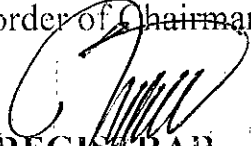


FORM OF ORDER SHEET

Court of _____

Appeal No. 464/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/03/2024	<p>The appeal of Mr. Muhammad Asim Khan presented today by Mr. Khaled Rehman Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 01.04.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 464 /2024

Muhammad Asim Khan Appellant.

Versus

The Secretary Law, KPK etc. Respondents

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2.	Charge Sheet alongwith Statement of Allegations	05.08.2023	A	6-11
3.	Reply to Charge Sheet	16.08.2023	B	12-16
4.	Order constituting an Inquiry Committee	05.08.2023	C	17
5.	Inquiry Report		D	18-24
6.	Show Cause Notice	02.09.2023	E	25
7.	Reply to Show Cause Notice	06.10.2023	F	26-27
8.	Impugned order	13.11.2023	G	28
9.	Departmental Appeal	11.12.2023	H	29-30
10.	Leave granting order	21.05.2022 27.06.2022	I	31-32
11.	Application for transfer of inquiry	28.08.2023	J	33
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Through Appellant

Khaled Rahman
ASC

&

Muhammad Ghazanfar Ali
Advocate, High Court
4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458
Cell # 0345-9337312

Dated: 28/03/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 464/2024

Muhammad Asim Khan

Ex-Office Assistant (BPS-16)
Office of the Advocate General
Khyber Pakhtunkhwa

Appellant

Versus.

1. **The Secretary,**
Govt. of Khyber Pakhtunkhwa
Law & Parliamentary Affairs Department,
Civil Secretariat, Peshawar.

2. **The Advocate General,**
Khyber Pakhtunkhwa,
Peshawar High Court.....

Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 13.11.2023 PASSED BY RESPONDENT NO.2 WHEREBY APPELLANT WAS IMPOSED UPON THE MAJOR PENALTY OF COMPULSORY RETIREMENT FROM SERVICE AGAINST WHICH HE PREFERRED DEPARTMENTAL APPEAL TO RESPONDENT NO.1 ON 11.12.2023 BUT THE SAME WAS NOT DISPOSED OF WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

On acceptance of the instant appeal, the impugned original order dated 13.11.2023 passed by Respondent No.2 and may graciously be brushed aside by reinstating the appellant into service with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. **That** the appellant joined the service of the Advocate General office way back on 19.11.2012 as Office Assistant (BPS-16). From the date of appointment till the impugned order, the appellant served dedicatedly and

has thus put in more than 11 years valuable service wherein not even a minor penalty had ever been imposed on him.

2. **That** on 05.08.2023, the appellant was served with a Charge Sheet with Statement of Allegations (*Annex:-A*) containing the charges of habitual late-coming and leaving the office before the official timing and referring to the complaint of Additional Advocate General, Mingora Bench, Swat alleging therein not responding towards the duty.
3. **That** since the charges were ill-founded, therefore, appellant denied the charges and explained his position through his detailed reply (*Annex:-B*) submitted on 16.08.2023. The reply to the Charge Sheet and Statement of Allegations may be treated as integral part of this appeal.
4. **That** through a separate order of even date (*Annex:-C*) two Additional Advocate Generals namely Mr. Umar Farooq and Mr. Danyal Khan Chamkani were appointed as Inquiry Committee. The Inquiry Committee conducted a summary inquiry and submitted their Report (*Annex:-D*) recommending the major punishment of compulsory retirement to the appellant.
5. **That** the Competent Authority thereafter served a final Show Cause Notice (*Annex:-E*) dated 02.09.2023 upon the appellant which was duly replied (*Annex:-F*) by him on 06.10.2023 thereby explaining his position to the Competent Authority. Reply to the Show Cause Notice may also be considered as an integral part of the instant appeal.
6. **That** finally vide impugned office order dated 13.11.2023 (*Annex:-G*), the Competent Authority was pleased to impose major penalty of compulsory retirement upon the appellant.
7. **That** the impugned order *ibid* was challenged through departmental appeal (*Annex:-H*) on 11.12.2023 before Respondent No.1 but the same was not disposed of within statutory period of 90 days, hence this appeal *inter-alia* on the following grounds:-

Grounds:

- A. **That** Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 and 10A of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned order, which is unjust, unfair and hence not sustainable in the eye of law.
- B. **That** the inquiry was not conducted in accordance with law. Neither appellant was properly provided opportunity of defence nor was any statement recorded in his presence providing him opportunity to cross-examine the witnesses. Similarly, the appellant was not confronted with any documentary evidence. Similarly, the requisite documents were also not requisitioned in support of the stance of the appellant. Major penalty cannot be imposed without holding regular inquiry. In this view of the matter, the impugned order is void ab-initio and thus not sustainable.
- C. **That** the appellant was also not provided a meaningful opportunity of personal hearing and thus the impugned order was passed in violation of the principle of natural justice, therefore, the same is void ab-initio, without lawful authority and therefore, liable to be set aside.
- D. **That** the charge(s) are not based upon sound footing. The appellant never remained absent from duty without permission. Whenever the appellant needed any leave, the same was properly applied for and in case of medical leave proper Medical Certificates of the authorized Medical Officer have been obtained. In this respect office order dated 21.05.2022 and 27.06.2022 (*Annex:-I*) allowing medical leave to the appellant under the Revised Leave Rules, 1981 are referred.
- E. **That** inspite of the allegation of absence of so many times, not a single explanation has ever been called from the appellant regarding the absence from duty as well as late coming and early leaving of the office.

F. **That** the appellant has reservations on the conduct of inquiry proceedings as may be pointed out as under:-

- (i) The appellant was not reposing confidence in the Inquiry Officers as they were biased towards the appellant and he was not expecting justice from them. Application for transfer of inquiry was duly submitted to the Competent Authority on 28.08.2023. (*Annex:-J*)
- (ii) The statements of the Witnesses were subsequently altered which fact was duly brought into the notice of the Officers as well as Competent Authority vide letter dated 28.10.2023. (*Annex:-K*)
- (iii) During the course of inquiry proceedings, the appellant submitted application to the Competent Authority for requisition of original attendance record vide application dated 28.08.2023 but it was not provided till the conclusion of the inquiry proceedings. (*Annex:-L*)

G. **That** the penalty imposed upon the appellant was against the principle of justice and fair-play. The findings of the Inquiry Committee with regard to the father of the appellant are misstated. In fact the appellant had pleaded before the Inquiry Officers that the father of the appellant was also a practicing lawyer of the High Court and that he is also part of the Lawyers' respectable Community.

H. **That** the appellant has been suffering from lower back neuro spinal issue since January, 2022 and is still under medical treatment from the Neuro Surgeon. The Medical Board has examined the appellant and advised him bed rest. The appellant applied for medical leave which application was processed while the appellant was bedridden. The application was later on, rejected whereas under the law medical leave cannot be refused, however, a second opinion of the Medical Board may be obtained which was not done. (Report of the Standing Medical Board with other documents alongwith rejected application for medical leave *Annex:-M*)

I. **That** on account of long service of more than 11 years, the appellant has in leave account more than 370 days earned leave and therefore, his leave

could also be adjusted against the available leave in his account.

- J. **That** without prejudice to the grounds mentioned above but in addition thereto, the penalty imposed on the appellant, keeping in view the facts and circumstances of the case is highly excessive and does not commensurate with the so called guilt though not sustainable.
- K. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.


Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through


Appellant


Khaled Rahman,
ASC

&


Muhammad Ghazanfar Ali
Advocate, High Court

Dated: 29/03/2024

(5-A)

B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2024

Muhammad Asim Khan..... Appellant

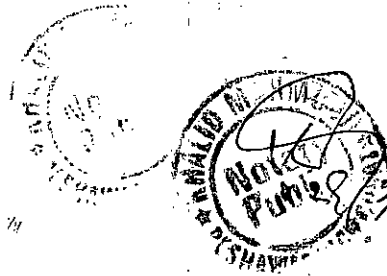
Versus

The Secretary to Govt. of Khyber Pakhtunkhwa & others..... Respondents

Affidavit

Stated on oath that the contents of the accompanying appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from the Hon'ble Tribunal.


Deponent



15307-8542927-3

28/3/2024



OFFICE OF ADVOCATE-GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR

No 36051 JAG

Dated 05/8 /2023

Address: High Court Building, Peshawar.
Tel. No.091-9210631

Exchange No 9213833
Fax No. 091-9210270

CHARGE SHEET

I, Amir Javed, Advocate-General, Khyber Pakhtunkhwa Peshawar, as Competent Authority, hereby, charge you Mr. Muhammad Asim Khan, Assistant (BPS-16) posted in office of the Additional Advocate General Khyber Pakhtunkhwa, Dar-ul-Qaža (Swat) presently working in main office Peshawar, on the following grounds:

1. And whereas, your services in Office of the Additional Advocate General, Swat were not found satisfactory as you were habitually coming late and leaving the office before the official timing. On 12.07. 2023 vide letter No. 431/A.A.G, learned Additional Advocate General, Mingora "Bench Swat, informed the Advocate General, Khyber Pakhtunkhwa Peshawar, that:

It is to bring in your kind Notice that Mr. Asim Khan (Assistant) at the Office of Additional Advocate General Peshawar High Court Mingora Bench at Swat, is not responding towards his duty as is required. He used to come to office late as routine. So many times he remained absent from office without prior intimation or grant of leave.

He is also wasting time by spending a whole day out of office for a single and simple task.

2. And whereas, upon receipt of complaint from Additional Advocate General Swat on 12.07.2023 you were called by undersigned and you appeared on 26.07.2023 and in my presence, you used abusive language with Mr. Muhammad Nisar, Addl: Advocate General. At that time Mr. Ayaz Khan (Administrative Officer), Mr. Zubair Gul (peon) and Mr. Munib-ur-Reham (peon) were also present in the Office.

Due to above reasons, you appear to be guilty of gross misconduct and inefficiency under Rule 3(a) and 3(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself to all or any of the penalties specified in Rule 4 of the Rules. *ibid*:

3. And whereas in presence of Mr. Muhammad Nisar, Addl: Advocate General, you told Advocate-General, Khyber Pakhtunkhwa that your father is a lawyer and you will file many cases against Advocate General office. This indeed amounts to gross insubordination and misconduct as

ATTESTED

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provided under Rule 3(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself to all or any of the penalties specified in Rule 4 of the Rules ibid.

4. And whereas, your past conduct is also not satisfactory. Series of written notices shows your lack of interest in the performance of your duties. Vide order No. 9095-9096/AG, dated 20/08/2022 your explanation were also called because you were allowed one (01) month leave on medical grounds w.e.f 27.06.2022 to 26.07.2022. At the expiry of the leave, you were required to attend the office on 26.07.2022 but instead you sent an application for extension in the medical leave without annexing any medical documents to support your claim. The sanctioning authority declined to accede to your application which was also communicated to you. However inspite of that, you remained absent / away from duties till 20.08.2022. You were, therefore, directed to explain reasons of willful absence from 26.07.2022 to 20.08.2022. You appear to be guilty of habitually absenting yourself from duty under Rule 3(d) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself to all or any of the penalties specified in Rule 4 of the Rules ibid.

5. And whereas, previously a complaint was received against you vide letter No. 10311 Admn: dated 16/03/2021 from Addl. Registrar, Peshawar High Court Mingora Bench Dar-ul-Qaza, Swat. Consequent upon the same you were transferred vide this officer order bearing No. 3868-72/AG dated 22/03/2021 to main office Peshawar. The Advocate General, Khyber Pakhtunkhwa vide Order No. 6555-58/A.G./PF dated 11.03.2023 was pleased to withdraw the said order with a warning note and you were directed to report for duty in the office of Additional Advocate General, Swat with condition "to remain careful and in case, you were involved in any misconduct again, strict departmental action shall be taken against him".

But once again a written complaint dated 11.07.2023 was received from Additional Advocate General Khyber Pakhtunkhwa Dar-ul-Qaza, Swat regarding your inefficiency/misconduct, thus the under signed was constrained to withdraw office order bearing No. No. 6555-58/A.G. dated 11.03.2023 with immediate effect in the public interest on 24.07.2023.


You are, therefore, required to submit your written defence within ten days of the receipt of this charge sheet to the Inquiry Committee.

ATTESTED

8
Your written defence, if any, should reach to the Enquiry Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.


(AMIR JAVED)
ADVOCATE-GENERAL,
KHYBER PAKHTUNKHWA,
PESHAWAR

ATTESTED



OFFICE OF ADVOCATE-GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR

No. 36052 /AG

Dated 05/8 /2023

Address: High Court Building, Peshawar.
Tel. No.091-9210631

Exchange No 9213833
Fax No. 091-9210270

DISCIPLINARY ACTION

I, Amir Javed, Advocate-General, Khyber Pakhtunkhwa, Peshawar Competent Authority, am of the opinion that Mr. Muhammad Asim Khan, Assistant (BPS-16) posted in office of the Additional Advocate General Khyber Pakhtunkhwa, Dar-ul-Qaza (Swat) presently working in main office Peshawar.

STATEMENT OF ALLEGATIONS

1. And whereas, your services in Office of the Additional Advocate General, Swat were not found satisfactory as you were habitually coming late and leaving the office before the official timing. On 12.07.2023 vide letter No. 431/A.A.G, learned Additional Advocate General, Mingora Bench Swat, informed the Advocate General, Khyber Pakhtunkhwa Peshawar, that:
-It is to bring in your kind Notice that Mr. Asim Khan (Assistant) at the Office of Additional Advocate General Peshawar High Court Mingora Bench at Swat, is not responding towards his duty as is required. He used to come to office late as routine. So many times he remained absent from office without prior intimation or grant of leave.
He is also wasting time by spending a whole day out of office for a single and simple task.
2. And whereas, upon receipt of complaint from Additional Advocate General Swat on 12.07.2023 you were called by undersigned and you appeared on 26.07.2023 and in my presence, you used abusive language with Mr. Muhammad Nisar, Addl. Advocate General. At that time Mr. Ayaz Khari (Administrative Officer), Mr. Zubair Gul (peon) and Mr. Munib-ur-Reham (peon) were also present in the Office.
Due to above reasons, you appear to be guilty of gross misconduct and inefficiency under Rule 3(a) and 3(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself to all or any of the penalties specified in Rule 4 of the Rules ibid.
3. And whereas in presence of Mr. Muhammad Nisar, Addl. Advocate General, you told Advocate-General, Khyber Pakhtunkhwa that your father is a lawyer and you will file many cases against Advocate General

ATTESTED

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office. This indeed amounts to gross insubordination and misconduct as provided under Rule 3(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself to all or any of the penalties specified in Rule 4 of the Rules *ibid*.

4. And whereas, your past conduct is also not satisfactory. Series of written notices shows your lack of interest in the performance of your duties. Vide order No. 9095-9096/AG, dated 20/08/2022 your explanation were also called because you were allowed one (01) month leave on medical grounds w.e.f 27.06.2022 to 26.07.2022. At the expiry of the leave, you were required to attend the office on 26.07.2022 but instead you sent an application for extension in the medical leave without annexing any medical documents to support your claim. The sanctioning authority declined to accede to your application which was also communicated to you. However inspite of that, you remained absent / away from duties till 20.08.2022. You were, therefore, directed to explain reasons of willful absence from 26.07.2022 to 20.08.2022

You appear to be guilty of habitually absenting yourself from duty under Rule 3(d) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself to all or any of the penalties specified in Rule 4 of the Rules *ibid*.

5. And whereas, previously a complaint was received against you vide letter No. 10311 Admn: dated 16/03/2021 from Addl. Registrar, Peshawar High Court Mingora Bench Dar-ul-Qaza, Swat. Consequent upon the same you were transferred vide this officer order bearing No. 3868-72/AG dated 22/03/2021 to main office Peshawar. The Advocate General, Khyber Pakhtunkhwa vide Order No. 6555-58/A.G./PF dated 11.03.2023 was pleased to withdraw the said order with a warning note and you were directed to report for duty in the office of Additional Advocate General, Swat with condition "to remain careful and in case, you were involved in any misconduct again, strict departmental action shall be taken against him".

But once again a written complaint dated 11.07.2023 was received from Additional Advocate General Khyber Pakhtunkhwa Dar-ul-Qaza, Swat regarding your inefficiency/misconduct, thus the under signed was constrained to withdraw office order bearing No. No. 6555-58/A.G. dated 11.03.2023 with immediate effect in the public interest on 24.07.2023.

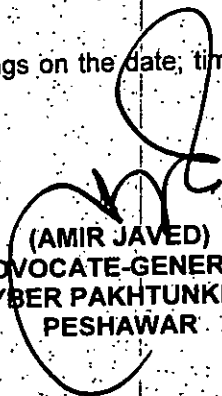
For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry Committee is ordered and Mr. Umar

ATTESTED

-11-

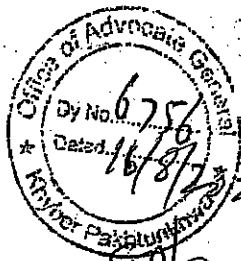
Farooq, Additional Advocate General, Khyber Pakhtunkhwa and Mr. Danial Khan Chamkani, Additional Advocate General, Khyber Pakhtunkhwa are appointed as Inquiry Officers.

6. The Enquiry Committee shall, in accordance with the provisions of relevant law, provide reasonable opportunity of hearing to the accused official, record his findings and recommendations within 60 days of the receipt of this order, and make recommendations for punishment or otherwise under the rules.
7. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Committee.


(AMIR JAVED)
ADVOCATE-GENERAL,
KHYBER PAKHTUNKHWA,
PESHAWAR

ATTESTED

Advocate General,
Khyber Pakhtunkhwa
at Peshawal.



M. Asim

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Amir B

Sub: Reply on behalf of Muhammad Asim Khan
Assistant, Office of Advocate General, Peshawal

Para 01: I have performed my duties
Accountant in Darul-Qaza, Swat and usually
visited District Account office, Swat situated
out of Mingora city with permission/
written Application from my boss. It is
a fact that Mingora is a big city
having huge rush of vehicles and
normally inhabitants of the locality as
well as officers/officials face traffic
jam and trouble which is the main
reason of wastage of time.

Besides, Account Branch in AAG office
Swat does not have a single clerk
Peon or dispatcher, yet I had to
manage all these jobs in single
capacity.

ATTESTED

10

Respected Sir,

13

I am a regular, Punctual and dutiful and there is nothing on record in Para 01.

Para 02:

Mr. Muhammad Nisar AAG is my respectable boss, being highly educated person, I do not think to use abusive language not only with my boss but all members of society. Furthermore, my tone of speaking is loud and seems to be aggressor. Infact, I am a responsible and law abiding member of this society, having regards for all especially for my bosses.

Continued

ATTESTED

Para 03

- 14

In fact my father is an Advocate who is practising at Peshawar High Court, Mingora Bench. I have not stated that my father will file suit against AG office. In fact, I have told that my father is filing Suits in the Court of law being an Advocate on concentration of fees. I never used such like words being an educated and responsible servant of this office to my seniors/junior.

Para 04:

It is humbly stated that illness is out of control of human. Furthermore, I was already declared ill/sick by standing medical Board and one month was granted for bed rest but I was not recovered so I informed my office through written application.

ATTESTED

—Continued—

- 15

With the request to extend my medical leave, with due appology, it is humbly stated that leave in such like cases is the right of servant, although I had sufficient leave in my Account. Hence, I had the leave and informed office through written application. There is no misconduct on my part.

Para 05

This letter of allegation No 10311 Admin, dated 16-3-2021. has stem out due to the fact that I could not pay debt of 150 rupees to canteen contractor of Darul-Qaza. It was my personal matter.

Prayers: I hereby make appeal of mercy to the competent Authority

ATTESTED

-16

I withdraw charges of Allegations
against me. It is anticipated that
justice will meet out.

Asim

M. Asim Khan
Assistant 15-8-2023
Office of Advocate General
Peshawar.

ATTESTED



17
OFFICE OF ADVOCATE-GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR

No. 36047-59 IAG

Dated 05/8 /2023

Address: High Court Building, Peshawar.
Tel. No.091-9210631

Exchange No 9213833
Fax No. 091-9210270

Amir C

OFFICE ORDER

I, Amir Javed, Advocate General, Khyber Pakhtunkhwa being the Competent Authority, under rule 10(1)(a) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, hereby constitute an Inquiry Committee, comprising the following Officers to conduct Enquiry against Mr. Muhammad Asim Khan, Assistant (BPS-16) office of the Additional Advocate General Khyber Pakhtunkhwa, Swat presently working in main office Peshawar in the matter of inefficiency/absence from duty, as detailed in the Charge Sheet/Statement of Allegations.

1. Mr. Umar Farooq, Additional Advocate General, Peshawar
2. Mr. Danial Khan Chamkani, Additional Advocate General, Peshawar.

Mr. Zubair Muhammad, Senior Administrative Officer (BPS-19) of this office is also appointed as departmental representative to assist the Enquiry Committee in this regard as provided in rule 10 (1) (c) of the said rules.

The Enquiry Committee is further directed to submit the Enquiry report/findings in the matter in accordance with the provisions of rule 11 (7) of the ibid rules.

(AMIR JAVED)
ADVOCATE-GENERAL,
KHYBER PAKHTUNKHWA,
PESHAWAR

Endst. No. & date even:-

A copy is forwarded for information and necessary action to:

1. Mr. Umar Farooq, Additional Advocate General, Peshawar.
2. Mr. Danial Khan Chamkani, Additional Advocate General, Peshawar.
3. Mr. Zubair Muhmmad, Senior Administrative Officer of this office
4. ✓ Mr. Muhammad Asim Khan, Assistant of this office.

(AMIR JAVED)
ADVOCATE-GENERAL,
KHYBER PAKHTUNKHWA,
PESHAWAR

ATTESTED

13

ENQUIRY AGAINST MR. MOHAMMAD ASIM KHAN

18 Annex D²

The inquiry was entrusted to the undersigned officers through office order dated 5-8-2023 by the Worthy Advocate General, Khyber Pakhtunkhwa against Mr. Muhammad Asim Khan Assistant (BPS-16) posted in office of the Addl: Advocate General, Khyber Pakhtunkhwa, at Swat. Mr. Zubair Muhammad Senior Administrative Officer BPS-19 was appointed as departmental representative to assist the Inquiry Committee.

BRIEF FACTS

A complaint against the accused Asim Khan was received from Addl: AAG, Khyber Pakhtunkhwa at Darul-Qaza, Swat. Accordingly a charge sheet was issued against the accused on 05-8-2023 which is as follows:-

"I, Amir Javed, Advocate-General, Khyber Pakhtunkhwa Peshawar, as Competent Authority, hereby, charge you Mr. Muhammad Asim Khan, Assistant (BPS-16) posted in office of the Additional Advocate General, Khyber Pakhtunkhwa, Dar-ul- Qaza (Swat) presently, working in main office Peshawar, on the following grounds:-

1. And whereas, your services in Office of the Additional Advocate General, Swat were not found satisfactory as you were habitually coming late and leaving the office before the official timing. On 12.07.2023 vide letter No. 431/A.A.G, learned Additional Advocate General, Mingora Bench Swat, Informed the Advocate-General, Khyber Pakhtunkhwa Peshawar, that:

It is to bring in your kind Notice that Mr. Asim Khan (Assistant) at the Office of Additional Advocate General Peshawar High Court Mingora Bench at Swat, is not responding towards his duty as is required. He used to come to office late as routine. So many times he remained absent from office without prior intimation or grant of leave.

He is also wasting time by spending a whole day out of office for a single and simple task.

2. And whereas, upon receipt of complaint from Additional Advocate General Swat on 12.07.2023 you were called by undersigned and you appeared on 26.07.2023 and in my presence, you used abusive language with Mr. Muhammad Nisar, Addl: Advocate General. At that time Mr. Ayaz Khan (Administrative Officer), Mr. Zubair Gul (peon) and Mr. Munib-ur-Rehman (peon) were also present in the Office.

Due to above reasons, you appear to be guilty of gross misconduct and inefficiency under Rule 3(a) and 3(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself to all or any of the penalties specified in Rule 4 of the Rules ibid.

ATTESTED

D

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3. And whereas in presence of Mr. Muhammad Nisar, Addl. Advocate General, you told Advocate-General, Khyber Pakhtunkhwa that your father is a lawyer and you will file many cases against Advocate General office. This indeed amounts to gross insubordination and misconduct as provided under Rule 3(b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself to all or any of the penalties specified in Rule 4 of the Rules ibid.

4. And whereas, your past conduct is also not satisfactory. Series of written notices shows your lack of interest in the performance of your duties, Vide order No. 9095-9096/AG, dated 20/08/2022 your explanation were also called because you were allowed one (01) month leave on medical grounds w.e.f 27.06.2022 to 26.07.2022. At the expiry of the leave, you were required to attend the office on 26.07.2022 but instead you sent an application for extension in the medical leave without annexing any medical documents to support your claim. The sanctioning authority declined to accede to your application which was also communicated to you. However in spite of that, you remained absent / away from duties till 20.08.2022. You were, therefore, directed to explain reasons of willful absence from 26.07.2022 to 20.08.2022

You appear to be guilty of habitually absentsing yourself from duty, under Rule 3(d) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and have rendered yourself to all or any of the penalties specified in Rule 4 of the Rules ibid.

5. And whereas, previously a complaint was received against you vide letter No. 10311 Admn: dated 16/03/2021 from Addl. Registrar, Peshawar High Court Mingora Bench Dar-ul-Qaza, Swat. Consequent upon the same you were transferred vide this officer order bearing No. 3868-72/AG dated 22/03/2021 to main office Peshawar. The Advocate General, Khyber Pakhtunkhwa vide Order No. 6555-58/A.G./PF dated 11.03.2023 was pleased to withdraw the said order with a warning note and you were directed to report for duty in the office of Additional Advocate General, Swat with condition "to remain careful and in case, you were involved in any misconduct again, strict departmental action shall be taken against him".

But once again a written complaint dated 11.07.2023 was received from Additional Advocate General Khyber Pakhtunkhwa Dar-ul-Qaza, Swat regarding your inefficiency/misconduct, thus the under signed was constrained to withdraw office order bearing No. No. 6555-58/A.G. dated 11.03.2023 with immediate effect in the public interest on 24.07.2023.

You are, therefore, required to submit your written defence within ten days of the receipt of this charge sheet to the Inquiry Committee. Your written defence, if any, should reach to the Enquiry Committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall follow against you.

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed."

ATTESTED

The aforesaid charge sheet was communicated to the accused, through which he was asked to submit his written defense within 10 days and statement of allegations leveled against the accused on 05-08-2023 was also communicated to the accused on the allegations already mentioned in the charge sheet. The accused submitted his written reply on dated 15-08-2023 through which he denied all the allegations leveled against the accused and in his written reply he also appealed for mercy and requested to withdraw all the charges leveled against him. The para-wise reply of the accused is already annexed with the inquiry report. 20

The accused was also heard in person and an opportunity to record his statement was also given to the accused. The accused was also present during the recording of the statements of the other witnesses and he was provided full opportunity to cross-examine the witnesses.

STATEMENTS

Statement of accused

I have performed my duties as accountant in Dar-ul-Qaza Swat and usually visited District Account Office, Swat, situated at Migora City with permission and main reason of delay is due to heavy rush and account office work. As concerned with abusive language to Additional AG at Swat. I have not use any abusive language about said officer although my tone of speaking is loud and seems to be aggressor instead of normal speaking. Secondly my illness is out of control of human and I have already declared ill/sick by standing Medical Board and recommended one month bed rest.

That Mr. Asim Khan (Accused) stated that "...I have seen all the original documents along with my replies..." (Reply attached with the record). In his said reply dated 15-08-2023 he denied all the allegations leveled against him but in para 2 he stated "I do not think to use abusive language, not only with my boss but all members of society. Furthermore, my tone of speaking is loud and seems to be aggressor..." In Para 4 of his reply he stated that "My illness is out of control and I was already declared sick by the standing medical board....I have sufficient leave in my account....there is no misconduct on my part" and lastly he prayed for charges to be withdrawn against him.

Statement of Additional Advocate General, Darul Qaza Swat

In his statement he deposed that accused performed his duty since 11/03/2023 in Mingora Bench Peshawar High Court further stated that accused was transferred from Main Office at Peshawar and I was directed to keep a watch on his daily attendance and submit report on weekly basis about his arrival and departure. I warned the accused so many times but I was compelled to file a complaint against him to Worthy Advocate General KP vide letter dated 11/03/2023 and 11/07/2023.

ATTESTED

At this stage the Additional Advocate General provided mobile to the inquiry committee in which the inquiry officer heard the voice message of the accused Mr. Asim Khan which was sent from his mobile number 344-8833235 around at 11:05 pm. The voice message received from Mr. Asim personal mobile number. The abstract of the communication is available on the record. Through the said voice message the accused offered to patch up the matter with AAG Swat otherwise he threatened to put up the said past bills to Sectary Law, KP for onward proceedings, the T.A/D.A and law charges bills without prior approval from the competent authority. The AAG also deposed that the accused has illegally kept the official laptop with himself since 2018 without any permission. He was directed to return the said laptop but he had failed to do so.

Statement of Additional Advocate General, Mohammad Nisar Khan

In his statement Mohammad Nisar Khan deposed about the behavior and abusive language used by the accused with his officer and dis-obedience shown by him during his duty in the office. Nisar Khan AAG stated "I was present the worthy AG KPK on 26-07-223 wherein, the inquiry file of Mr. Asim Khan was produced by one Mohammad Ayaz, Administrative officer, handed over the said inquiry file to me for perusal and the worthy AG KPK, asked me regarding the allegations to be explained. So, in compliance with the order of worthy AG KPK started the allegations in the inquiry file but Mr. Asim Khan (accused) shouted at me that I hate you more than a dog and interpreted to me that you do not explain the allegations to me. He further asserted that my father is an advocate these days at Dar-ul-Qaza, Swat. If this office will terminate me from my services, I will impugn the same order before the Service Tribunal and get reinstated".

Statement of Mr. Zaheerudin and Mr. Haroon Rashid and Mr. Khashif Hameed

All the witnesses stated that it is a routine during official duty that he comes late to office and likewise used to leave office prior 2:00 PM time and again on several dates and he was marked absent in the Attendance Register with the initial "A" but falsely he marked himself present by putting his signature that also starts with the alphabet "A".

Statement of Mr. Ayaz Khan, Administrative Officer, Office of Advocate General

Stated in his statement that on 12/07/2023 in the presence of Advocate General hurled abuse at the senior Law officer Mr. Nisar Muhammad, Addl. AG. Further stated that his father is practicing lawyer and would file cases against the Advocate General.

Statements of Zubair Gul and Muneeb-ur-Rehman

Both stated about the aggressive attitude of the accused against Mohammad Nisar Khan, Additional Advocate General, Khyber Pakhtunkhwa.

At the end of the recording of the statements of all the witnesses the accused was asked by the inquiry committee whether he had any objection on the inquiry proceedings and whether he

ATTESTED

wants to provide any further proof in his defence. The accused showed his complete satisfaction on the inquiry proceedings and stated that he relies on the his statement already recorded before the inquiry committee.

Conclusion

The inquiry committee have gone through the available record and arrived at a conclusion. The record shows that prior to this inquiry many complaints against the accused were received/processed, the details are as follows:

1. Explanation called vide office Order bearing NO 8_AAG dated 12-01-2016
2. Complaint lodged/filed by the Additional Registrar Mingora Bench/Darul-Qaza, Swat Vide letter bearing no 1031/admin dated 16-03-2021
3. Explanation called vide letter no. 9095_9096 dated 20-08-2022.
4. Warning issued vide office note dated 10-03-2023
5. Complaint made by Addl. Advocate General Vide letter No 431 dated 11-07-2023 against the delinquent officer for coming late without proper approval of the competent authority
6. Explanation was called via letter bearing No. 36234_35 dated 07-08-2023
7. Letter issued vide office letter No 37620_22/AG dated 22-08-2023 for return of the office laptop

(All the aforesaid documents have been collected from the personal file of the accused which has been provided by Mr. Zubair, Senior Administration Officer, AG Office, KPK)

The officials of the Mingora bench, Swat namely, Mr. Khwaja AAG, Swat, Mr. Zaheerudin, Mr. Haroon Rashid and Mr. Kashif Hameed stated that the accused comes late to the office and leaves the office prior to 2 PM time and again on several dates. Furthermore, the accused tampered with the attendance register and changed the absent mark "A" by putting his signature and contented that his name also starts with the alphabet "A" thus he is not absent. The Addl. AG Swat stated that "I warned the accused so many times but he continued his routine without giving any heed to the oral warning notices". Therefore, he was constrained to intimate to the worthy AG KPK in writing about the conduct of the accused and disclosed the factual position of the accused.

The statements all the officials/officers against the accused are consistent. The accused never alleged any malafide against Mr. Zubair, Mr. Haroon and Mr. Kashif, who categorically stated that he used to arrive late and would leave early from the office and would also mark himself as present by putting his signature on the attendance register illegally and change the alphabet "A" (For absent) to "Asim" (Accused name). The original register was presented during the proceeding during the inquiry committee. **The allegation No 1 of the charge sheet is proved.**

As per Para 2 of the charge sheet dated 05-08-2023. The accused used abusive language with Mr. Mohammad Nisar Khan, Additional Advocate General, KPK. Mr. Mohammad Nisar Khan in his statement has narrated the entire episode. Statement of Mr. Mohammad Nisar Khan shows

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ATTESTED

that the accused is not only aggressive with lower staff but also misbehaves with seniors and officials. The language used by the accused would not be considered acceptable in a bazaar, let alone in a government office. The unacceptable language used by the accused against the respectable Mr. Nisar AAG – A man who is an elder to the accused – shows that the conduct of the accused is completely out of bounds and intolerable. 23

In his written reply to the statement of allegations in Para no 2, He admitted, "That my tone of speaking is loud and seems to be aggressor" but during statement of Mr. Nisar Khan before inquiry committee he never rebutted the statement of Mr. Nisar Khan. **The allegation of the charge sheet leveled in Para No 2 stands proved.**

As per allegations in Para No 3, Mr. Ayaz Khan stated before the inquiry committee that "...He also, in the presence of Mohammad Nisar AAG told the worthy AG KP that his father is practicing lawyer at Mingora, Swat and would file cases against the Advocate General Office. The accused never cross-examined the said Mr. Ayaz Khan statement. **The allegation of the charge sheet leveled in Para No 3 stands proved.**

Regarding the allegation leveled in Para No 4, it is evident from the record that he remained absent from the duty and his past conduct also shows that he was not a willful and dutiful official. He remained absent as per record. In his reply he never presented any explanation to the Para No 4 of the charge sheet. That he remained absent from 26-07-2022 to 20-08-2022. In Para No 4 of his reply. He stated "...I had sufficient leave in my account. Hence, I had the leave and inform officer through written application.:". The application of the accused was declined as no medical certificate as no medical certificate was annexed with the application and sanctioning authority declined to accede to leave application which was also communicated but no solid reason was given by the accused. Hence allegation of the charge sheet leveled in para no.4 against the accused is also proved.

As per allegation No 5 of the charge sheet. The reply given by the accused in the written stance is very evasive and cannot be considered acceptable to a prudent mind and during the inquiry the accused also did not utter a single word about this allegation. **As per record this allegation is also proved against the accused.**

RECOMMENDATION:

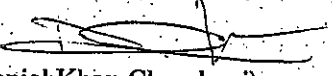
The track record of the accused shows that the accused isn't a dutiful person and is not willing to work nor shows any interest in it. The attitude of the accused remains distant with the office. In this inquiry different officials and officers of the AG office of KPK have come forward and stated that the attitude of the accused is aggressive with staff and disobedient with officials, even during the inquiry. The statement of the AG Swat paints a bad picture for the accused, as the learned AAG presents a recording where the accused threatens his office.

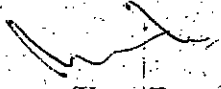
ATTESTED

The witnesses involved in this situation render the misconduct of the accused apparent. The tampering with the attendance register and giving no heed to the instructions from seniors and officers is also evident from record. This is a grave misconduct on part of the accused and cannot be ignored. The accused's conduct with Mr. Nisar AAG shows his disobedience and amount to administrative disturbance in office. Moreover, a person such as the accused is not suitable to an office where the cases are related to the government and the state. Such a person cannot perform the duties of an assistant let alone the duties of a clerk in any law office or firm. As the accused tampered with the official record i.e. attendance register.

The record also shows the threatening attitude of the accused during the inquiry proceeding with Addl. AGG Swat (Witness of the inquiry) which is also an example of grave misconduct and insubordination. All the allegation against the accused are proved.

Prior to this inquiry numerous chances were given to the accused to mend his ways but his willful absence from office, tampering of official record and abusive behavior make him liable to be proceeded against departmentally. Keeping in view the past service of the accused it is, therefore, recommended that the accused may be compulsory retired from service.


(Danial Khan Chamkani)
Additional Advocate General,
Khyber Pakhtunkhwa,
Peshawar


(Umar Farooq)
Additional Advocate General,
Khyber Pakhtunkhwa,
Peshawar

ATTESTED

SHOW CAUSE NOTICE

I, Amir Javed, Advocate General, Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Muhammad Asim Khan Assistant (BPS-16) of this office, as follows.

1. (i) That consequent upon the completion of inquiry conducted against you by the Inquiry Committee for which you were given opportunity of hearing, and
- (ii) Ongoing through the Charge Sheet, its reply by you, the material on record, including connected papers, your defence before the Inquiry Officer and the findings and recommendations of the Inquiry Committee:-

I am satisfied that charges against have been proved and you have committed the gross misconduct as specified in rule 3 of the said rules and your such misbehavior affects discipline of the office and other staff members :

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the Major Penalty as provided under rule 4(b) (iii) of the said rules.

3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person?

4. If no reply to this notice is received within seven (07) days from receipt of this notice, it shall be presumed that you have nothing more to offer in your defence, in such case, action shall be taken against you accordingly:-

5. A copy of the Inquiry report is enclosed.

/

ADVOCATE GENERAL,
KHYBER PAKHTUNKHWA
(COMPETENT AUTHORITY)

Endst. No: 4777-86 /AG

Dated Peshawar, the 02-9-2023

Copy to:

1. The Administrative Officer of this office.
2. Mr. Muhammad Asim Khan Assistant of this office.
3. Personal file.
4. Relevant files.

ADVOCATE GENERAL,
KHYBER PAKHTUNKHWA
(COMPETENT AUTHORITY)

ATTESTED

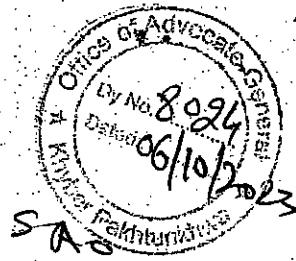
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To

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Page 01

The worthy Advocate General,
Khyber Pakhtunkhwa, Peshawal



Annex F

Para wise reply to showcause on behalf
of Muhammad Asim Khan (Assistant)

Para 01: It has been alleged: "so many times
he remained absent from office."

Neither date has shown, nor pointed out
in attendance register. I have ensured
complete attendance, there is not a
single absentee against me in Attendance
register.

Para 02: I have a slight loud tone,
Muhammad Nisal, AAG might have
misunderstood my conversation with him.

I am a responsible official, he is
my boss and I have always respected
him.

ATTESTED

F

Para 03:

- 27

I have introduced my father as a Practising lawyer of High court and meant that he is a part of lawyer community. I never stated that I will file case against office of Advocate General.

Para 04:

It is alleged that I did not provide medical document for extension of medical leave. Although, I was declared ill by standing medical Board whose record is available on my file. Besides, there was sufficient leave in my Account.

Para 05: Complaint no 10311 swat, dated 16/3/21

is out-dated. consequent to this complaint I was transferred to AAG office, Islamabad and I suffered two years punishment outside family and home. Re-applying this para amounts to punishment twice

ATTESTED

Asim
6/10/22

Muhammad Asim Khan
Assistant, AG office KP.



28
Amir G

OFFICE OF ADVOCATE-GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR

No. 57257-IAG-62

Dated 13/11 2023

Address: High Court Building, Peshawar.
Tel. No. 091-9210631

Exchange No 9213833
Fax No. 091-9210270

OFFICE ORDER

WHEREAS Mr. Muhammad Asim Khan Assistant (PBS-16) of this office was proceeded against under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, for the charges of inefficiency and misconduct as explained in the charge Sheet and Statement of allegations.

AND WHEREAS an Enquiry was conducted against the accused by Enquiry Committee consisting of Mr. Umar Farooq, Additional Advocate General, Peshawar and Mr. Danial Khan Chamkani, Additional Advocate-General, Peshawar.

AND WHEREAS the Enquiry Committee after having examined the charges leveled against the accused, evidence on record and reply of the accused, submitted its report recommending major penalty of compulsory retirement.

AND WHEREAS major penalty as provided under 4(b)(ii) of ibid Rules was tentatively decided to impose him vide Show Cause Notice served upon him by the Competent Authority followed by personal hearing.

AND WHEREAS after having considered the charges and evidence, reply to the Show Cause Notice and personal hearing given to him on 03.11.2023 by the undersigned, is of view that the all charges as given in the Charge Sheet have been sufficiently proved.

NOW, THEREFORE, in exercise of the powers conferred under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, I, Amir Javed, Advocate General, Khyber Pakhtunkhwa, as Competent Authority, have no other option but accept the recommendation of the Committee to impose major Penalty of "Compulsory retirement" upon "Mr. Muhammad Asim Khan Assistant (BPS-16)" with immediate effect.

(AMIR JAVED)
ADVOCATE-GENERAL,
KHYBER PAKHTUNKHWA,
PESHAWAR

Endst: No. & date even:-

A copy is forwarded for information and necessary action to:

1. Mr. Umar Farooq, Additional Advocate General, Peshawar.
2. Mr. Danial Khan Chamkani, Additional Advocate General, Peshawar.
3. Mr. Muhammad Asim Khan, Assistant of this office.
4. Relevant files.
5. District Accounts Officer, Swat.
6. Additional Advocate General, Swat.

(AMIR JAVED)
ADVOCATE-GENERAL,
KHYBER PAKHTUNKHWA,
PESHAWAR

ATTESTED

To

The Worthy Secretary,
Govt. of Khyber Pakhtunkhwa
Law Department, Peshawar.

Diary law

No: 10493

- 29

11-12-23

Amir H

Subject:

Departmental Appeal against the office order dated 13.11.2023 passed by the worthy Advocate General, Khyber Pakhtunkhwa whereby major penalty of Compulsory retirement was imposed upon the appellant.

Respected Sir,

1. That the appellant joined the service of Advocate General office way back on 19.11.2012 as Office Assistant (BPS-16). From the date of appointment till date, the appellant served dedicatedly and has thus put in more than 11 years valuable service wherein not even a minor penalty has ever been imposed on him.
2. That on 05.08.2023, the appellant was served with a Charge Sheet with Statement of Allegations containing the charges of habitual late-coming and leaving the office before the official timing and referring to the complaint of Additional Advocate General Mingora Bench, Swat alleging therein not responding towards the duty.
3. That since the charges were ill-founded, therefore, appellant denied the charges and explained his position through his detailed reply submitted. The reply to the Charge Sheet and Statement of Allegations may be treated as integral part of this appeal.
4. That an Inquiry Committee was constituted consisting of Mr. Muhammad Nisar, Addl. A.G and Mr. Ayaz Khan, Admin Officer. The Inquiry Committee conducted a summary inquiry and submitted their Report recommending the major punishment of compulsory retirement upon the appellant.
5. That the Competent Authority thereafter served a final Show Cause Notice upon the appellant which was duly replied by the appellant thereby explaining his position to the Competent Authority. Reply to the Show Cause Notice may also be considered as an integral part of the instant appeal.
6. That finally vide impugned office order dated 13.11.2023, the Competent Authority was pleased to impose major penalty of compulsory retirement upon the appellant.
7. That the appellant being aggrieved of the impugned office order ibid, prefers this departmental appeal to your good-self inter-alia on the following grounds:-

Grounds:

- A. That the impugned office order dated 13.11.2023 is not according to law as well as rules and policy on the subject matter and therefore, is not legally maintainable.
- B. That the charge(s) are not based upon sound footing. The appellant never remained absent from duty without permission. Whenever the appellant needed any leave, the same was properly applied for and in case of medical leave proper Medical Certificates of the authorized Medical Officer have been obtained. In this respect office order dated 21.05.2022 and 27.06.2022 allowing medical leave to the appellant under the Revised Leave Rules, 1981 are referred (Copies enclosed) - Page 3 to 6


ATTESTED

H

- C. That inspite of the allegation of absence of so many times, not a single explanation has ever been called from the appellant regarding the absence from duty as well as late coming and early leaving of the office. -30
- D. That the inquiry was not conducted according to law as may be pointed out as under:-
- (i) The appellant was not reposing confidence in the Inquiry Officers as they were biased towards the appellant and he was not expecting justice from them. Application for transfer of inquiry was duly submitted to the Competent Authority on 28.08.2023 (copy enclosed). Page 07
- (ii) The statements of the Witnesses were subsequently altered which fact was duly brought into the notice of the Officers as well as Competent Authority vide letter dated 28.10.2023 (Copy enclosed). Page 08-09
- (iii) During the course of inquiry proceedings, the appellant submitted application to the Competent Authority for requisition of original attendance record vide application dated 28.08.2023 but it was not provided till the conclusion of the inquiry proceedings (copy enclosed). Page 10
- E. That the penalty imposed upon the appellant was against the principle of justice and fair-play. The findings of the Inquiry Officers with regard to the father of the appellant is misstated. In fact the appellant had pleaded before the Inquiry Officers that the father of the appellant was also a practicing lawyer of the High Court and that he is also part of the Lawyers' respectable Community.
- F. That the appellant has been suffering from lower back neuro spinal issue since January, 2022 and is still under medical treatment from the Neuro Surgeon. The Medical Board has examined the appellant and advised him bedrest. The appellant applied for medical leave which application was processed while the appellant was bedridden. The application was later on, rejected whereas under the law medical leave cannot be refused, however, a second opinion of the Medical Board may be obtained which was not done. (relevant record enclosed)
- G. That on account of long service of more than 11 years, the appellant has in leave account more than 370 days earned leave and therefore, his leave could also be adjusted against the available leave in his account.
- H. That without prejudice to the grounds mentioned above but in addition thereto, the penalty imposed on the appellant, keeping in view the facts and circumstances of the case is highly excessive and does not commensurate with the so called-guilt though not sustainable.

It is therefore, most humbly prayed that on acceptance of instant Departmental Appeal the impugned office order dated 13.11.2023 may kindly be set aside and the appellant may kindly be reinstated into service with all back benefits,

Yours Sincerely


Muhammad Asim Khan
 Ex-Office Assistant (BPS-16)
 Office of the Advocate General
 Khyber Pakhtunkhwa

Dated 11-12-2023

ATTESTED



OFFICE OF ADVOCATE GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR

No. 5373-76/AG

dated Peshawar, the 21st /2022

Address: High Court Building, Peshawar. Exchange No. 9213833
Tel. No. 091-9210119 Fax No. 091-9210270

OFFICE ORDER

31 Ama I

The Advocate General Khyber Pakhtunkhwa is pleased to order one (01) month leave with effect from 20/05/2022 to 18/06/2022 (both days inclusive) in favour of Mr. Mohammad Asim Khan, Assistant office of the Additional Advocate General office, Dar-ul-Qaza, Swat on medical grounds.

On expiry of the leave, the official is likely to return to the same post/station i.e at (main office Peshawar). The leave is admissible under rule 4(1)(i) of the Khyber Pakhtunkhwa, Government Servants Revised Leave Rules, 1981.

Sd/-
(SHUMAIL AHMAD BUTT)
Advocate General
Khyber Pakhtunkhwa,
Peshawar

Endst. No. ___/AG/7-9/office order Dated Peshawar, the ___/05/2022

Copy to the:-

1. The Additional Advocate General, Dar-ul-Qaza, Swat with the request to please process deduction Conveyance Allowance as per rules.
2. The District Accounts Officer, Swat.
3. S.P.S to Ld. Advocate General, Khyber Pakhtunkhwa, Peshawar.
4. Official concerned.

(AYAZ KHAN)
Administrative Officer

ATTESTED

I

OFFICE OF THE ADVOCATE GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR

No. 7367-70

JAG/7-9/Office Order/PF

Dated Peshawar, the 27-June-2022

32

Address: High Court Building, Peshawar.
Tel. No. 091-9212681

Exchange No 9213833 (202)
Fax No. 091-9210270

OFFICE ORDER

The Advocate General, Khyber Pakhtunkhwa is pleased to order Thirty (30) days Earned Leave w.e. from 27/06/2022 to 26/07/2022 (both days inclusive) in favour of Mr. Muhammad Asim Khan, Assistant (BPS-16) at office of the Additional Advocate General, Khyber Pakhtunkhwa, Dar-ul-Qaza, Swat.


On expiry of the leave, the official is likely to return to the same post at Peshawar. The leave is admissible under rule 4(1)(i) of the Khyber Pakhtunkhwa, Government Servants Revised Leave Rules, 1981.

Sd/-
(SHUMAIL AHMAD BUTT)
ADVOCATE GENERAL,
KHYBER PAKHTUNKHWA, PESHAWAR.

Endst. No. & date even

Copy to the:

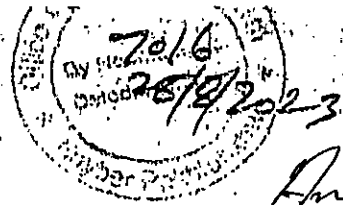
1. Additional Advocate General, Dar-ul-Qaza, Swat with the request to please process deduction of Conveyance Allowance as per rules.
2. District Accounts Officer, Swat.
3. SPS to the Ld. Advocate General, Khyber Pakhtunkhwa.
4. Official concerned.


(MUHAMMAD ARSHAD KHAN)
SENIOR ADMINISTRATIVE OFFICER

ATTESTED

Learned Advocate General, KP
Peshawar

- 33



Ana J

Subject: Transfer of enquiry from Advocate General's office to Law Department against the undersigned.

Respected Sir,

I was appeared before enquiry committee dated 27-8-2023. And today dated (28-8-2023) I was told to sign the enquiry proceedings which I regretted on the score that whatever I stated in my defence before the enquiry committee, astonishingly a single word of mine has not been mentioned in the said proceedings record, which gives a smell of partiality that is why the undersigned has lost trust/confidence in the enquiry committee. In such circumstances, the undersigned does not expect justice from said enquiry committee. It is therefore requested that my enquiry may please be transferred from AG office Peshawar to Law Department.

ATTESTED

M. Asim Khan, Assis

28/8

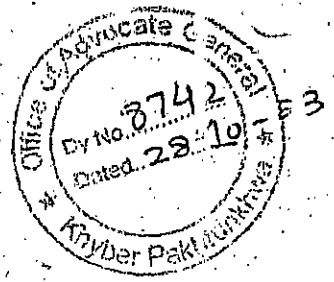
Enquiry Officers:

Amir K^r

Amir Farooq (AAG)

Daryal Chamkani (AAG)

34



Subject: Reservation against enquiry and

Alteration in statements of

i) Zaheeruddin (Private Secretary)

ii) Haroon Rashid (Senior clerk)

iii) Kashif Hameed (Junior clerk)

i) with profound regret, I have already expressed my lack of confidence over enquiry officers and Proceedings vide letter no 7016 dated: 28/8/2023.

ii) I read statements of above three mentioned officials which have been altered and fabricated. Although, there statements were natural and impartial during enquiry Proceedings.

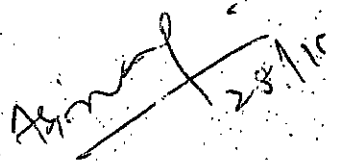
ATTESTED

✓

(iii) Today dated: 28-10-2023, I was verbally informed that Mr. Khwaja Salahuddin Addl. Advocate General, Swat has been called for Cross-Examination as a part of Enquiry against me.

It is brought in your kind notice that all minutes of enquiry proceedings have been altered.

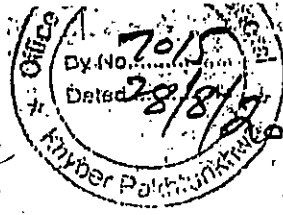
Today dated: 28-10-2023, for Cross-examination with Khwaja Salahuddin AAC Swat, I would present Proforma Questionnaire regarding my questions from Khwaja - Salahuddin, whose record would be the same to a copy is forwarded to worthy Advocate General, KP.


28/10

ATTESTED

Muhammad Asim Khan
Assistant office of


Learned Advocate General
Khyber Pakhtunkhwa, Peshawar



- 36
Subject: Requisition of my Attendance record
from AAG office, Swat

Respected Sir,

I have the honor to submit that absentees is the main issue in enquiry against me for which attendance register of AAG office, Swat is the authentic evidence which was not presented to me during course of enquiry. It is humbly requested that Attendance register of AAG office Swat may please be requisitioned and be made part and parcel of enquiry documents. I shall highly be thankful.


Muhammad Asim Khan
Assistant,
Office of AG Peshawar

ATTES.

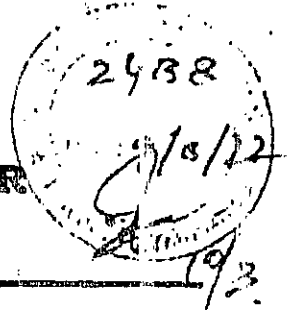
Asim L



37 Asim M²⁵

OFFICE OF THE
MEDICAL SUPERINTENDANT
SERVICES HOSPITAL, PESHAWAR

Phone: (OM) 091 9210309 (Exch) 091 9223472 Fax: 091 9210343



No. 3533-37 /MS/SMB/2022

Dated 02/03/2022


Medical Director
Hayatabad Medical Complex
Peshawar

Medical Director
Lady Reading Hospital
Peshawar

Subject: - STANDING MEDICAL BOARD

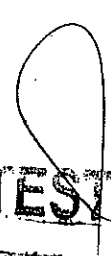
Memo: -

Muhammad Asim Khan Office Assistant was examined by the Standing Medical Board held in this office on 02/03/2022. The patient is complaining of low back pain referring to lower limbs. MRI shows disc prolapse at L3-L4, L4-L5. The board members referred the patient to Consultant Neurosurgical LRH or HMC for expert opinion. The report may please be sent to this office to proceed further.


Chairman
Standing Medical Board
Medical Superintendent
Police/Service Hospital
Peshawar

Copy to:

- Director General Health Services, Khyber Pakhtunkhwa Peshawar for information.
- Senior Administrative Officer Advocate-General Khyber Pakhtunkhwa Peshawar for information.
- Muhammad Asim Khan Office Assistant (BPS-16) for information and may please be directed to appear before LRH or HMC Peshawar for medically examination.


ATTESTED

DM



OUTPATIENT DEPARTMENT (OPD)
MEDICAL TEACHING INSTITUTION PESHAWAR, KP
Hayatabad Medical Complex

- 38

Appointment Time : 11:53

NEURO SURGERY - OPD

Token# 123

Muhammad Asim Khan
 ISRAR ALI
 K0100002103370

36 Year(s)
 Serial # 495009

Male
 Invoice # : K01222140391
 Amount Paid : 20.00

Print Date : 19-MAY-22 11:52:36

	R _x	Remarks
Presenting Complaints	LBP - radiating to Left Lower Limb - from last 6 months.	
Past Medication History	MRI shows - prolapsed intravertebral disc at L5-S1 level.	
Investigations	Adv. Microdiscectomy -	
Diagnosis	Tab. pregu 1-1	
Diagnosis	Tab Metycoral 1-1	
Plan	Reason for Referral Tab - Movax 1-1-1 Cup - Contour care.	Stamp & Signature of Prescribe.

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ATTESTED

39

OFFICE OF THE CHAIRMAN STANDING MEDICAL BOARD/MEDICAL SUPERINTENDENT POLICE/SERVICES, HOSPITAL PESHAWAR.

The Standing Medical Board comprising the following members assembled in the office of the Medical Superintendent Police/Services, Hospital Peshawar to examine, Mr. Muhammad Asim Khan, Office Assistant.

The Standing Medical Board is of the opinion that patient is known case of low back pain referring to lower limbs. His MRI LS Spine shows disc prolapse at L3, L4 and L5. He was referred to Tertiary Care Hospital for Neurosurgeon expert opinion. He is of the opinion that he needs surgery for his disc prolapse. He should proceed for his surgery.

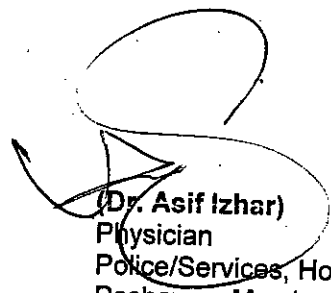
STATION PESHAWAR
DATED: 02/03/2022



(Dr. Niaz Muhammad)
Chairman
Standing Medical Board
Medical Superintendent
Police/Services, Hospital,
Peshawar.



(Dr. Naseer Ahmad)
Ophthalmologist
Police/Services Hospital,
Peshawar...Member...



(Dr. Asif Izhar)
Physician
Police/Services, Hospital
Peshawar. Member...



(Dr. Kamran Khan)
Orthopedic Surgeon
Standing Medical Board
Police/Services Hospital, Peshawar



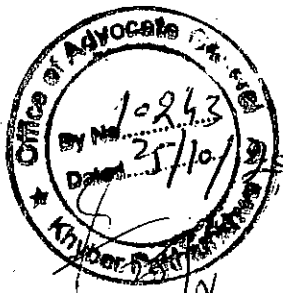
(Dr. Aurangzeb Afridi)
DMS/Secretary
Standing Medical Board
Peshawar.....

ATTESIED



Advocate General KP = 40

Peshawar



sub: 365 days leave without pay
wef 26-10-22 to 26-10-2023

R/sir,

It has been stated that I
have been suffering from lower
back problem. Thus not able to
perform duties. I may please
be granted 365 days without pay

Total length of Service
10 Years and 5 Months
(48 days E/leave allowed per year.)
Total E/leave in credit = 500 days
~~311~~ days

M. Asim Khan
Office of Advocate
General Peshawar

upto 30-9-2022
25/10 Balance = 381 days

ATTESTED

WAKALAT NAMA

IN THE COURT OF KP Service Tribunal Peshawar

Mehamed Asim Khan

Appellant(s)/Petitioner(s)

VERSUS

The Govt of KPK et

Respondent(s)

I/We Applicant do hereby appoint **Mr. Khaled Rehman**, Advocate, Supreme Court & **Mr. Muhammad Ghazanfar Ali**, Advocates in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by

Khaled Rahman,
Advocate,
Supreme Court of Pakistan

&

Muhammad Ghazanfar Ali
Advocate, High Court

4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off. Tel: 091-2592458

Signature of Executants