

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

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Deposent
Zahir

N.O 20-05-24
S-B
Peshawar
change to 24-07-24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 307/2024

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 12885
Dated 20-05-24

KHALID USMAN,
EX-NAIB QASID SCIENCE & TECHNOLOGY AND INFORMATION TECHNOLOGY
DEPARTMENT APPELLANT

VERSES**GOVERNMENT OF KHYBER PAKHTUNKHWA****Subject: Joint Para wise comments of the Respondents**

Respectfully Sheweth,

PRELIMINARY OBJECTIONS:

1. The appellant has got no cause of action or locus standi to file the instant Service Appeal.
2. The appellant has in-fact tried to mislead/ misguide the Honorable Tribunal.
3. The appellant has concealed the material facts from this honorable Tribunal, hence it is liable to be dismissed.
4. The appellant has not come to this the tribunal with clean hands.
5. The present Service Appeal is liable to be dismissed for non-joinder of necessary parties.
6. The instant Service Appeal is against the prevailing law and rules.
7. The instant Service Appeal is not maintainable in the present form and also in the present circumstances of the issue.
8. The appellant is estopped by their own conduct to file instant appeal.

FACTS:

1. **Correct.** However, it is necessary to clarify that the appellant was appointed in Minerals Development Department against the post of Naib Qasid falls on the strength of Administration Department. Later on, the appellant transferred to different Departments, and lastly to the Science and Technology and Information Technology Department by the Administration Department, therefore, disciplinary proceedings against him were initiated in Science and Technology and Information Technology Department.
2. No comments.
3. The appellant was transferred from Administration Department to Science & Technology and IT Department on 27-09-2017 (**copy attached as Flag-D**). He then requested to change his post from Naib Qasid to **Chokidar** (**Copy attached as Flag-E**). The ST&IT Department assigned him duty of Chowkider vide ST&IT Department letter dated 19-03-2018 (**copy attached as Flag-F**).

4. The Appellant was absent w.e.f 07-01-2019 to 30-01-2019 and no Office Order is available in office record of department (due to an unfortunate incident of murder in village Dello Khel District Lakki Marwat in which FIR was lodged as per the appellant). In this connection, the appellant arrived and once again submitted an application for 04 months earned leave which was granted to him w.e.f 01-02-2019 to 31-05-2019 vide ST&IT Department order dated 20-02-2019.
5. The appellant misguided the Court as the appellant was absent on 07-01-2019 and FIR was lodged on 08-01-2019.
6. It is to mention herewith that the 04 months Earned Leave of the appellant was ended on 31-05-2019, but the appellant did not join the office on due date. Therefore, the ST&IT department called him to explain the reason of his willful absence vide ST&IT Department letter dated 05-07-2019 **(Copy attached as Flag- G)**. When no response was received from the appellant side, thus, ST&IT Department once again called him for explanation within 15 days as well as warned him that disciplinary action would be taken against him under E&D rules 2011 vide ST&IT Department letter dated 17-09-2019 **(copy attached as Flag-H)**. Due to non-compliance of the appellant, the Department sent a letter to Administration Department for surrender of his service vide ST&IT Department dated 24-06-2019 **(Copy attached as Flag/ I)**. The Administration Department replied to ST&IT Department that disciplinary action under E&D rules 2011 may be initiated at your own level against the appellant for not performing official duties and there is no vacant post for adjustment of the official in other department vide Administration Department letter dated 28-06-2019 **(copy attached as Flag-J)**
7. After the issuance of 2nd notice, the ST&IT Department has issued a letter to DG Information and Public Relation Department for the publication in the leading newspaper dated 07-10-2019, while the appellant arrived on 08-10-2019 and as per attendance record only five days presence was shown in the attendance register **(copy attached as Flag-K)**. After this, he was once again absent from duty.
8. The appellant also submitted an application for two years leave of without pay on 15-10-2019 but approval was not granted to him and once again he was absent from official duty.

9. In light of para-4 & para-5 of the instant comments, this department issued an Order of Removal of the appellant from Service under Rule-9 of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011 for willful absence from official duty.
10. The appeal of the appellant was received on 17-10-2023 after removal from service
(Flag-L).
11. Removal from Service of the appellant was issued on 28-10-2019 while the Departmental Appeal of the appellant was submitted on 17-10-2023, hence, the case was time barred. However, the appeal was taken up with the Establishment Department for obtaining advice at (Flag -M).

GROUND:

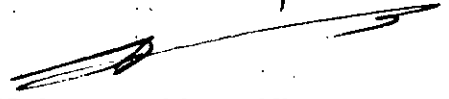
- A. Incorrect. The appellant was removed from his service due to a long period of absence.
- B. Incorrect. The appellant submitted departmental appeal after passing more than 04 years.
- C. Incorrect. As replied above.
- D. It is to correct that the appellant never remained absent from official duty intentionally during 10 years, but when he was absent later and two notices were issued to him to attend the official duty, as for non-compliance, the department initiated disciplinary proceeding against him.
- E. Incorrect. As replied above.
- F. Incorrect. As replied in above paras.
- G. Incorrect. As replied in above paras.
- H. When he was on leave and FIR was lodged, the appellant did not inform the Department in time.
- I. Incorrect. The appellant was treated according to Law.
- J. Incorrect. As above.
- K. Incorrect. All codal formalities are fulfilled.
- L. The respondents seek leave to raise additional grounds at the time or arguments.

PRAYER:

In view of the above factual replies, it is humbly prayed that the instant appeal being devoid of merit may please be dismissed in the best public interest.



Muhammad Ali Shah
SECRETARY
Science & Technology and IT Deptt.
Govt. of Khyber Pakhtunkhwa
(Respondent No.1)



Muhammad Israr Khan
SECRETARY
Administration Department
Govt. of Khyber Pakhtunkhwa
(Respondent No.2)



Mutaher Zeb
SECRETARY
Mines & Mineral Development Department
Govt. of Khyber Pakhtunkhwa.
(Respondent No.3)



BEFORE THE SERVICE TRIBUNAL, PESHAWAR

Appeal No. 307/2024

Mr. Khalid Usman, Ex-Naib Qasid.....Petitioner

Versus

GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH

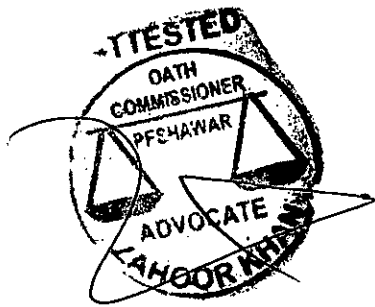
- 1. The Secretary to Govt: of Khyber Pakhtunkhwa,
Science Technology & Information Technology,
Department, Civil Secretariat Peshawar. Respondent No.1
- 2. The Secretary to Govt: of Khyber Pakhtunkhwa,
Administration Department,
Civil Secretariat Peshawar. Respondent No.2
- 3. The Secretary to Govt: of Khyber Pakhtunkhwa,
Mines & Minerals Development Department,
Civil Secretariat Peshawar. Respondent No.3

AFFIDAVIT

I, Muhammad Ali Shah, Secretary to Govt: of Khyber Pakhtunkhwa ST&IT Department do hereby solemnly declare that the content of joint parawise comments is correct and true to the best of my knowledge and record and nothing has been concealed from this Honorable Court.

It is further stated on oath that in this Appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck-off.

11 7 MAY 2024



Deponent

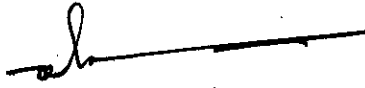
Muhammad Ali Shah
Secretary ST&IT Deptt:
Mobile No. 0345-9820345

GOVERNMENT OF KHYBER PAKHTUNKHWA

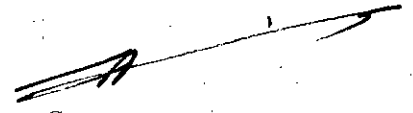
SCIENCE TECHNOLOGY & INFORMATION TECHNOLOGY DEPARTMENT

AUTHORITY LETTER

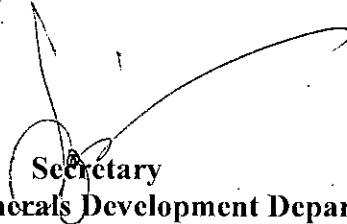
Mr. Qabil Saïd, Section Officer (Gen), Science technology & Information Technology Department, Govt: of Khyber Pakhtunkhwa is hereby authorized to submit Joint Parawise Comments before the Hon'ble Service Tribunal, Peshawar in connection Appeal No.307/2024 titled Khalid Usman Versus Govt: of Khyber Pakhtunkhwa on behalf of Respondents.



**Secretary
ST&IT Department
(Respondent No.1)**



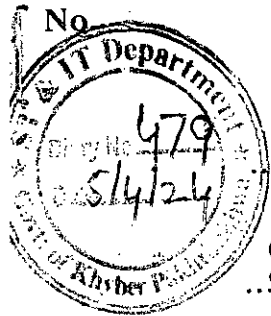
**Secretary
Administration Department
(Respondent No.2)**



**Secretary
Mines & Minerals Development Department
(Respondent No.3)**

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.



No. 307 of 20 24
Appeal No.

Khalid Usman Appellant/Petitioner

Versus

Secy. Science & Technology Pesh Respondent

Respondent No. 1

Notice to: - Secretary Science & Technology and Information
technology Deptt Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....17-4-24.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this~~

office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this..... 20

Day of..... 3 20 24

*Court attended by the
under signed next date
is 20-5-2024 is fixed.*

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

*Del
20.5.24*

8-A

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

SERVICE APPEAL NO. 307/2024

Khalid Usman

VS

Govt:ofKPK

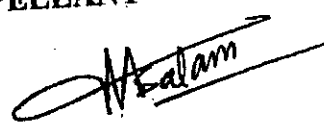
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S.No.	Documents	Annexur	P. No.
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2.	Affidavit	----	5
3.	Copy of the Appointment Orders Dated 22.03.2010 & Arrival Report Dated 24.03.2010	A&B	6,7
4.	Copies of all transfer Orders with Service Book	B-1, B-2, B-3, B-4, B-5 and B-6	8-23
5.	Copy of the Office Order dated 27.09.2017 & 19.03.2018	C&D	24,25
6.	Copies of the FIR & Application for Earned Leave dated 31.01.2019 & Office Order dated 20.02.2019	E,F&G	27-30
7.	Copy of the Transfer Order dated 27.09.2017, Letter dated 24.06.2019 & Reply dated 28.06.2019	H,H-1&I	31-34
8.	Copy of the Notice dated 17.09.2019, Letter to GD Information & Public Relation dated 07.10.2019, Publication of Ajj Names dated 11.10.2019 & Application for assuming duty dated 08.10.2019	J,K,L&M	35-38
9.	Copy of the Attendance Register & Leave Application dated 15.10.2019	-N&O-	39-41
10.	Copy of the Removal From Service Order dated 28.10.2019	-P-	42
11.	Copy of Order of BBA dated 03.01.2022 & Judgment/Order dated 06.11.2023 of Learned ADJ-Lakki	-Q&R-	43-65
12.	Copy of Departmental Appeal dated 07.10.2023	-S-	66-68
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خالد عثمان

APPELLANT

THROUGH


 (MANSOOR SALAM)
 ADVOCATE HIGH
 COURT PESHAWAR

- 1 -

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____ /2024

Khalid Usman, Ex-NaibQasid (BPS-03),
Science & Technology and Information Technology
Department, Khyber Pakhtunkhwa.

(APPELLANT)

VERSUS

1. The Secretary to Government, Science & Technology and Information Technology Department Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
2. The Secretary to Government, Administrative Department Khyber Pakhtunkhwa, Civil Secretariat Peshawar.
3. The Secretary to Government, Mines & Minerals Development Department Khyber Pakhtunkhwa, Civil Secretariat Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION-04 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER PASSED BY INCOMPETENT AUTHORITY DATED 28.10.2019, WHEREBY THE APPELLANT HAS BEEN REMOVED FROM SERVICE AND AGAINST NOT TAKING ACTION ON DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.

PRAYER:

ON THE ACCEPTANCE OF INSTANT SERVICE APPEAL THE IMPUGNED ORDER DATED 28.10.2019 PASSED BY INCOMPETENT AUTHORITY MAY VERY KINDLY BE SET ASIDE AND THE APPELLANT MAY PLEASE BE REINSTATED INTO SERVICE WITH ALL BACK & CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS HON'BLE TRIBUNAL DEEMS FIT AND PROPER MAY ALSO BE AWARDED IN THE FAVOR OF THE APPELLANT.

RESPECTFULLY SUBMITTED;

FACTS:

1. That the appellant has been appointed as NaibQasid (BPS-01) vide order No. SO (B&A)MD/1-17/2009/1404 dated 22.03.2010 in Minerals Development Department under APT Rules 1989 and assume his duty as NaibQasid in on 24.03.2010. (Copy of the Appointment Orders Dated 22.03.2010 & Arrival Report Dated 24.03.2010 are Annexure-A&B)

2. That the appellant has performing his duty with great devotion with honesty and transferred to different departments as below;
 - i. Appellant has been transferred from Establishment Section to Planning Section vide dated 29.05.2013.
 - ii. Further appellant transferred from Planning Section to SO (G) vide dated 12.09.2013.
 - iii. Appellant transferred from SO (G) to Chief Minister Secretariat vide dated 16.09.2014.
 - iv. On dated 12.02.2015 appellant has transferred from SO (Admn) to Environment Department.
 - v. Similarly on dated 10.08.2015 appellant has again transferred from Section Officer (Admn) to Deputy Secretary-II Section.
 - vi. Appellant has transferred from Industries Department to Higher Education Department vide transfer order dated 17.10.2016.
 - vii. More so appellant has further transferred vide dated 30.01.2017 from HEC Department to Office of Additional Secretary (Rg) Estt Department.
no complaint or adverse remarks has been ever filed or passed against the appellant regarding his performance since initial appointment i.e. 2010. (All transfer Orders with Service Book are Annexure-B-1, B-2, B-3, B-4, B-5, B-6 & B-7)

3. That the appellant has lastly been transferred from Establishment & Admn: Department to Science & Technology and information Technology Department vide Order No. E&A (AD)04(03)2016 dated 27.09.2017 made in the public interest. Furthermore the SO(G) directed the appellant vide office order dated 19.03.2018 to perform their duty as Chowkidar on temporary basis as well. (Copy of the Office Order dated 27.09.2017 & 19.03.2018 are Annexure-C&D)

4. That the appellant was on leave from 07.01.2019 to 30.01.2019, wherein in native village an unfortunate incident of murder took place in Village Dello Khel District Lakki Marwat vide FIR No.13 dated 08.01.2019 u/s 302, 324, 34 PPC PS Lakki, and for that the appellant has been charged with mala-fide intentions in instant FIR, however the appellant has arrived to the office on 31.01.2019 and preferred an application for earned leave for (04) months and the same have been granted vide Office Order dated 20.02.2019. (Copies of the FIR & Application for Earned Leave dated 31.01.2019 & Office Order dated 20.02.2019 are Annexure-E, F&G)

5. That as stated above the appellant was on Earned Leave when FIR was lodge against him with mala-fide intentions, moreover appellant being head and meal earner of their family has gone in abscondence due to fear of enmity. It is noteworthy to mention here that appellant has transferred from Administrative Department to S&T and IT Department vide dated 27.09.2017, the respondent department issued a letter dated 24.06.2019 to the Department of Administration for surrender of appellant and stated that his services are no more required in this Department, in response to the letter Administration Department reply vide dated 28.06.2019 that disciplinary action under E&D Rules 2011 may be initiated against the appellant at your own level. (Copy of the Transfer Order dated 27.09.2017, Letter dated 24.06.2019 & Reply dated 28.06.2019 is Annexure-H, H-1&I)

6. That the respondent department issued a notice dated 17.09.2019 and directed the appellant to assume the duty within 15 days, which was honored upon 08.10.2019 wherein the appellant assume their duty and

11
-3-

mark their attendance in attendance register, despite the fact that the life of the appellant was in danger due to the enmity and fear of enemies, it is pertinent to mention here that the respondent department has issued a letter to the DG Information & Public Relation for the Publication in leading newspaper vide dated 07.10.2019, the respondent department has issued publications in Ajj News on 11.10.2019, whereas appellant was at duty in office according to attendance register record. (Copy of the Notice dated 17.09.2019, Letter to GD Information & Public Relation dated 07.10.2019, Publication of Ajj News dated 11.10.2019 & Application for assuming duty dated 08.10.2019 are Annexure-J, K, L & M)

7. That as per the record the appellant was on duty from 08.10.2019 to 15.10.2019, wherein he mark their attendance in attendance register, furthermore, the appellant has acknowledge the respondent department and preferred an extra ordinary leave application for period of two (02) years without pay dated 15.10.2019 on the basis of special circumstances of intense hostilities with local enemies & family disturbance, the fate of which is still held in abeyance. (Copy of the Attendance Register & Leave Application dated 15.10.2019 are Annexure-N & O)
8. That the appellant has draw their salary to the month of October, 2019, which was later on stopped on 01.11.2019, however the respondent department without following the procedure of law has removed the appellant vide issuing the office order dated 28.10.2019 with immediate effect. (Copy of the Removal From Service Order dated 28.10.2019 is Annexure-P)
9. That the appellant was absconder during the period from 15.10.2019 till the date when the appellant moved the pre-arrest bail application vide dated 03.02.2022 against the aforementioned FIR No.13 dated 08.01.2019 u/s 302, 324-34 PPC of PS Lakki, District Lakki Marwat, which was later on recalled on dated 11.03.2022 and as a result the appellant has been arrested & sent behind the bars on 14.03.2022, the trail of the instant case has been initiated and the appellant has been acquitted from charges level against him vide judgment dated 26.09.2023, however the attested copy of the said judgment has received on dated 12.10.2023. (Copy of Order of BBA dated 03.02.2022 & Judgment/Order dated 26.10.2023 of Learned ADJ-Lakki is Annexure-Q & R)
10. That the appellant being aggrieved from the removal order dated 28.10.2019 has prepared departmental appeal on 16.10.2023 and submitted the same on 17.10.2023 against the removal order, however that too wasn't considered within the statutory period of 90 days. (Copy of Departmental Appeal dated 17.10.2023 is Annexure-S)
11. That the appellant has no other remedy except to file the instant Service Appeal before this Hon'ble Tribunal for redressal of his grievances on the following grounds amongst others.

GROUND:


- A. That the appellant has not been treated according to law and rules and has been illegal removed through void order.
- B. That not responding on Departmental Appeal within in statutory period of 90 days are against the rules, law, illegal, unlawful and violation of Apex Court judgments, thus removal order is not tenable and liable to be

- set-aside and the appellant is entitled to be re-instated with all back and consequential benefits.
- C. That the appellant was initially appointed by Minerals Department, later on appellant was absorbed in Administrative Department and transferred to Science & Technology and Information Technology Department on temporary basis, the impugned office order of the respondent department is void order, hence against the law and KP E&D Rules 2011.
 - D. That the appellant never remain absent from duty intentionally during their almost 10 years' service record, but due to the special circumstances of enmity and hostilities appellant decamp from scene, the appellant resume his duty on dated 08.10.2019 when he was intimated via notice dated 17.09.2019, however the respondent department with mala-fide intention issued the publication in daily newspaper on the same date upon which the appellant was on duty, which is otherwise and against the law and norms justice.
 - E. That keeping the Extra Ordinary Leave Application as held in abeyance by the Respondent Department is against the law and violation of KP Civil Servants Revised Leave Rules-1981. Similarly no regular inquiry was conducted, no statement of any concern has recorded and no opportunity of cross examination and defense has been provided to the appellant, therefore the impugned order is against the law and judgment of the Apex Court.
 - F. That the impugned office order is against the rules and superior court judgment and is liable to be set-aside by reinstating the appellant on his own position as he was before the impugned order
 - G. That it is a cherished principal of law, that where a law requires a thing to be done in a particular manner, the same is to be done in that manner and not otherwise.
 - H. That the absence of the appellant was neither willful nor intentional, however due to compelling circumstances of enmity and hostilities that are evident from record.
 - I. That the appellant has almost 10 years' service on his credit, so the penalty of removal from service is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.
 - J. That the appellant has not been treated in accordance with law and rules by removing from service via impugned office order dated 28.10.2019.
 - K. That on removal from service via impugned office order the appellant has treated illegally and not in accordance with prescribed law and rules which suffer irreparable loss to the appellant.
 - L. That the appellant seeks permission of this Hon'ble Tribunal to rely on other grounds at the time of arguments and produce any Additional Document if required in support of instant Service Appeal.

It is therefore most humbly prayed that the Appeal of the appellant may be accepted as prayed for.

خالد عثمان
 APPELLANT
 (Khalid Usman)

THROUGH


 (MANSOOR SALAM)
 ADVOCATE HIGH COURT
 PESHAWAR



GOVERNMENT OF
KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

Dated: 27-09-2017

ORDER

No. E&A(AD)04(03)2016.

The following posting / transfer amongst employees are hereby made in

the public interest:-

Sl#	NAME & DESIGNATION	FROM	TO
1.	Mr. Shahzeb, Naib Qasid	Science Technology & IT Department.	Services placed at the disposal of Provincial Disaster Management Authority (PDMA) on deputation basis for a period of 3 years.
2.	Mr. Khalid Usman, Naib Qasid	On arrival from leave.	Science Technology & IT Department.

-sd-

DEPUTY SECRETARY (ADMIN)

ENST OF EVEN NO & DATE.

Copy forwarded to the: -

- 1) Accountant General Khyber Pakhtunkhwa
- 2) Deputy Director , Provincial Disaster Management Authority (PDMA)
- 3) Section Officer (General) Science Technology & IT Dept.
- 4) Section Officer (Admn) Relief & Rehabilitation Dept.
- 5) Bill Assistant E&A Department.
- 6) Official(s) concerned.
- 7) Personal File(s).

SECTION OFFICER (ADMIN)

27/09/17



19
GOVERNMENT OF KHYBER PAKHTUNKHWA
ST & IT DEPARTMENT PESHAWAR
2nd Floor, SDU Building, Khyber Road, Peshawar.

No. SO (G)/ST&IT/KPK/1-1/Staff/16/Vol-II
Dated Peshawar, the 2nd October, 2017

To

The Section Officer (Admn),
Govt. of Khyber Pakhtunkhwa,
Administration Department.


SUBJECT: TRANSFER ORDER.

I am directed to refer to Administration Department Order No. E&A(AD)04(03)2016 dated 5-10-2017 and dated 27-9-2017 on the subject noted above and to state that substitute provided in place of Mr. Shahzeb Naib Qasid transferred from ST&IT Department o PDMA has not reported to this Department so far. Subsequently, Mr. Hamad Naib Qasid of this Department has been transferred without provision of substitute.

2- It is pointed out that there is already acute shortage of Class-IV staff in this Department since long and the Department is facing hard due to non availability of Naib Qasids.


3- I am further directed to request that provision of substitutes of both the Naib Qasids may kindly be make sure.


Endst. No. and date even


SECTION OFFICER (G)

Copy forwarded for information to:-

- 1- PS to Secretary ST&IT Department.
- 2- PA to Additional Secretary ST&IT Department.
- 3- PA to Deputy Secretary(Admn) ST&IT Department.


SECTION OFFICER (G)



ایجنڈہ بنیاداً اس کے اوپر مبنی ہے۔ اس کا مقصد اس کے ذریعہ

عنوان ۱۔ عمارت بنیادوں پر ڈیڑھ لاکھ روپے

موصیاًً زیر مباحثہ کی جاتی ہے۔ کہ وہ لوگوں کی (جو کہ) عبدالعزیز اور نائب قاضی خالد عثمان کی طرف سے مانگوں۔ اس کے ذریعے ہم دونوں اپنے ڈیوٹیوں میں ترقی کرنا چاہتے ہیں۔

لہذا درخواست کرتے ہیں کہ ہم کو آج سے مندرجہ کی نوعیت تبدیل کرنے کی اجازت دی جائے۔ اور ہم دونوں اپنے ڈیوٹیوں میں مکمل ذمہ داری کے ساتھ نبائیں گے۔

شکر ہے

ایم کے فرانسس جارج مندرجہ

(Signature)

(عبدالعزیز جو کہ)

19/3/18

خالد عثمان
② خالد عثمان نائب قاضی

19/3/18

original application
in original file
when che
date 19/3/18



16

**GOVERNMENT OF KHYBER PAKHTUNKHWA
SCIENCE & TECHNOLOGY AND INFORMATION
TECHNOLOGY DEPARTMENT**

NO. SO(G)/ST&IT/Staff/1-1.
Dated. 19-03-2018

OFFICE ORDER:

In the light of under taking given by the following officials of ST&IT Department for exchange of duties, are hereby allowed to perform their duties on temporary basis.

i) Mr. Abdul Aziz- Chowkidar	Posted with SO (B&A) to perform the duty as Naib Qasid.
ii) ✓ Mr. Khalid Usman - Naib Qasid	Will perform the duty of chowkidar.

Endst. No. and date even.

Copy forwarded to:-

1. Section Officer (B&A), ST&IT Department, Govt. of Khyber Pakhtunkhwa.
2. Officials Concerned.

✓
S/O Section Officer(General)

✓
Section Officer(General)

3
J.D.
19-3.18



Registered Cover

17

31

GOVERNMENT OF KHYBER PAKHTUNKHWA
SCIENCE & TECHNOLOGY AND INFORMATION
TECHNOLOGY DEPARTMENT

11nd Floor, SDU Building, Khyber Road, Peshawar

Phone: 091-9212498 Fax: 091-9212401

NO.SO(G)/ST&IT/KP/PF/6-160/2011/Khalid Usman

Dated: Peshawar, 05-07-2019.

2545B

To

The Mr. Khalid Usman S/o Miran Shah (Naib Qasid),
Village & P/O Dallokhail, Tehsil & District Lakki Marwat.

Subject: **ABSENCE FROM DUTY**

You are remained absent from duty w.e.f 01-06-2019 without permission of the competent authority.

You are therefore, directed to attend the office immediately failing which disciplinary action shall be initiated against you under E&D rule 2011.

d/c

Section Officer (G)

Copy forwarded for information to:

PS to Secretary, ST&IT Department, Govt. of Khyber Pakhtunkhwa.

d/c

Section Officer (G)



REGISTERED COVER

REMINDER

GOVERNMENT OF KHYBER PAKHTUNKHWA
SCIENCE & TECHNOLOGY AND INFORMATION
TECHNOLOGY DEPARTMENT

18
32

11nd Floor, SDU Building, Khyber Road, Peshawar

Phone: 091-9212498 Fax: 091-9212401

NO.SO(G)/ST&IT/KP/PF/6-160/2011/Khalid Usman

Dated: Peshawar, 17-9-2019.

To

Mr. Khalid Usman S/o Miran Shah (Naib Qasid),
Village & P/O Dailokhail, Tehsil & District Lakki Marwat.

Subject: ABSENCE FROM DUTY

P-31/c

I am directed to refer to this department letter of even No. dated 05/07/2019 (copy enclosed for ready reference). You are therefore, once again directed to assume duty and explain reasons of your absence from 01/06/2019 to date within fifteen (15) days otherwise disciplinary action will be taken against you under E&D rules 2011.

Section Officer (G)

17/9

o/c

Copy forwarded for information to:

1. PS to Secretary, ST&IT Department.
2. PA to Deputy Secretary (Admin) ST&IT Department.
3. The Accountant, ST&IT Department, as directed to stop the salary of Mr. Khalid Usman Naib Qasid of this Department immediately.

Section Officer (G)

18/9

o/c

(27)

GOVERNMENT OF KHYBER PAKHTUNKHWA
SCIENCE & TECHNOLOGY AND INFORMATION
TECHNOLOGY DEPARTMENT

NO.SOG/ST&IT/KP/PF/6-160/2015/Khalid Usman
Dated: 24-06-2019

To

The Section Officer (Admn),
Government of Khyber Pakhtunkhwa,
Administration Department.

Subject: - **SURRENDER OF Mr. KHALID USMAN (NAIB QASID)**

I am directed to refer to the subject noted above and to state that Mr. Khalid Usman, Naib Qasid of this Department is not performing his duty satisfactorily. He was directed time and again to mend his attitude but in vain. His delinquency in the discharge of official business is detrimental to this department.

Against the backdrop, his services are no longer required in this department and the incumbent is, hereby, surrendered with immediate effect.

Section Officer (General)

Copy forwarded for information to:-

1. PS to Secretary, ST & IT Department.
2. Official concerned.

Section Officer (General)

ac
26/6

O/c



GOVERNMENT OF KHYBER PAKHTUNKHWA
ADMINISTRATION DEPARTMENT

28/6/20

2315
2/7

No.SO(Admn)E&A/4(03)/2018-19
Dated:28-06-2019

To

The Section Officer (General),
Science & Technology and Information Technology Department

Subject:

SURRENDER OF MR. KHALID USMAN (NAIB QASID)

P 27/✓

Reference your letter No. SOG/ST&IT/KP/PF/6-160/2015/Khalid Usman/2370 dated 24-06-2019 on the subject noted above and to state that disciplinary action under E&A Rules 2011 may be initiated at your own level against Mr. Khalid Usman, Naib Qasid for not performing official duty. Moreover, there is no vacant post for adjustment of the official in other Departments.

[Signature]
SECTION OFFICER (ADMN)
28/6/19

A copy is forwarded to:-

1. PS to Secretary, Administration Department
2. PA to Deputy Secretary, Administration Department

[Signature]
SECTION OFFICER (ADMN)
28/6/19

Section Officer (Gen)

*As discussed
pl respond to SO (Admn), Admn Dept
accordingly.*

[Signature]
03rd July, 2019

S/A
R/D

Daily Attendance Register of the Chowkidar

S/S-11 Department

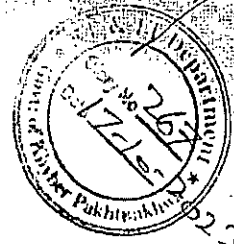
for the month of October 2017

Serial No.	Name	Father's Name	Rank	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Total No. of Days	Remarks	
1	Khajur Ugrani	Chowkidar	A	A	A	A	A	A	A	A	P	P	P	P	A	A	P	P	P	M	A	A	A	A	A	A	A	A	A	A	A	A	A	A	28		
2	Arjun Kumar Dand	Chowkidar	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	B	28	
3	Ajit Kumar Chowkidar		A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	28	

Section Officer (C)
NTS TT Department
Govt. of Madhya Pradesh

To,

The Secretary,
Science & Technology,
And information technology
Department, Peshawar



Subject: APPEAL AGAINST ORDER DATED 28.10.2019
WHEREBY I WAS REMOVED FROM SERVICE ON THE
SCORE OF ABSENCE FROM DUTY

Respected Sir,

- 1) That on 22.03.2010, I was appointed as Naib Qasid on regular basis and since then I was performing my official duties with zeal and deal.
- 2) That on 08.01.2019, FIR was lodged against accused Naseer Muhammad, Khalid Usman and Akhtar Zaman charging them for murder of Abid Ullah S/o Khurshid Khan and decamp from the spot.
- 3) That in February 2022, I got bail before from the court of law which was recalled on 11.03.2022 and handed over to the local police.
- 4) That on 17.09.2019, the department issued notice to me with direction to assume the duty which was honoured on 10.10.2019 for joining duty and performed duty for 20 days marking present in the attendance register.

DS/SOG

[Handwritten signature]

18/11

Examined and put

SOG/SOF

- 5) That on 15.10.2019, I submitted application before your honor to grant me leave without pay for 02 years due to fear of enemies.
- 6) That on 28.10.2019, without following the procedure of law, I was removed from service. I also got salary for the month of October 2019 which was then stopped vide order dated 28.10.2019 with effect from 01.11.2019.
- 7) That in the meanwhile, trial into the matter was initiated and after recording pro and contra evidence I was acquitted from the charges vide judgment dated 26.09.2023 which order was received from the court on 12.10.2023.

Hence this appeal reinstatement in service inter alia on the following grounds:

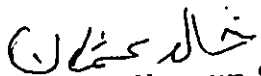
GRUNDS:

- a) That I never absented from duty intentionally but due to the fear of the enemies decamp from the scene.
- b) That neither any regular enquiry was conducted, no statement of any concerned was recorded, no opportunity of cross emanation and defence, so the impugned order is against the law and rules.

- 24
- c) That I resumed my duty in the compelling circumstances despite the fact that my life was at stake.
- d) That I was honourably acquitted from the charge and the department is ^{requested} to reinstate me in service.
- e) That absence, if any, was neither wilful nor intentional but was due to the compelling circumstances as is evident from record.

It is therefore most humbly prayed that order dated 28.10.2019 be kindly reviewed/set aside and I be reinstated in service with all back benefits.

Appellant


Khalid Usman S/o Miran Shah,
R/o Dalo Khel, Lakki Marwat
Ex-Naib Qasid, Science &
Technology, Department,
Civil Secretariat, Peshawar
Cell No.0345-9851537

Dated 16.10.2023

GOVERNMENT OF KHYBER PAKHTUNKHWA
SCIENCE & TECHNOLOGY AND INFORMATION TECHNOLOGY
DEPARTMENT

2nd Floor, SDU Building, Khyber Road, Peshawar.

9212400/9212722

Fax No. 091-9212401

NO.SO (G)/ST&IT/KP/1-1/Staff/2023

Dated 24-10-2023

2066-70
DC/Secy E&AD KP

No. 859/40

Date 25-10-23

The Secretary to Govt. of Khyber Pakhtunkhwa,
Establishment Department.

The Secretary to Govt. of Khyber Pakhtunkhwa,
Law, Parliamentary Affairs and Human Rights Department.

**APPEAL AGAINST ORDER DATED 28-10-2019 WHEREBY THE
APPLICANT WAS REMOVED FROM SERVICES ON THE SCORE OF
ABSENCE FROM DUTY**

I am directed to refer to the subject noted above and to enclose herewith a copy
of self-explanatory appeal alongwith relevant documents against the order dated 28-10-2019
issued by this Department whereby the applicant was removed from services on the score of
absence from duty. The FIR lodged against the accused Mr. Khalid Usman Naib Qasid (BPS-03)
^{ex.}
pending for murder.

In view of the above, it is requested that legal advice in the matter is solicited as
per available documents/status of the case.

OK
SECTION OFFICER (GENERAL)

Enclose as above.
Endst. of even No.

Copy forwarded to the: -

1. PS to Secretary, ST&IT Department.
2. PA to Additional Secretary, ST&IT Department.
3. PA to Deputy Secretary (Admn), ST&IT Department.

OK
SECTION OFFICER (GENERAL)