براه ایمیکیشن نمبسری 07/12/2017。为046-KPK-LE.F.Peshawar خيبر پختو خواه اريکيشن ايم پلائز فيڈ ريشن اريکيشن ڈ فيژن مالا کنڈ کاصد کرے اور الماعليمان نہمر 2 و 3 کوکئ تن واختيار حاصل نہ ہے كہوہ بحوال خطئم لر

(Ma)

fux. C-18

معد ارت کے مہدے سے برخاست کرتے ہوئے نوٹینیکیٹن نمبری الدین الدین الدین الدین کے مراخلاق طور پر بری کو معد ارت کے مہدے سے برخاست کرتے ہوئے نوٹینیکیٹن نمبری الدین الدین

دعوی صدور هم تاکیدی دوامی بنام مدعاعلیهان بدیل مضمون که وه خطنمبر 75 03 مورنچه 08/01/2019 کوغیر آکینی وغیر قانونی تصور کرتے ہوئے مدی کوخیبرہ بختو نخواه ابریکیشن ایمپلائز فیڈریشن ایریکیشن ڈویژن مالاکنڈ کاصدر اسلیم کرے۔

مالیت بغرض کورٹ فیس داختیارساعت مبلغ-600 روپیے مقرر کی جاتی ہے۔ دعویٰ مدعی اندر معیاد ہے اور عدالت حضور کواختیار ساعت مالمال ہے۔

ها بالراا

گزارشات منجانب مدعی حسب ذیل عرض ہیں۔ یہ کدمد ٹی محکمہ امریکیشن مالیالنڈ ہیں ہمیتیت نائب قاصد ملازم ہے۔

Aund

سير تحسين الله ملاصفي الله حلفاً بليان كياكم مين مقرم لينوان و شفيع اللهمناح صدافت على وغيره و مين مدع لمله كمر في دبون- دعوى مدعلى درست آسلم كرنا بهون- اگر عدالت مقدم صدرا مرا الحفلاف كق سى دائرى كرمے تو محمد كو في اعتراض نر ميہ ١٠٠٠ كسبت ميل -4 Ex: PA Soo con to/con cors dia) سكردرست لبيام زايون The said the said said (2) سيرتحسين لله (مدعاءليه/2) ملاكنة بمقام سفياهم Altotal

1 /mx C (21) سار تعنیوال می در ۱۹ می شاه مان معمولیات . صنة بيال كرته من كرمن مرى دومل عنه به فعانس مرعمامي داركد وي - اب وزيمامي الم سند فالل طور را مل مر مارس - الله الحرار سریاسی میں سزیر جیا کا فوران سر سرب ر دولست Ind- En in Beli, pa who ca golf & ر تر ما معنی مند النام من و مدر در الما العام مند م المساسلة in with the same of العرشنيواللم التفاريش ديد لما يت ، ماكن which the first will CNIC# 15402-47-01855-ساحت مرکم این شرم می از انتها





# SHOW CAUSE NOTICE

I Engr: Ali Ur Rehman Executive Engineer Malakand Irrigation Division Malakand, under the Khyber Pakhtunkhwa Govt: servants (E&D) Rules 2011, do hereby serve you, Mr. Shafiullah Regulation Jamadar presently working in Dargai Irrigation Sub Division Dargai.

- 1. That consequent upon the completion of inquiry conducted against you by the enquiry officer for which you were given opportunity of hearing.
- 2. On going through the conclusion of the inquiry officer that your action tantamount to Black Mailing / Defamation of Govt: officers / officials through Print and Electronic Media.
  - 3. Now therefore, the inquiry officer having considered the charges received vide Superintending Engineer Mardan Irrigation Circle Mardan letter No. 1123/75-E, dated 01.07.2020, as exercise of the powers under rules -4 (b) (iii) of Khyber Pakhtunkhwa (E&D) Rules 2011, was pleased to impose the major penalty of "Dismissal from Govt: Service" with immediate effect.
    - 4. You are therefore, required show cause notice, as to why the aforesaid penalty should not be imposed upon you and also intimate, whether you desire to be heard in person.
    - 5. If no reply to this show cause notice is received with in 07 days of its delivery, it shall be presumed that you have no defense to put and in that case an ex-party action shall be taken against you.

Month of the state of the state

EXECUTIVE ENGINEER 7/2020
MALAKAND IRRIGATION DIVISION 2

Attached

1.3.20 Clared

Aux. E. 3

ľþ,

The Enquiry Officer / S.D.O,

Drainage irrigation sub Division Mardan.

Slib:

Reply of the show cause Notice / Questioner

Respected Sir,

ii.

The accused respondent employee humbly submitted as under in response of the show cause/ questioners notice dated nil regarding inquiry of the legal status of Khyber Pakhtunkhwa irrigation Employees Federation (Ref: No 06/2008)

That, the respondent / accused is regulation Jamadar in sub Divisional Officer, irrigation Dargai.

Para No 2 of the question is correct

iii. That in response to Para No 3, it is submitted that "Irrigation Employees Union "was Registered as C.B.A vide registration No 13/89 by the competent authority. Under the aforementioned registration number notification No 680/IEU/I Peshawar dated 05-05-2003 was issued, wherein office bearers for Malakand Irrigation Division were legally nominated by the competent authority.(Notification annexed)

later on "Irrigation Employees Union" was converted to "Khyber Pakhtunkhwa Irrigation Federation KPK Peshawar" and lawfully registered vide Reg No 06/2008. The Provincial President vide Notification R. No 048 dated 20-04-2019, in consultation with the cabinet, restored the undersigned as president of the Irrigation

Athertad

Anx E. 24

Employees Federation Malakand Division, Irrigation Deptt. And cancelled notification No 0875 dated 08-01-2019

- iv. That earlier the provincial President had nominated the undersigned as caretaker president of the KP Irrigation Employees Federation, Malakand Irrigation Division vide Notification Ref. No 046 K.P.K 1 E.F dated 07-12-2007.
  - That the provincial General Secretary of KPK Irrigation Employees Federation vide Notification Ref. No 0875 dated 08-01-2019, cancelled the earlier notification regarding the undersigned which was challenged before the Civil Court in Case No 46/1 of 2019 by the undersigned. During proceedings of the Civil Suit, the Provincial President cancelled notification No 875 date 08-01-2019 vide notification No 048 dated 20-04-2019 and application dated 01-7-2019 was filed before the court and the case was withdrawn vide order / judgment dated 01-07-2019. Now the undersigned perform his duties as President of the "KPK Irrigation Employees Federation "Malakand Irrigation Division Vide Notification No 048 dated 20-04-2019.
  - That questioner No 4 does not relate to the undersigned directly. The "KPK Irrigation Employees Federation "has been registered as C.B.A vide registration No 06/2018 by the competent authority.
- vii. That, question No 5 is incorrect.
- viii. That, question No 6 is not correct.
- ix. That, question No 7 is not admitted as specific allegations have not been leveled against the undersigned.

Allated

B

Anx. E

x. That, the allegations leveled in Para No 7 are vague and not specific, therefore the undersigned is unable to reply.

That the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, empower the competent authority to take disciplinary action against an employee on charges of corruption, inefficiency and misconduct under the rules. The show-cause notice/questioner does not mention any specific allegation against the undersigned employee. The grounds of allegation mentioned in the questioner are vague, not specific and clear, therefore the undersigned is unable to comment. However, it is not admitted that the undersigned is guilty of any mis-conduct.

Hence in light of the above facts and circumstances, it is humbly requested that the show-cause/ questioner by disposed of without further legal proceedings as it is unnecessary to hold inquiry against the accused/ undersigned under the service rules.

سنع التر

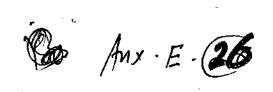
Shafi Ullah Son of Zahir Shah

Regulation Jamadar

Sub Divisional Officer, irrigation Dargai.

0343-5319327

Albert



The Enquiry Officer / Deputy Collector, Mardan irrigation Division Mardan.

Sub:

Reply of the show cause Notice / charge Sheet dated 18-06-2020

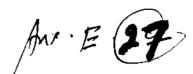
Respected Sir,

The respondent employee humbly submitted as under.

That, the para 1 of the charge sheet/ statement of allegation is not correct, hence denied. The respondentemployee is not guilty of any mis-conduct. The respondent has not violated any provision of the E & D Rules 2011. The respondent is the District President of Khyber Pakhtunkhwa Irrigation Employees Federation which is a registered C.B.A under the relevant law. The charge-sheet dated 18-06-2020 neither reveal any specific statement of allegations against the respondent employee, nor spedific news item of electronic and print media has been alleged for defaming government officer / officials of Malakand Irrigation Division, Malakand

That, the allegation leveled in the charge- sheet dated 18-06-2020, were previously agitated vide charge sheet ji. dated nil regarding inquiry of the legal status of Khyber Pakhtunkhwa Irrigation Employees Federation, and the inquiry officer/ S.D.O Drainage irrigation sub-division Mardan had been appointed to probe the mater. The respondent -employee had submitted a detailed reply wherein the aforementioned inquiry officer had not disposed up the matter for reason not known to the respondent - employee. The detail reply is annexed as a R: Air 1.7.2020. A ready -reference.





- iii. That the, respondent employee has been suspended vide office order dated No 946/75-E dated Mardan 09-06-2020 whereas the charge sheet has been issued on 18-06-2020 which is illegal and against the spirit of law.
- iv. That, the respondent employee can't be axed twice for the same charges.
- v: That, the respondent employee desire to be heard in person.

Hence, in light of the above facts and circumstances, it is humbly requested that the show-cause he disposed of without any further legal proceedings and the respondent employee be exonerated of the vague and baseless charges.

Shafi Ullah Son of Zahir Shah

Regulation Jamadar

Sub Divisional Officer, irrigation Dargai.

0343-5319327

Ather



Aw. E. 28

The Executive Engineer,

Malakand Irrigation Division , Malakand

Subject: Reply of the show cause notice dated; 23/07/2020

Respected Sir,

The respondent / employee humbly submit as under in response to the show cause notice dated: 23/07/2020.

1. That in response in Para No.1 of the show cause notice, it is humbly submitted that the respondent/employee is a faithful and law abiding servant under your esteemed office. The respondent employee has never—used defamatory statement—against any superior officer of the department through electronic and print media. The respondent / employee had requested for personal hearing vide reply of the earlier show cause notice dated 18/06/2020 to explain has position, which was denied by the inquiry officer. Opportunity of personal hearing is the legal right of the respondent employee which was denied and hence the finding of the inquiry officer is not in accordance with law and practice.

2. That the finding of the inquiry officer are not admitted as no opportunity of personal hearing has been provided to the respondent employee.

Detail reply of Para No 2 has already been submitted in reply dated 01/07/2020.

3. That the major penalty imposed by the inquiry officer is not appropriate and according to law hence not admitted. The respondent employee humbly request for personal hearing as provided by Efficiency and Displine rules 2011.

4. That the aforesaid penalty imposed / recommended by the inquiry officer is against the spirit and parameters of E and D rules 2011 therefore not tenable in the eyes of law. The respondent employee humbly request for personal hearing as provided by the prevailing rules of E and D 2011.

Affested



## OFFICE OF THE EXECUTIVE ENGINEER

MALAKAND IRRIGATION DIVISION MALAKAND



e-mall: - irrigationmkd@yahoo.com



7.50/ No. /7-E (Sub), Dated Malakand the عدي /08/2020.

#### OFFICE ORDER.

WHERE AS:- Mr. Shafiullah S/O Zahir Shah (Regulation Jamadar) declare himself as a President of un-registered and Illegali Employees Association, presently working in Dargai Irrigation Sub Division Dargai, who use to approach Print and Electronic Media for black mailing of Govt: officers/ officials for their self interest.

AND WHERE AS:- In this connection, I Engr. Ali Ur Rahman Executive Engineer Malakand Irrigation Division Malakand sent their case to Registrar Trade Union Labour Department to Solicite openion. In reponse the Registrar \Trade Union Malakand Division at Swat informed this office that as per record of their office, no Union in name and style of PWD Labour Union in Khyber Pakhtunkhwa is registered with Registrar Labour Department Swat communicated vide No. DL/RTU748-49, dated 23.01.2020.

WHERE AS:- In the mean while an enquiry was ordered against the official for defaming Govt: officers / officials for malafide intentions.

AND WHERE AS:- Subsequently charge sheet and statement of Allegation was served upon the official through the enquiry officer, but the official failed to submite written defence of his Unregistered Worker Union and have not shown any thing of the registration of their employee Association; which is mandatory under the rules.

WHERE AS:- Therefore, the enquiry officer having considered the charges received vide Superintending Engineer, Mardan Irrigation Circle, Mardan letter No. 1123/75-E, dated 01.07.2020, as exercise of powers under rules-4 (b) (iii) of Khyber Pakhtunkhwa (E&D) rules 2011, was please to impose the major penalty of "Dismissal from Govt: service" with immediate effect.

NOW WHERE AS:- After having lengthy correspondence and the power conferred upon the Competent Authority under the rules, because his action tantamount to black mailing / defemation of Govt: officers / officials through print and \Electronic Media, the undersigned being Appointing Authority has been pleased to consider the services of Mr. Shafiullah Regulation Jamadar for major penalty of "Dismissal from Govt: Service" to "Compulsory Retirement from Govt: Service" with immeidate effect.

EXECUTIVE ENGINEER

Copy forwarded for information and necessary action to the:-

Superintending Engineer, Mardan Irrigation Circle, Mardan w/r to his No.1123/75-E, dated 01.07.2020.

Mr. Ajmal Khan Deputy Collector Irrigation Mardan (Enquiry Officer). 2.

Sub Divisional Officer, Dargai Irrigation Sub Division, Dargai. w/r to his No. 349/2-E, 3. dated 07.08.2020.

4. District Accounts Officer Malakand.

DAO/HC (Local).

Official Concerned.

EXECUTIVE ENGINERS

Anx. C. ZBP

25-6.2020



## CHARGE SHEET

1, Ali-ur-Rahman, Executive Engineer, Malakand Imigation Division, Malakand as competent authority, hereby charge you, Mr. Shafiullah, Regulation Jamadar, While posted in Dargai Irrigation Sub Division Dargai (Malakand Imigation Division, Malakand).

- "Inat you while serving as Regulation Jamadar in Dargal Irrigation Sub Division of Malakand Irrigation Division, Malakand committed the act / omission of misconduct for defaming the government officers/officials of Malakand Irrigation Division through print and electronic media by using illegal / fake forum of PWD Worker Labour Union of Khyber Pakhtunkhwa".
- 2- By reason of above you appear to be guilty of misconduct under rules 3 of the government of Khyber Pakhtunkhwa government servant (E&D Rules) 2011 and have rendered yourself liable to all or any of the penalties specified under rules 4 of the rule ibid.
- You are therefore, required to submit your written defense within 07 days of the receipt of this charge sheet through the enquiry officer.
- Your written defense if any should reach the enquiry officer within the specified period falling which it shall be presumed that you have no defense to put in and in that case ex-party action shall be taken against you.
- 5- Intimate whether you desire to be heard in person.

6- The statement of allegation is enclosed.

Executive Engineer, 6 Malakand Imgation Division,

Malakand

C/Uzersipo/Downloads/Charge Sheet and Statement of allegation (Mid), goo

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### STATEMENT OF ALLEGATION

I. Ali-ur-Rahman, Executive Englneer, Malakand Irrigation Division, Malakand am of the opinion that:-

- 1- "Mr. Shafiullah, Regulation Jamadar, while posted in Dargai Imigation Sub Division, Dargai of Malakand Imigation Division, Malakand has rendered himself iiable to be proceeded against as the committed the following acts/omissions within the meaning of relevant Civil Servant (E&D) Rules 2011".
- 2- For the purpose of enquiry against the said accused Mr. Ajmal Khan Deputy Collector, Mardan Irrigation Division Mardan has been appointed as "Enquiry Officer"
- 3- Enquiry Officer shall provided reasonable opportunity of hearing to the accused, recorded his finding and submit report within 30 days.
- 4- The accused and the well conversant representative of Malakand imigation Division, Malakand shall join the proceeding on the date/time and place fixed by the Engulry Officer.

Executive Engineer Malakand Irrigation Division Malakand

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<u>سوال نامه برائے شیف اللّٰدریگویشن جمه دارابریکیشن ڈویژن ملا کنڈ</u>

ا کیار درست ہے۔ کہ آپ ملا کنڈ اریکیشن ڈویژن میں بطورریگولیشن جمہ دار تعینات ہیں؟

۲\_بطورسر کاری اہلکارآ پ خیبر پختونخواسروس رولز 2011 کے زمرے میں آتے ہیں؟

۲ کیایددرست ہے۔ کہآپ CBA نبر 1389 کے صدر ہیں؟

سم ۔ اگر آپ CBA ندکارہ کے صدر ہیں ۔ تو آپ نے محکمہ لیبرڈ یپارٹمنٹ سے رجسٹریشن کرائی ہے۔ دستاوی کی ثبوت شامل کریں ۔

۵۔ اگرآپ نے ایک غیرر جسٹر ڈ تنظیم بنائی ہے۔ تو آپکا یفعل سروس دول کے منافی ہے۔ جواب شامل کریں

۲۔ ایک غیرر جسٹر ڈ تنظیم چلا نا دھو کہ دہی کے زمرے میں آتا۔ ہے۔ جواب شامل کریں۔

ے۔ آپکا یہ فعل محکمہ امریکیشن کے تو اعد وضوابط اور و قار کے منافی ہے۔صفائی پیش کرے۔

٨ \_ آپ نے کس قانون کے تحت پرنٹ اور الیکٹرا تک میڈیا میں محکمہ کے خلاف ہرز وسرائی گی ہے ۔ جو کہ محکمہ کے ساتھ کونقصان جنچانے

کے مترادف ہے۔صفائی بمعیثبوت پیش کریں۔

ہ۔ پرنٹ اورالیکٹرانک میڈیا میل جانے سے پہلے سرکا کی اہلکار کومجاذ آفیسر سے اجازت طلب کرنا ضروری ہے۔ آپ نے کب اور کس سے اجازت طلب کی اجہد جو کہ KPK سروس رولز 2011 کے تحت تمام سرکاری اہلکاران مجدر جسٹر تنظیم پرواجب ہے۔ صفائی محد شوت پیش کریں۔

نوٹ: \_اس سوالنا مہ \_ کے جوابات تین دن کے اندرا ندرانکوائر کی آفیسر کو پیش کریں \_

ا السرائي المسرائي المريز على آفيسر الكوائري المنسر السب فادير على آفيسر در پنج امريكيشن سب دويزن مردان

Alberta

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# THE CHIEF ENGINEER NORTH,

Irrigations Department, Khyber Pakhtunkhwa, At Kababiyan, Peshawar

Subject: APPEAL/DEPARTMENT REPRESENTATION AGAINST THE IMPUGNED ORDER DATED 20/08/2020 IN WHICH IMPOSED ON THE OF PENALTY APPLICANT **MAJOR** FROM SERVICE" BY THE "DISMISSAL ALLEGED TO DUE RESPONDENTS. ALLEGATIONS WITHOUT PROPER INQUIRY, NO OPPERTUNITY OF PERSONAL HEARING, NO CROSS EXAMINATION OF WITNESS HAS BEEN GIVEN, THE WHOLE INQUIRY WERE DONE BY INQUIRY OFFICER/EXECUTIVE THE MALAFIDE ENGINEER HTIW PROSECUTION, INTENTION, MALICIOUS WITHOUT COGENT EVIDENCE WHICH IS AMOUNT TO MISCARRIAGE OF LAW AND MISCARRIAGE OF JUSTICE.

## Respectfully Sheweth:

That the applicant is permanent resident of District Malakand and is performing his duty as "Regulation jamadar" in the office of Dargai Irrigation Sub Division Dargai.

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- That the applicant is posted as Regulation 2. That the applicant is posted as Regulation department on 28/02/2004 and till date performed his duty in District Malakand with full zeal and zeest, with full devotion without nay complaint from his high ups.
  - 3. That the applicant has tried his level best to performed his duty with full zeal and zeest and devotion.
    - 4. That the Department Official given show cause notice to the applicant without any Official No and date, which was duly replied by the applicant on 04/03/2020, 01/07/2020 and 23/07/2020 respectively along with attested copies of civil suit, statement and judgment regarding his status of Employees Union (CBA No. 1389) Irrigation Department.
      - That the applicant is served with office impugned order No. 1975/7-E(Sub), dated Malakand The 20/08/2020, through which the applicant dismissed from his service.
      - 6. That the applicant dismissal from his service without adopting due process of law nor according with the rules and regulations laid down in the services rules and structure which is in effective upon the rights of the applicant.

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- 7. That alleged allegation levelled against the applicant was not proved till date, no proper inquiry has been conducted, no opportunity of personal hearing has been given, no examination of cross witnesses because the official have not witness nor any evidence against the applicant and without fulfilment of process of law, but the respondents/inquiry officers conducted one sided inquiry with malicious prosecution, with the malafide intention, without any cogent reason while imposed major penalty "dismissal from service" on the applicant is against the norms of justice.
  - 8. That the respondent has committed serious illegalities and irregularities while issuing the impugned dismissal order as no cogent reason is mentioned while imposing the major penalty, hence the impugned order is illegal, unlawful, void-ab-initio as well as corum-non-judice.
  - 9. That the impugned order of the respondent is against the principle of natural justice and as no chance of personal hearing is given to the applicant while conducting the alleged inquiry as well as issuing impugned order.
    - 10. That the impugned order is even against the Constitution of Islamic Republic of Pakistan

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1973 as well as principle of policy, hence the same are liable to be set aside.

11. That the applicant is treated against the law, rather discriminately been treated and with malafide, hence the impugned orders are liable to be set aside.

For the aforesaid reasons, it is, therefore, humbly prayed that by accepting of this departmental appeal/representation, the impugned order dated 20/08/2020, whereby the applicant dismissed from his service as major penalty may graciously please be set aside by declaring the impugned orders as illegal, unlawful, against the rules, regulations governing the subject matter, constitution and the applicant may be reinstated without imposition of any kind of penalty with all back benefits.

Dated:-04/09/2020

Applicant grafie under

Shafiullah

Regulation Jamadar Dargai Irrigation Sub Division Dargai.

Note:

All the relevant documents and impugned order dated 20/08/2020 are attached herewith.

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## OFFICE OF THE CHIEF ENGINEER (NORTH)

### IRRIGATION DEPARTMENT PESHAWAR Phone 9222819& Fax No 9212123

No. 3410 /Rev/CC/1-R/Mardan

Dated Peshawar the 18/11/2020

To

Mr. Shafi Ullah, Regulation Jamadar 🙉
Dargai Irrigation Sub Division,
Dargai.

Subject:

APPEAL/DEPARTMENT REPRESENTATION IMPUGNED ORDER DATED 20.08.2020 IN WHICH IMPOSED ON THE <u>PPLICANT MAJOR PENALTY OF "DISMISSAL FROM SERVICE" BY</u> RESPONDENTS DUE TO ALLEGED ALLEGATION WITHOUT PROPER ENQUIRY, NO OPPORTUNITY OF PERSONAL HEARING, NO CROSS EXAMINATION OF WITNESS HAS BEEN GIVEN THE WHOLE INOUIRY OFFICER/EXECUTIVE WERE DONE BY NOUIRY MALAFIDE INTENTION, WITH ENGINEER THE PROSECUTION, WITHOUT COGENT EVIDENCE WHICH IS AMOUNT TO MISCARRIAGE OF LAW AND MISCARRIAGE OF JUSTICE.

I am directed to refer to the subject noted above and to state that your appeal was referred to Superintending Engineer Mardan Irrigation Circle Mardan for report wherein he stated that an inquiry was ordered by this office vide letter No. 462/158-M, dated 21/02/2020 and Mr. Kifayat Ullah Khan the then SDO Drainage Irrigation Sub Division Mardan was nominated as inquiry officer to conduct fact finding inquiry against the following officials regarding mis-use of powers through un-Registered worker union.

- (i) Mr. Ajmal Khan (Mate)
- (ii) Mr. Shafi Ullah (Regulation Jamadar)
- 2. The inquiry officer conducted a detailed fact finding inquiry through which both the officials were found guilty and accordingly Mr. Muhammad Ajmal Khan Deputy Collector Irrigation Division Mardan nominated as inquiry officer vide this office No. 946/75-E, dated 09-06-2020 to conduct formal inquiry in the matter against the above named officials, wherein dismissal from service for Shafi Ullah (Regulation Jamadar) and compulsory retirement from service for Mr. Ajmal Khan (Mate) was recommended by the inquiry officer.

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In light of the above the Executive Engineer Malakand Irrigation Division Malakand being competent authority, served show cause notices upon both the officials and were called for personal hearing on 29-07-2020.

4. The competent authority (Executive Engineer Malakand Irr: Division Malakand) revised the penalties imposed by the inquiry officer of both the said officials;

S.No	Name of official	Recommendation of the inquiry officer	Penalty imposed by the competent authority	1
t.	Mr. Ajmal Khan (Mate)	Compulsory Retirement from Govt: Service	CENSURE	The officials was already retired from Govt: service on 30-06-2020, while the inquiry report was received through letter No. 1123/75-E dated 01-07-2020, therefore the penalty was imposed as CENSURE as the accused official was already retired.
2	Mr. Shafi Ullah, (Regulation Jamadar)	Dismissal from Govt: Service	Compulsory retired from Govt; service.	The penalty of compulsory retirement was imposed in place of dismissal from govt: service on humanitarian ground, so that the pensionary benefits other perks and privileges of the official may no effected.

5. As explained above, the appellant has not been "dismissed from his service" but "Compulsory retired from Govt: service" with all pensionary benefits, perks and privileges.

6. The appeal is therefore not found line with the penalty imposed upon the appellant and also not found in-line with rule 17(1) of Khyber Pakhtunkhwa govi: service E&D rules 2011.

CANAL COLLECTOR 18

#### Copy to the:-

 Superintending Engineer Mardan Irrigation Circle Mardan w/r to his letter No. 2369/75-E dated 28-10-2020 for information please.

2. Executive Engineer Malakand Irrigation Division Malakand for information.

3. PA to Chief Engineer (North) Irr: Department Peshawar.

CANAL COLLECTOR

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Chief Scrietory 20/hins 12.

بصورت ڈگری کرنے اجراء اور وصولی چیک وروپیدار عرف کا اور در خواست ہر تم کی تصدیق زراین پرد شخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری بکھلاور اوال کی برامدگ اور منسوخی نیز دائر کرنے اپیل گرانی ونظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصور کے ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کواپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔اورصاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہول گے

اوراس کاساختہ پرداختہ منظور وقبول ہوگادوران مقدمہ میں مختر نجہ ہر جاند التوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ بیشی مقام دورہ پر ہویا حد کے باہر روتو وکیل صاحب پابند ہول

گے۔ کہ بیروی مذکورکریں ۔ للبذاو کالت نام لکھدیا کہ سندرے

20,10

المرقوم

عددان ستيشنري مورت يوك شتري پيارخي اون 2220193 Mob: 0345-9223239

مه در د داور