


FORM OF ORDER SHEET

Court of _____

Appeal No. 773/2024

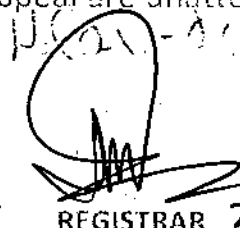
| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 10/06/2024 | <p>The appeal of Mr. Fazal Rasool resubmitted today by Malik Haroon Jamil Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on 20.08.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p> |

The appeal of Mr. Fazal Rasool received today i.e on 27.05.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no.1, 3 & 5 are un-necessary/improper parties, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
- 2- Address of the appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Annexure-D of the appeal is illegible.
- 4- Annexures/documents attached with the appeal are unattested.

No. 74 /Inst./2024/KPST,

Dt. 27/5 /2024.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.
27/5/24

Malik Haroon Jamil Adv.

High Court D.I.Khan.

It is submitted that the objection no-1, 2 - have been removed/rectified, while in response to objection no-3 the better copy of Annexure-D has been attached as Page no-13-A, further in response to objection no-4 the appellant submitted two applications to the Commissioner D.I.khan to obtain the attested copies of all the Annexures, but the office of the Commissioner has not issued the attested copies yet. So, the appeal is resubmitted and when the Commissioner office provides us the attested copies the same will be submitted in the court.

Moreover, the Annexure as mark v has been attested by the SMBR office and is annexed with the appeal

Therefore, it is requested that the appeal in hand be place before the Hon'ble court

~~Magik Haroon Jamid~~
Advocate High court
DBA - D.I-Khan

Dated: 8-08-2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 773/2024

Fazal Rasool

..... APPELLANT

VERSUS

Secretary revenue and others

..... RESPONDENTS

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Dated: 27/05/2024

Humble Appellant

Fazal Rasool

Through Counsel

Malik Habib Jamil

Advocate High Court,

District Bar, D.I. Khan.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.Appeal No. 773/2024

Fazal Rasool Son of Abdul Aziz, Presently resident of Mohallah Alamsher Tehsil & District Dera Ismail Khan (Ex-Naib Qasid Divisional Commissioner Office Dera Ismail Khan).

.....**APPELLANT****VERSUS**

1. Secretary Revenue and estate Cum SMBR, K.P.K, Peshawar.
2. Divisional Commissioner, Division Dera Ismail Khan.

.....**RESPONDENTS**

 APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNALS
 ACT, 1974.

PRAYER; On acceptance of instant appeal this Honourable Tribunal may be pleased to **DECLARE** the impugned Order No.Esst:II/fazalRasool/N.Q/D.I.Khan/9877 dated 30-04-2024 issued by respondent No.01 & impugned Order No. 758-63/Acctt: dated 29-02-2024 issued by respondent No. 2 and the alleged inquiry report, as illegal, without lawful authority, without jurisdiction, void *ab initio* and ineffective upon the rights of the appellant and are liable to be set aside and to reinstate the appellant to the post of Naib Qasid along with back benefits on the grounds appearing hereinafter;

OR

GRANT any other relief considered just and appropriate under the given circumstances of the case.

Respectfully sheweth;

1. That the appellant was appointed as Naib Qasid (BPS-02) against the post vacated due to death of his father in District Coordination Office Dera Ismail Khan vide order No. 1021-23/DCO(Acctt), dated 19/02/2008 and performed his duties

diligently and with full satisfaction of his superiors.. Copy of appointment order is annexed as **Mark-A**.

2. That the appellant was transferred from DCO Office D.I.Khan to Commissioner Office D.I.Khan by the Commissioner D.I.Khan Division D.I.Khan vide order No. 1628/Poll, dated 05-08-2010. Copy of transfer order is annexed as **Mark-B**.
3. That the appellant was transferred vide office order No. 4718-22/Acctt: dated 23-08-2023 from office of the Assistant Commissioner (Pol & Dev) to office of the Additional Commissioner, D.I.Khan Division. Copy of Order is annexed as **Mark-C**.
4. That the appellant was performing his duties with great zeal and zest but ironically the Additional Commissioner D.I.Khan Division vide order no. 465/Addl: Com;DIK dated 13-09-2023 requested The Commissioner DIKhan Division that the appellant be transferred back as there is no need of additional Naib Qasid in the office of Additional Commissioner DIKhan, copy of order is annexed as **Mark-D**, but no transfer Order was ever given by the Commissioner Office nor the appellant was allowed to work in Additional Commissioner's Office.
5. Then, the appellant was given a notice vide letter no. 5212-14/Acctt dated 21-09-2023 to immediately report for duty in your respective office and also explain reasons for your willful absence from duty. Copy of Notice is annexed as **Mark-E**. To this notice reply was filed by the appellant on 25-09-2023. Copy of the same is annexed as **Mark-F**. On the same day the appellant went to the Commissioner Office on 25-09-2023 and requested Assistant to Commissioner (Rev & GA) and Secretary to Commissioner D.I.Khan Division to issue the posting/transfer order of the appellant so that he could perform his duties diligently.. Similarly, on 05-10-2023 the appellant moved an application to the Secretary to Commissioner D.I.Khan Division for his posting/transfer but he was verbally told by the office that the departmental proceeding is carried out against

you and after its outcome you will be adjusted accordingly. Copy of the application is annexed as **Mark-G** .

6. That Afterwards, Office of The Commissioner DIKhan Division vide letter No. 5514-16/Acct dated 13-10-2023 called for Explanation of the appellant, copy of letter is annexed as **Mark-H**, to which a satisfactory reply as well as other necessary documents regarding absence from duty of the appellant were submitted by the appellant, copy of which is annexed as **Mark-I**. Then, the Office of The Commissioner DIKhan Division vide letter No. 5879/Acctt: dated 27-10-2023 served a show cause notice upon the appellant in which baseless allegation of absence from duty were made on the appellant to which a comprehensive response was submitted, copy of show cause notice and reply is annexed as **Mark J & K** respectively. Thereafter, Office of the Commissioner vide letter No. 6532-34/Acctt dated 30-11-2023 appointed Assistant Commissioner (Pol & Dev) as inquiry officer. Copy of letter is annexed as **Mark-L**. Then on 01-12-2023 vide letter no 4713-14/ Pol (Enquiry) the inquiry officer directed the appellant to appear before him. Copy of letter is annexed as **Mark-M**. The appellant appeared on the designated date and time and submitted a written statement to the inquiry officer on 07-12-2023, copy of the same is annexed as **Mark-N**. It is noteworthy to mention here that the appellant was never given any statement of allegations nor any show cause notice was served upon him by the inquiry officer and no proper inquiry was conducted by the inquiry officer in accordance with law. Thereafter, the inquiry officer submitted an inquiry report, copy of which is annexed as **Mark-O**.

7. That the Office of The Commissioner D.I.Khan Division vide letter No. 124-25/Acctt: dated 04-01-2024 served another show cause notice upon the appellant but without the copy of inquiry report. Whereas, On the same day another Notice No. 120-23/Acctt: dated 04-01-2024 issued by the office of the Commissioner

D.I.Khan Division was served on the appellant in which another level of baseless allegations were made upon the appellant regarding his absence from duty since 01-10-2023 till date without any intimation/prior permission of the competent authority to which satisfactory responses were submitted on both the notices, copy of Show cause notice, Notice and Replies are annexed as **Mark -P,Q , R& S** respectively.

8. That since 13-09-2023 the appellant has been made rolling stone as neither he was posted/transferred nor he was allowed to perform his duties rather he was made to sit in offices for long hours and without any purpose, also he was served show cause and numerous notices with the allegations that he was absent and how one could perform duty when his posting/transfer wasn't being made and he was made to sit idly at government offices and then the allegation of absence from duty is not only against the law but a mockery and sheer violation of the fundamental rights of the appellant.

9. That vide impugned order No. 758-63/Acctt: dated 29-02-2024 the appellant has been removed from his service alleging that he was absent from duty with effect from 01-10-2023 till date without prior permission of the competent authority. Copy of impugned removal order is annexed as **Mark-T**. Being aggrieved, the appellant filed departmental appeal before the respondent No.01 and the respondent No.01 vide office order No.Esst:II/fazalRasool/N.Q/D.I.Khan/9877 dated 30-04-2024 dismissed same. Copy of departmental appeal and the Impugned Order is annexed as **Mark-U, V**

Thus, Being aggrieved, the appellant is filling the instant appeal for redressal of his grievances, inter alia, on the following grounds;

GROUND

1. That the impugned orders as well as inquiry report is against the law, ground realities, without lawful authority, arbitrary, without jurisdiction and ultra vires to the rules and the constitution which is liable to be set aside.

5

2. That the allegations against the appellant regarding his willful absence from duty with effect from 01-10-2023 till date without prior permission of the competent authority are baseless. As the appellant never absented himself willfully rather on 04-09-2023 the appellant had to go to Peshawar with his mother for reconciliation of his sister's matrimonial dispute. Appellant's sister was married in Peshawar and after the failure of reconciliation efforts his sister got divorce. So, the appellant absented himself on 04-09-2023 & 05-09-2023 and reason of his urgent departure was also communicated to the office on the same day at its official number i.e. 0966-9280472. The appellant then came back to D.I.Khan. After that in a few days the appellant was arrested by the local police on 09-09-2023 in case FIR No. 196 U/S 489-F dated 06-07-2023 PS Cantt:DIKhan whose bail before arrest was obtained from the court of Additional Sessions Judge-IIID.I.Khan on 22-07-2023 and the same was dismissed on 09-09-2023 and the same day the appellant was apprehended and sent to central jail D.I.Khan. Thereafter the appellant was released from jail on 21-09-2023. Hence, the absence of the appellant was not willful as the appellant never absented himself intentionally rather his absence was due to unavoidable circumstances. Also, the appellant fell seriously ill and medical record was also submitted for that matter. Moreover, the Appellant was never posted/transferred nor he was allowed to perform his duties rather he was made to sit in offices for long hours and without any purpose, also he was served show cause and numerous notices with the allegations that he was absent and how one could perform duty when his posting/transfer wasn't being made and he was made to sit idly at government offices. Hence on this score alone the findings of inquiry report, departmental proceedings and impugned orders are liable to be set aside.
3. That the alleged inquiry was not conducted in accordance with law and facts as the charge sheet / statement of allegation was never handed over to the appellant and all the proceeding was conducted in hasty and flimsy manner, as no opportunity of personal hearing was provided to the appellant by the Authority before imposing the major penalty, hence, on this score alone the impugned order and inquiry report are liable to be

(6)

set aside.


4. That all the proceeding was conducted arbitrarily, against the canon of justice, equity and fair play, thus it was violative of law and without adopting proper procedure and the rules of business.
5. That it is pertinent to mention here that the show cause notices and alleged inquiry proceeding are contradictory in nature as the appellant was shown the door for those absentees during which the appellant was not posted/transferred rather the appellant visited offices in those times for his posting/transfer but he was made to sit idly and was made a rolling stone.
6. That no opportunity of personal hearing was provided to the appellant and the appellant was condemned unheard and there are various views of apex supreme court that no one should be condemned unheard as it's against the important principle of natural justice enshrined in the maxim "audialterampartem" and its violation is always considered enough to vitiate even most solemn proceedings.
7. That the appellant had an unblemished career of almost sixteen years and this point was overlooked and he was awarded major penalty of removal from service, which is clearly against the maxims of justice.
8. That respondent No. 1 has also failed to decide the Departmental appeal of the appellant in accordance with law & facts. No opportunity of personal hearing was provided to the appellant nor had independent reasons/findings been given by the respondent No. 1 in the impugned order dated 30-04-2024. The impugned order passed by the appellet authority did not qualify to be a reasonable order. Hence, the impugned order is not sustainable in the eye of law and the same is liable to be set aside.
9. That the appellant had no source of income except this job and is living in a rented house and is unable to maintain his family of seven people.
10. That the appeal is being filed within the statutory period prescribed in the KPK Service Tribunal Act.
11. Any other legal ground that may be raised at the time of hearing of this appeal.

It is therefore, humbly prayed that on acceptance of this appeal this honorable court may pleased to order as prayed for in the heading of this appeal.

Dated: 27-05-2024

Humble Appellant

Fazal Rasool 

Through Counsel 
Malik Haroon Jamil
Advocate High Court,
District Bar, D.I.Khan.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. _____/2024

Fazal Rasool

..... APPELLANT

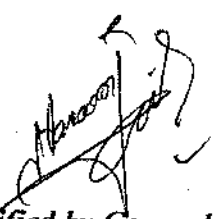
VERSUS

Secretary revenue and others

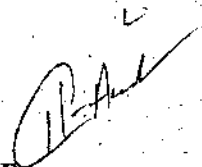
..... RESPONDENTS

AFFIDAVIT

I, the appellant, do hereby solemnly affirm and declare on Oath that all the para-wise contents of this appeal are true and correct to the best of my knowledge and belief; and that nothing has been deliberately concealed or kept secret from this Honourable Tribunal.



Identified by Counsel



Deponent

FILED
S. No. _____
Oath Commission
D. T. _____

(9)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. _____/2024

Fazal Rasool

VERSUS

Secretary revenue and others

Addresses of the parties

Fazal Rasool Son of Abdul Aziz, Presently resident of Mohallah Alamsher Tehsil & District Dera Ismail Khan (Ex-Naib Qasid Divisional Commissioner Office Dera Ismail Khan).

.....**APPELLANT**

1. Secretary Revenue and estate Cum SMBR, K.P.K, Peshawar.
2. Divisional Commissioner, Division Dera Ismail Khan.

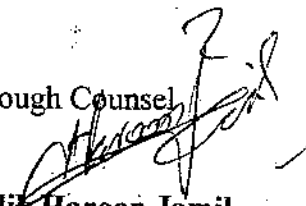
.....**RESPONDENTS**

Dated: 27-05-2024

Humble Appellant


Fazal Rasool

Through Counsel


Malik Haroon Jamil
Advocate High Court,
District Bar, D.I.Khan.

10

Mark-A

OFFICE OF THE DISTRICT COORDINATION OFFICER, D.I.Khan

No. 1021-23 /DCO (Acctt)

Dated: D.I.Khan the 19/02 /2008

OFFICE ORDER

Mr. Fazal Rasool, Constable No:1002, FRP, D.I.Khan son of Haji Abdul Aziz (Late), is hereby appointed / absorbed as Naib Qasid (BPS-02) against the post vacated due to death of his father with effect from the date of arrival, on his own request, dated 09.02.2008.

Sanction for protection of his pay under FR-22 is also accorded.

/
**DISTRICT COORDINATION OFFICER
DERA ISMAIL KHAN.**

Endst:No.& Date:Even

Copy to :-

1. The Superintendent of Police, FRP, D.I.Khan Range D.I.Khan for information w/r to his letter No:144/FRP dated 09.02.2008 with the request lien of the Official concerned may be kept in tact as per Rules / Policy.
2. The District Accounts Officer, D.I.Khan.
3. Official concerned.


**DISTRICT COORDINATION OFFICER
DERA ISMAIL KHAN.**



11

Mark-B

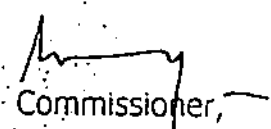
Fax No. 0966-0280352

No. 1628 / Poll:

Dated: DIKhan the 05/08/2010

OFFICE ORDER:

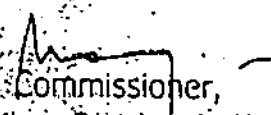
Mr. Fazal Rasool Naib Qasid is hereby transferred from DCO Office, DIKhan to Commissioner Office, DIKhan, against the vacant / sanctioned post of Naib Qasid, with immediate effect, in the best interest of public service.


Commissioner,
DIKhan Division, DIKhan.

Edt. No. & date even.

Copy to the:-

1. DCO, DIKhan.
2. Assltt. To Commissioner (Rev), DIKhan.
3. PS to DCO, DIKhan.
4. DAO, DIKhan.
5. Accountant Commissioner Office, DIKhan.
6. Official concerned.


Commissioner,
DIKhan Division, DIKhan.



OFFICE OF THE
COMMISSIONER
DIKHAN DIVISION DIKHAN
Phone No. 09966-9280151
Fax No. 09966-9280152
commissioner.dikhan@yahoo.com
secretarytocommissioner.dik@gmail.com

(12)

MARK 'C'

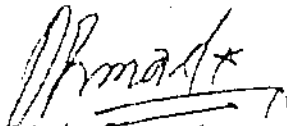
No. 4718-22/accu

Dated DIKhan the 23/08/2023

OFFICE ORDER

The following posting/transfer staff of the office of Commissioner DIKhan Division is hereby ordered with immediate effect in the best public interest:

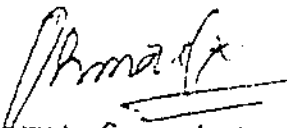
| Name | From | To |
|-----------------------------|--|--|
| Mr. Fazal Rasool Naib Qasid | Office of the Assistant Commissioner (Pol & Dev) | Office of the Additional Commissioner, DIKhan Division |


Secretary to Commissioner
D.I. Khan Division, Dera Ismail Khan.

Endst: No & Date Even

Copy forwarded to the:

1. Additional Commissioner, DIKhan Division, DIKhan.
2. Assistant Commissioner, Pol & Development, DIKhan Division, DIKhan.
3. PS to Commissioner, DIKhan Division, DIKhan.
4. Official concerned.


Secretary to Commissioner
D.I. Khan Division, Dera Ismail Khan.

13

Mark-D



OFFICE OF THE
ADDITIONAL COMMISSIONER

DIKHAN DIVISION DIKHAN
Phone # 0966-9200472



No. 405 /Addl;Com;DIK
Dated 13/09/2023

To

The Commissioner
D.I.Khan Division, DIKhan.

Subject;

FAZAL RASOOL NO UNAUTHORIZED ABSENCE FROM DUTY

It is submitted that Mr. Fazal Rasool Naib Qasid has recently been transferred. He is a habitual absentee and incorrigible type of person. It was due to long unauthorized absence that his transfer was requested by this office whereupon he was transferred to main office. On recent transfer, he reported for duty on 25-08-2023 but after few days his nature overwhelmed him and he absented himself from duty on 30/08/2023. On 6-09-2023 he turned up in the morning and then left. Since 11-09-2023, he is again absent. It was learnt that in some case he is behind the bars due to cancellation of bail. Naib Qasid are already available in this office and there is no need of additional Naib Qasid. It is requested that he may be transferred back, please.

Additional Commissioner
DIKhan Division, DIKhan

3646

| | |
|--|------------|
| Commissioner Office D.I.Khan Division | |
| Duty No: | |
| Date: | 13-09-2023 |
| Secretary | |
| ACR | |
| AS | |
| (P.O./S) | |

Accept
See reply to Commr
13/9

| | |
|---------------------------|------------|
| Commissioner Office | |
| Diary No.: | 4090 |
| Date: | 13-09-2023 |
| D.I.Khan Division, DIKhan | |

BETTER COPY**OFFICE OF THE
ADDITIONAL COMMISSIONER**DIKHAN DIVISION DIKHAN
Phone # 0966-9280472No.465/Addl,Com.DIK
Dated 13-09-2023

To

The Commissioner
D.I.Khan Division,
D.I.Khan

Subject;

FAZAL RASOOL NO UNAUTHORIZED ABSENCE FRO DUTY

It is submitted that Mr, Fazal Rasool Naib Qasid has recently been transferred. He is a habitual absentee and incorrigible type of person. It was due to long unauthorized absence that his transfer was requested by this office whereupon he was transferred to main office. On recent transfer, he reported for duty on 25-08-2023 but after few days his nature overwhelmed him and he absented himself from duty on 04-05/09/2023 On 6-09-2023 He turned up in the morning and then left. Since 11-09-2023 he is again absent. It has been learnt that in some case he is behind the bar due to cancellation of bail. Naib qasid are already available in this office and there is no need of additional Naib Qasid. It is requested that he may be transferred back, please.

Additional Commissioner
DIKhan Division, DIKhan

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OFFICE OF THE
COMMISSIONER (14) MOKHE
DIKHAN DIVISION DIKHAN

Phone No. 0966-9280351

Fax No. 0966-9280352

commissionerdikhan@yahoo.com

secretarytocommissionerdik@gmail.com



No. S.212-14/Acctt

²¹
Dated DIKhan the /09/2023

To

Mr. Fazal Rasool,
Naib Qasid.

SUBJECT: NOTICE.

It has been reported by the Additional Commissioner, DIKhan Division vide his letter No.465/Addl:Com:DIK dated 13-09-2023 that you are absent since 04-09-2023 without any prior permission.

Your this act is against the office discipline and tantamount to misconduct.

You are therefore, hereby directed through this notice to immediately report for duty in your respective office and also explain reasons for your willful absence from duty for the period mentioned above.

In case of no response from your end, further disciplinary proceedings will be initiated against you under Efficiency & Disciplinary Rules, 2011.

Sd/-

Commissioner

D.I. Khan Division, Dera Ismail Khan

Endst: No & Date Even

Copy forwarded to the:

1. Additional Commissioner, DIKhan Division w/r to above.
2. PS to Commissioner, DIKhan Division, DIKhan.

Assistant to Commissioner (Rev. & GA)
D.I.Khan Division, Dera Ismail Khan

26/9/23
Sd/-

Q.A.

Dr. J. K. Singh

Dr. J. K. Singh

25-9-2023

Dr. J. K. Singh

Dr. J. K. Singh

Dr. J. K. Singh

Dr. J. K. Singh

Dr. J. K. Singh

Dr. J. K. Singh

Dr. J. K. Singh

Dr. J. K. Singh

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Dr. J. K. Singh

Dr. J. K. Singh

Dr. J. K. Singh

15

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05/10/23

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Handwritten text in the middle right.

Main body of handwritten text, including a date '23/9' and a number '465-400'.

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Handwritten text at the bottom left.

Handwritten text at the bottom center.

Handwritten text at the very bottom, including a circled number '18' and 'Mark 5'.



OFFICE OF THE
COMMISSIONER
DIKHAN DIVISION DIKHAN

Phone # 0966-9280351

Fax No. 0966-9280352

commissionerdikhan@yahoo.com

secretarytocommissionerdik@gmail.com



No. 5514-16 /Acctt

Dated DIKhan the ~~10/10/2023~~

13-10-2023

To

Mr. Fazal Rasool,
Naib Qasid.

SUBJECT: EXPLANATION

You were directed to produce Court judgement Order regarding your bail, but you did not provide the same uptill know. Further more you were ^{remained} absent from your duty without any prior permission as reported by the Additional Commissioner, DIKhan Division vide his letter No.465/Addl:Com:DIK dated 13-09-2023

Your theseacts are against the office discipline and tantamount to misconduct.

You are therefore, directed to explain your position against the charges levelled against you within three days after the receipt of this memo as to why disciplinary action should not be initiated against you under the Efficiency & Disciplinary Rules, 2011.

Sd/-

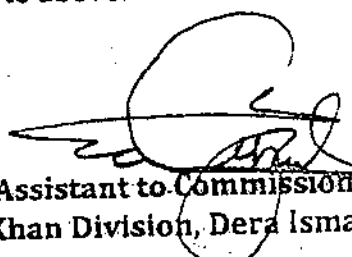
Commissioner

D.I. Khan Division, Dera Ismail Khan

Endst: No & Date Even

Copy forwarded to the:

1. Additional Commissioner, DIKhan Division w/r to above.
2. PS to Commissioner, DIKhan Division. DIKhan.


Assistant to Commissioner (Rev. & GA)
D.I. Khan Division, Dera Ismail Khan

جناب عالی!

یہ کہ بندہ کے خلاف تھانہ سٹی میں ایک جھوٹا بے بنیاد مقدمہ نمبر 196 مورخہ 6 جولائی 2023 درج ہوا تھا جس پر بندہ کو معزز عدالت ایڈیشن سیشن جج صاحب اا ڈیرہ اسماعیل خان سے ضمانت قبل از گرفتاری مورخہ 22 جولائی 2023 کرائی تھی جس پر عدالت میں مختلف تاریخ پیشی ہوئیں اور بندہ کی ضمانت قبل از گرفتاری مورخہ 9 ستمبر 2023 عدالت نے خارج فرمائی اور پھر گرفتار ہو کر حوالہ پولیس ہوا اور مورخہ 10 ستمبر 2023 کو سیشنل جیل منتقل ہوا۔

یہ کہ بندہ نے ریائی کے لئے عدالت سے رجوع کیا اور ضمانت بعد از گرفتاری کی درخواست عدالت مذکورہ میں دائر کی جو کہ معزز عدالت نے مورخہ 20 ستمبر 2023 کو منظور فرمائی اور بندہ 21 ستمبر 2023 کو جیل سے رہا ہوا۔ لہذا بندہ نے دفتر بنا سے غیر حاضری کسی طور پر دیدہ دانستہ طور پر نہیں کی بلکہ بامر انہتائی مجبوری غیر حاضری سرزد ہوئی۔

اسی مقدمے کے دوران 14 اور 5 ستمبر 2023 کو بندے سے باامر مجبوری غیر حاضری ہوئی، دراصل بندے کی ہمشیرہ کی شادی پشاور میں ہوئی ہے اور وہ اپنے خاندان کے ساتھ پشاور میں ریائش پزیر ہے، اس کو گھریلو تنازعہ درپیش آیا جس کی نوبت طلاق تک پہنچ گئی تھی، بدیں وجہ بندہ کو باہمراہ والدہ خود ایمرجنسی میں نہایت پریشانی کی صورت حال میں مورخہ 4 ستمبر 2023 کو پشاور جانا پڑ گیا تھا جس کی اطلاع بذریعہ ٹیلی فون نائب قاصد ایڈیشنل کمشنر دفتر کو ٹیلی فون نمبر 9280472 پر دی تھی۔

جہاں تک بندے کے عدالتی ضمانت کے احکامات دفتر بنا کو مہیا نہ کرنے کا سوال ہے تو بندہ نے اپنی طرف سے عدالت سے فائل طلب کی، جس پر عدالتی عملے کی جانب سے بندے کے علم میں لایا گیا کہ ضمانت کے احکامات/مطلوبہ فائل رکارڈ برانچ سکیننگ کے لئے گئی ہوئی تھی۔ مذکورہ ضمانتی آرڈر بندے کو بعد میں موصول ہو گئے۔ (کاپی لف ہے)۔

بندہ اپنی ڈیوٹی پر حاضر ہو چکا ہے۔ بندہ کو اس بار معاف کیا جائے۔ بندہ آئندہ محتاط رہے گا۔ جاری شدہ جواب طلبی کو فائل کیا جائے تاکہ بندہ اپنی ڈیوٹی احسن طریقے سے ادا کر سکے۔ بندے کا تعلق غریب گھرانے سے ہے اور اپنے خاندان کا واحد کفیل ہوں، بندہ تادم زیست دغا گو رہے گا۔

العارض

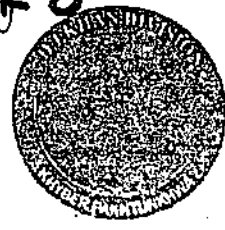
بندہ فضل رسول، نائب قاصد

- کاپی برائے ضروری کارروائی منسلک ہے:
1. قبل از گرفتاری ضمانت کے احکامات
 2. قبل از گرفتاری ضمانت خارج ہونے کے احکامات
 3. جیل سے ریائی/ضمانت کے احکامات



OFFICE OF THE
COMMISSIONER
DIKHAN DIVISION DIKHAN
Phone # 0966-9280351
Fax No. 0966-9280352
commissionerdikhan@yahoo.com
secretarytocommissionerdik@gmail.com

19 Mark J



No. 5879 /Acctt

Dated DIKhan the 27/10/2023

SUBJECT: SHOW CAUSE NOTICE

I, Zafar-Ul-Islam, Commissioner DIKhan Division DIKhan as competent Authority under the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Disciplinary) Rules-2011 do hereby serve you, Mr. Fazal Rasool, Naib Qasid as follows:-

1. You were remained absent from your duty without any prior permission.
2. Generally you are also reportedly found habitual absentee and incorrigible type of person and extremely careless in performance of your official duties.
3. You were repeatedly directed by your respective officers to be punctual but you failed to mend yourself.

I am, therefore, satisfied that you have committed the following acts of omission and commission specified in Rule-3 (a) (b) (d) of E & D Rules, 2011.

- a) Inefficient.
- b) Guilty of misconduct.
- c) Guilty of habitually absenting himself from duty without prior approval of leave.

As a result, thereof, I as competent authority have tentatively decided to impose upon you one of the following penalties:-

Penalties:-

Minor Penalties.

- (1) Censure.
- (2) Withholding of a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules of orders pertaining to the service or post.
- (3) Recovery from pay of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order.

(a) Major Penalties.

- (1) Reduction to a lower post, grade or time scale, or to a lower stage in a time scale.
- (2) Compulsory Retirement.
- (3) Removal from service and
- (4) dismissal from service.

You are, therefore, required to show cause as to why the aforesaid penalties provided in Rule-4 of the Khyber Pakhtunkhwa E & D Rules, 2011 should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply is received within seven days of the delivery of this Notice, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

(COMPETENT AUTHORITY)
COMMISSIONER, DIKHAN DIVISION

Mr. Fazal Rasool,
Naib Qasid.

بخدمت جناب کمشنر صاحب ڈیرہ ڈویشن ڈیرہ اسماعیل خان

جواب شوکار نوٹس

Handwritten signature and notes: Invt an / S / C, 23-11-2023

جناب عالی! سائل حسب ذیل جواب شوکار نوٹس گزارش کرتا ہے۔

1- یہ کہ سائل کے خلاف ذیل الزامات ہیں کہ

1. You were remained absent from your duty without any prior permission.
2. Generally you are also reportedly found habitual absentee and incorrigible type of person and extremely careless in performance of your official duties.
3. you were repeatedly directed by your respective officers to be punctual but you failed to mend yourself.

جس کے جواب میں معروض ہوں کہ من سائل نے کبھی بھی کوئی غیر حاضری نہیں کی۔ بلکہ ہمیشہ اپنی ڈیوٹی انتہائی ایمانداری اور فرض شناسی سے انجام دی۔ من سائل کی ہمیشہ مسماة صفیہ بی بی کا نکاح و شادی ہمراہ احتشام الحق ولد محمد رمضان ساکن فیز VI حیات آباد ضلع پشاور ہو کر ہمیشہ ام صفیہ بی بی ضلع پشاور میں رہائش پذیر چلی آ رہی تھی کہ مورخہ 02/09/2023 کو اطلاع موصول ہوئی کہ ہمیشہ ام صفیہ بی بی اور سابقہ بہنوئی احتشام الحق کے درمیان لڑائی جھگڑا ہو کر حالات سنگینی کی طرف جا رہے ہیں۔ جو کہ اس ایئر جنسی کے باعث من سائل اپنی والدہ کے ہمراہ ہمیشہ ام کے گھر ضلع پشاور پہنچے تو وہاں پر ہمیشہ ام و بہنوئی کے درمیان سخت کشیدگی پائی جاتی تھی۔ چنانچہ من سائل والدہ ام نے ہردو کے درمیان مصالحت کی انتھک کوششیں کرتے رہے۔ مگر ہمیشہ ام و بہنوئی ام کے درمیان مصالحت نہ ہو سکی اور بالآخر مورخہ 05/09/2023 کو مسمی احتشام الحق نے من سائل کی ہمیشہ کو ملاق دے دی۔ جسکے بعد من سائل والدہ و ہمیشہ ام واپس ڈیرہ اسماعیل خان آ گئے۔ مورخہ 04/09/2023 مورخہ 05/09/2023 کو من سائل با امر مجبوری پشاور میں موجود ہونے کے باعث اپنی ڈیوٹی پر حاضر نہ ہو سکا۔ جس کی باقاعدہ و باضابطہ بذریعہ موبائل فون نمبر 9280472 پر موجود اہلکار کو دی تھی۔ مورخہ 06/09/2023 کو من سائل اپنی ڈیوٹی پر حاضر ہو کر اپنی ڈیوٹی ایمانداری سے انجام دیتا تھا کہ اس دوران مورخہ 07/09/2023 کو مورخہ 07/09/2023 کو

بنیاد مقدمہ نمبر 196 مورخہ 06/07/2023 جرم F-489 تھانہ سٹی ڈیرہ اسماعیل خان میں من سائل کسٹرنے درخواست ضمانت قبل از گرفتاری دائر بعدالت ایڈیشنل سیشن جج صاحب انا ڈیرہ اسماعیل خان کی ہوئی تھی۔ جو مورخہ 09/09/2023 کو خارج ہو کر من سائل کو مقامی پولیس تے گرفتار کر لیا۔ جس کے بعد من سائل بند بھجوات جوڈیشل سنٹر جیل ڈیرہ اسماعیل خان چلا آیا اور مورخہ 20/09/2023 کو من سائل کی ضمانت منظور ہو کر مورخہ 21/09/2023 کو من سائل بر ضمانت رہا ہوا۔ جس کے بعد من سائل اپنی ڈیوٹی پر حاضر ہو کر ڈیوٹی انجام دیتا چلا آ

رہا ہے۔ جو کہ مذکورہ بالا مقدمہ و درخواست ضمانت قبل از گرفتاری کی باہر فاضل ایڈیشنل کمشنر ڈیرہ ڈویژن ڈیرہ اسماعیل خان و سیکرٹری ٹو فاضل کمشنر صاحب ڈیرہ ڈویژن ڈیرہ اسماعیل خان کے نوٹس میں دی گئی۔

یہ کہ من سائل نے بھی کوئی غیر حاضری نہیں کی بلکہ اپنی ڈیوٹی ایمانداری و فرض شناسی سے انجام دیتا چلا آ رہا ہے۔ من سائل کو بہترین ڈیوٹی ادا کرنے پر مورخہ 31/08/2012 کو جناب کمشنر ڈیرہ ڈویژن ڈیرہ اسماعیل خان کی جانب سے Commendation Certificate بھی جاری گئی۔ جس کی نقل ہمراہ لف ہے۔

یہ کہ من سائل ایک غریب عیالدار قسم کا شخص ہے۔ جبکہ من سائل کی ضعیف العمر والدہ، مطلقہ ہمشیرہ و دیگر چھوٹے بہن بھائیوں کی ذمہ داری من سائل پر ہے۔ جن کی دیکھ بھال و خرچ خوراک من سائل کے ذمہ ہے۔ من سائل کے علاوہ دیگر کوئی برسر روزگار نہ ہے۔ پوری فیملی کا واحد سہارا من سائل ہے۔

یہ کہ من سائل جو کہ بذات خود بھی دل کا مریض ہے۔ اور من سائل کا مسلسل علاج معالجہ بھی جاری ہے۔ جو کہ من سائل و من سائل کے فیملی ممبران کی آس و امید صرف من سائل کی تنخواہ ہے۔ بدین وجہ من سائل و من سائل کی فیملی کے حال پر رحم و کرم فرماتے ہوئے شوکا ز نوٹس کو بلا مزید کارروائی داخل دفتر فرمایا جانا عین قرین انصاف ہے۔

لہذا جواب شوکا ز نوٹس مرتب ہو کر گزارش ہے کہ شوکا ز نوٹس کو بلا مزید کارروائی

داخل دفتر فرمایا جاوے۔ مورخہ 02/11/2023

فضل رسول نائب قاصد کمشنر آفس ڈیرہ ڈویژن ڈیرہ اسماعیل خان



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MARK L'

COMMISSIONER
DIKHAN DIVISION DIKHAN

Phone # 0966-9280351

Fax No. 0966-9280352

commissionerdikhan@yahoo.com

secretarytocommissionerdik@gmail.com



No. 6532-34/Acctt

Dated DIKhan the 11/2023

30-11-2023

To

The Assistant to Commissioner (Poll/Dev)
DIKhan Division D.I.KhanMr

SUBJECT: ENQUIRY AGAINST MR.FAZAL RASOOL NAIB QASID.

I am directed to refer to subject noted above and to state that the Worthy Commissioner, DIKhan Division has been pleased to appoint you as Inquiry Officer in the subject case.

I am, therefore, further directed to enclose herewith all relevant record in respect of Mr.Fazal Rasool Naib Qasid regarding his absence from duty.

The Enquiry Report alongwith your recommendations should reach this office within fifteen days positively please.

Sd/-

Commissioner

D.I. Khan Division, Dera Ismail Khan

Endst: No & Date Even

Copy forwarded to the:

1. PS to Commissioner, DIKhan Division, DIKhan.
2. Mr.Fazal Rasool, Naib Qasid, with the direction to attend the office of enquiry officer as and when directed.


Assistant to Commissioner(Rev/GA)
D.I.Khan Division, Dera Ismail Khan

23 Mark-M

24



OFFICE OF THE
COMMISSIONER
DIKHAN DIVISION DIKHAN



0966-9280351 +92-966-9280352 +92-333-9971960
@commissionerdik @commlssionerdik commissionerdikhan@yahoo.com

No. 4713-14 /Poll (Enquiry)

Dated DIKhan the 01/12/2023.

To

Mr. Fazal Rasool,
Naib Qasid, Commissioner's office DIKhan.

Subject: - ENQUIRY AGAINST MR. FAZAL RASOOL NAIB QASID.

Reference Commissioner DIKhan Division, DIKhan letter No.6532-34/Acctt: dated 30.11.2023 on the subject cited above.

You are here by directed to appear before the undersigned (Enquiry Officer) in my office, on 4.12.2023 (Monday) at 11.00 AM regarding subject cited enquiry.

Assistant to Commissioner (Poll/Dev)
DIKhan Division, DIKhan

Encl: No. & Date Even.

Copy forwarded to the PS to Commissioner, DIKhan Division, DIKhan.

Assistant to Commissioner (Poll/Dev)
DIKhan Division, DIKhan.

07/12/23
D.A.

07/12/23
D.A.

07/12/23
D.A.

07/12/23
D.A.

07/12/23

07/12/23

Dr. JAMEEL MAHSOOD

MBBS, MCPS, FCPS-II (Medicine)
MMM Teaching Hospital D.I. Khan

PHENIC

0341-5426550

ڈیڑھ اسماعیل خان

جیل میڈیکل سٹور، القائل DHQ ہسپتال
خان II میڈیکل کیمیکس، ہیمنٹ ڈی آئی خان

26
مراٹھانی

ماہر امراض
شوگر و غدد، معدہ، جگر، قلب،
گردہ، کلاہیرتان، شانہ،
دماغ، بخار، وغیرہ

ڈاکٹر جمیل محسود
ایم بی بی ایس، ایم سی پی ایس، ایف سی ایس - II (میڈیسن)
مفتی محمود بیوریل، نیچنگ، ہسپتال ڈیڑھ اسماعیل خان
سابقہ جسر شوگر اینڈ غدد یونٹ
حیات آباد میڈیکل کیمیکس پشاور
ممبر آف پاکستان اینڈ وکرائس ڈایابیس سوسائٹی

Patient's Name Fazal Rasool Age 43 Sex M Date 19-10-20

Clinical Record

CVD ?
BP 190/140
FBC
TLC
RFTs
Nonglycemic
Hb
LAD - 2 DBS
CCX - 1 DBS



- Tab Noctol 5A 1 صبح
- Tab coxat 20mg 1 شام
- Tab Ruvaxo 25mg 1+1
- Tab cardnit 2.6mg 1+1
- Tab spiramide 40mg 1 صبح
- Tab Lorik 40mg 1 دوپہر
- cap sangobion 1 دوپہر

Bed Rest for ② Two days

Medical Officer MFI Makri
Mehmood Teaching Hospital
D.I. Khan

Not Valid for Medicolegal / Court Purposes

16
16

27

Dr. Faisal Younis

M.B.B.S, M.C.P.S, M.A.C.P

**PULMONOLOGIST
& T.B SPECIALIST**

DR. T.B. Physician & Co-ordinator,
PMDT Mufti Mehmood Memorial
Hospital, D.I.Khan

Contact: 0345-9837649



ماہر امراض
دماغی، سانس کی تکلیف

ڈاکٹر فیصل یونس

ایم بی بی ایس، ایم سی پی ایس، ایم اے سی پی
پولمونولوجسٹ اینڈ ٹی بی اسپیشلسٹ
ڈی آر، ٹی بی فزیشن اینڈ کوارڈینیٹر، ایم ڈی ٹی
مفتی محمود میموریل ہسپتال ڈی آئی خان

Pt. Name Fazal Rasool Age 43 Sex M Date 23/10/23

Clinical Record

Rx

cardio vascular
disease

BP 180/140

RFTs

Nomoterbine

LAD - 2 DES

LCX - 1 DES

LAD (3/23)

POBA to MR

LCX

Tab \square Noctol EA
صبح 1

Tab Cardnit 2.6 mg
1+1

Tab Lasoride 40 mg
ایرانہ


Tab Losix 40 mg
ادوی

Cap Sangabion
ایرانہ

Tab Lanoxin 0.25 mg
صبح 1

Bed Rest for (2) days.




Medical Officer MTI Mufti
Mehmood Teaching Hospital
D. I. Khan

کلینک: اقبال سیڈر پیکل کیمپلیکس اینڈ میٹرنٹی ہوم، نزد ڈی ایچ کیو ہسپتال ڈی آئی خان (بروز جمعہ چھٹی ہوگی)



OPD DHQ TEACHING HOSPITAL

Medical Teaching Institute, DHQ Teaching Hospital, D.I. Kh.

38

(OPD)

Date: 01-11-2023

CARDIOLOGY

EMR No: 1016580

Registration Date/Time:

Name: Fazal Rasool

CNIC #: 12101-0977722-1

Date of Birth: 01-11-2023

Age: 0 Years, 0 Months and

Consultant Name: CMO

No of Visits:

Address: Dera Ismail Khan

50.00

History:

ذاتر مضمون سے جبراً انجین
ایک نیا اسٹینٹ پلاٹینوم ڈیوڑھی
تو سیدھے کالاجی ایچ کیو میں آئے تھے

Treatment:

Sagging ST i
all leads
Augsine

160/w

Trop I

Eclw
(06/11/2023) 19/
" " 2

Lipid profile

- T. Noclot EA 2m
- T. Xplendol 20mg (2m)
- T. Nabil 2 5mg 1/1
- T. Calomat 2-6mg 1/1
- T. Avasar 5/160 (2m)
- Cap Zuloxet 20mg 5/1m
- T. Alp 0.5mg 5/1m

ایک نیا اسٹینٹ 13

This slip was created using software. This is only to be used once.

Created by:

Signature



OPD DHQ TEACHING HOSPITAL

Medical Teaching Institute, DHQ Teaching Hospital, D.I. Khan



(OPD)

Date: 30-10-2023

MEDICAL

Receipt No: 10114442

EMR No: 1014546

Registration Date/time: 30-10-2023 12:50:00pm

Name: Fazal Rasool

CNIC #:

Gender: Male

Date of Birth: 30-10-2023

Age: 0 Years, 0 Months and 0 Days

Consultant Name: CMO

No of Visits: 1

Paid Fee: 30.00

Address: Dera Ismail Khan

History

Treatment

chest pain, red eye

Bed Rest 3 days

DISPININ 300P
87P

NOLOFEA 300P

AP - BP 159
ECG
CBL



This slip was created using software. This is only to be used once.

Created By: Ali Hamza



ACCIDENT & EMERGENCY CENTRE

30

Medical Teaching Institute, DHQ Teaching Hospital, D.I. Khan

(OPD)

Date: 21-11-2023

MEDICAL

Receipt 1156925

EMR No: 345754

Registration 21-11-2023 3:58:00pm

Name: Fazal Rasool CNIC #: Gender: Male

Date of Birth: 21-11-2023 Age: 0 Years, 0 Months and 0 Days

Consultant: CMO No of: 1 Paid: 30.00

Address: - Dera Ismail Khan

History

Treatment

- Fever
- Dry cough
- Bitter mouth taste
5 days

BP - 110/72
P - 92
Temp - 100.4

Abu
FBL - MP

A. Entire fever
- 5ml Rofexen 1gm in LA 70
- 5ml Decadron 100 mg
- 10ml Paracetamol
- 10ml Nurofen
- 10ml Nurofen
- 10ml Nurofen

Advised to take oral rest
for 10 days

Dr. Munir Ahmad Khan
MBBS, FCPS, CRCP, MHPE
Assistant Professor Medicine
Accident & Emergency
DHQ Hospital MTI D.I. Khan

(31)

**IN THE COURT OF
SYED MUDASSIR SHAH TERMIZI
ADDITIONAL SESSIONS JUDGE-III D.I.KHAN**



Fazal Rasool Vs. The State
BBA No. /2023

ORDER
09.09.2023

Dy.PP for the State present. Accused/petitioner on ad-interim bail with counsel present. Complainant in person with counsel present. Record already received.

736
A S J-III
9-9-23

Accused/petitioner Fazal Rasool son of Abdul Aziz is seeking confirmation of his pre-arrest bail in case FIR No.196 Dated 06.07.2023 U/S 489-F PPC PS City D.I.Khan.

A S J-III
9-9-23
22-7-23
436
JL

I heard arguments and perused the available record on file.

It is worth mentioning here, that the bail before arrest is an extra ordinary relief for which certain ingredients/pre-requisites must exist in the case in order to entitle the accused/petitioner to the extra-ordinary concession. These prerequisites consist of malafide on the part of the police/prosecution, false charge, undue harassment or humiliation by the police/prosecution. During the course of argument, none of the above ingredients were pointed out to be available on the case file on behalf of police or prosecution to have falsely implicated the accused/petitioner in the instant case.

09/9/23

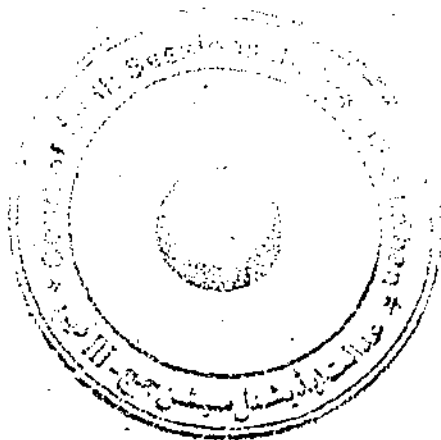
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Examiner
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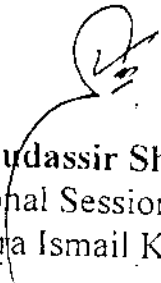
nor does it seem that the accused/petitioner has been charged in order to humiliate or harassment. Furthermore, the offences vide which the accused/petitioner charged is of moral turpitude and is against the society.

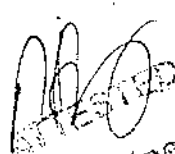


As such in view of, the ad-interim pre-arrest bail already granted to the accused/petitioner is hereby recalled. Bail bonds furnished by the accused/petitioner stands cancelled and his sureties are discharged. Police file be remitted forthwith alongwith copy of this order and file of this Court be consigned to the Record Room after its necessary completion and compilation.

ANNOUNCED
Dated: 09.09.2023




Syed Mudassir Shah Termizi
Additional Sessions Judge-III
Dera Ismail Khan


ATTESTED
Examiner
23-5-24

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ASJ-II
2023

نقل درخواست

بعدالت جناب ایڈیشنل سیشن جج صاحب III ڈیرہ اسماعیل خان

درخواست ضمانت قبل از گرفتاری نمبر _____ سال 2023ء



فضل رسول ولد عبدالعزیز قوم مبین سکنہ آصف آباد کالونی دین پور روڈ ضلع ڈیرہ اسماعیل خان۔
(سائل الملزم)

بنام

- 1- سرکار
 - 2- محمد سعید عاصی ولد شیردین قوم قریشی سکنہ حال دوکاندار الہادی الیکٹرانکس بالمقابل بیساکھی گراؤنڈ ضلع ڈیرہ اسماعیل خان۔
- ۔۔ (مستغیث)

درخواست بمراہ ضمانت قبل از گرفتاری۔ زیر دفعہ 497/498 CRPC

مقدمہ نمبر 196 تھانہ سٹی مورخہ 06-07-2023

زیر دفعہ 489-F PPC

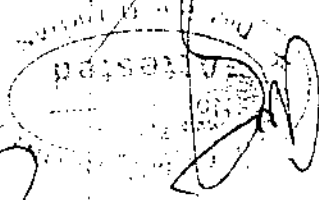
جناب عالی! سائل الملزم حسب ذیل عرض رساں ہے۔

- (1)۔ یہ کہ سائل الملزم کے خلاف مقامی پولیس تھانہ سٹی برابراء مستغیث بد نیتی طور پر مقدمہ بالا درج رجسٹر کیا گیا ہے۔ نقل FIR لف ہمراہ ہے۔
- (2)۔ یہ کہ من سائل نا کردہ گناہ ہے۔ اور مقامی پولیس من سائل کو گرفتار کرنے کے درپے ہے اور ایسی صورت حال میں سائل کی بدنامی ہوگی اور ناقابل تلافی نقصان ہوگا۔ سائل الملزم نوکری پیشہ اور ایک باعزت گھرانے سے تعلق رکھتا ہے۔ اور اس طرح کے جرم کا سوچ بھی نہیں سکتا۔ اور مستغیث نے من سائل الملزم کو چھوٹے مقدمہ میں ناجائز طور پر پلوٹ کر دیا ہے۔
- (3)۔ یہ کہ مندرجہ FIR میں بیان کردہ مبینہ کہانی فرضی ومن گھڑت ہے جس من سائل الملزم کے خلاف کوئی غیر جانبدار چشم دید ٹھوس واقعاتی شہادت موجود نہ ہے۔ بدیں وجہ سائل الملزم ضمانت کا حقدار ہے۔
- (4)۔ یہ کہ من سائل کے ذمہ کوئی رقم واجب الادا نہ ہے۔ لیکن مستغیث لالچ اور طمع نفسانی میں آکر بد نیتی طور پر

ASJ-II
2023
5-5-23

23-5-23
 ACCOUNTS
 23/5/23

18/7/23



 محکمہ تعلیم

تاریخ: 18-07-2023
 موضوع: درخواست برائے ریٹائرمنٹ کی اجازت
 عطا کیا گیا ہے۔

 محکمہ تعلیم

18-07-2023

محکمہ تعلیم کے پاس درخواست برائے ریٹائرمنٹ کی اجازت
 کی درخواست پیش کی گئی ہے۔

- (6) - ریٹائرمنٹ کی اجازت ملے گی۔
- (5) - ریٹائرمنٹ کی اجازت ملے گی۔
- (4) - ریٹائرمنٹ کی اجازت ملے گی۔
- (3) - ریٹائرمنٹ کی اجازت ملے گی۔
- (2) - ریٹائرمنٹ کی اجازت ملے گی۔
- (1) - ریٹائرمنٹ کی اجازت ملے گی۔

4



IN THE COURT OF
SYED MUDASSIR SHAH TERMIZI
ADDITIONAL SESSIONS JUDGE-III, D.I.KHAN

Fazal Rasool Vs. The State
BA APPLICATION NO. _____ /IV OF 2023

ORDER
20.09.2023

Dy.PP for the State present. Counsel for the accused/petitioner present. Complainant in person with counsel present. Vakalatnama on behalf of complainant submitted, which is placed on file. Record received.

Accused/petitioner Fazal Rasool son of Abdul Aziz has applied for his post arrest bail through counsel vide case FIR No.196 dated 06.07.2023, registered U/s 489-F PPC at Police Station City, D.I.Khan.

I have heard the detailed arguments of learned counsel for the parties and record perused.

Perusal of record would transpire that though the accused/petitioner is directly charged in the FIR but the offence with which the accused/petitioner has been charged/nominated has been provided with punishment of three years thus, the punishment does not come within the ambit of prohibitory clause of section 497 Cr.PC. In such like cases, the law always favors the rule of release of accused on bail instead of overcrowding the jail. Investigation in the case is complete to the extent of present accused/petitioner and he is

اپر وادعائیاں قابل
مشغولہ نظر عدالت
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20/9/23

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Examiner
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no more required for the purpose of interrogation etc. Hence, keeping the accused behind the bar or in custody will serve no fruitful purpose and the honorable higher courts have stressed over released on bail in such situation. *Reliance is placed on 2014 P. Cr. L. J 1060.*



In view of above stated facts and circumstances, the case this Court holds the opinion that the case of the accused/petitioner is one of further inquiry as mentioned in section 497 (2) Cr.PC and good arguable case for the purpose of bail. Hence the instant bail application of the accused/petitioner is allowed and he is admitted to bail subject to his furnishing bail bonds in the sum of Rs.80,000/- (Eighty Thousand only) with two sureties each in the like amount to the satisfaction of this Court. Copy of order be placed on judicial as well as police file and record be returned to the concerned forum immediately. File of this Court be consigned to Record Room of Hon'ble District & Sessions Judge, D.I.Khan after completion and compilation.

ANNOUNCED.
Dated 20.09.2023



(Signature)
(Syed Mudassir Shah Termizi)
Additional Sessions Judge-III,
Dera Ismail Khan.

(Signature)
Examined
23.5.24

12-5-50
EXAMINER
M. S. S. S.

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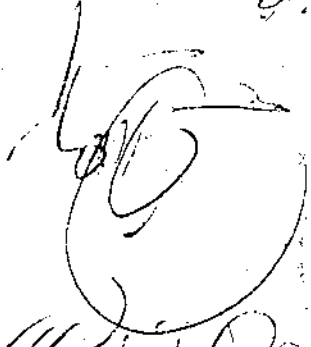
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ENQUIRY REPORT IN R/O MR. FAZAL RASOOL, NAIB QASID

Background:

The inquiry was referred and assigned by the Commissioner DIKhan Division to the undersigned vide letter No. 6532-34/Acctt Dated DIKhan, 30.11.23 (Annexure-A) to inquire and submit the report along with the recommendations to the Commissioner DIKhan Division pertaining to absence from duty by one Mr. Fazal Rasool, Naib Qasid.

Brief of the case is that Mr. Fazal Rasool, Naib Qasid, who was posted in the office of the Additional Commissioner DIKhan Division, was reported vide letter No. 465/Addl; Com; DIK dated 13/9/2023 (Annexure-B) to be a habitual absentee and incorrigible type of person. It was reported that the said official was found absent from the duty on 4-5/09/2023 and again continued to be absent from duty from 11-9-2023. Furthermore, it was also reported in the same letter that the said official was reported behind the bars due to cancellation of bail.

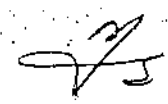
In response to the above mentioned letter of the Additional Commissioner DIKhan Division, the Assistant to Commissioner (Rev&GA) DIKhan Division issued notice to the said official vide letter No. 5212-14/Acctt Dated 21.9.2023 (Annexure-C) to immediately report for duty and also explain reasons for his willful absence from the duty for the period reported by the Additional Commissioner DIKhan, Division.

Mr Fazal Rasool, Naib Qasid submitted a written statement in response to the above mentioned notice of the Assistant to Commissioner (Rev & GA) DIKhan Division in which he informed that he was kept behind bars in Central Prison in a FIR and was then released on bail and assured to be careful in performing his duties in future (Annexure-D).

On 13.10.2023, Mr. Fazal Rasool Naib Qasid was issued an Explanation vide Assistant to Commissioner (Rev&GA) DIKhan Division letter No. 5514-16/Acctt (Annexure-E) to produce court order of his bail and the explain the reasons of his absence from duty within 03 days. The said official submitted a written statement in this regard stating that he remained absent from duty on 4-5/9/2023 due to some domestic emergency while also affirming that he was behind the bars from the period 9/9/2023 till his bail on 20/9/2023 (Annexure-F).

Adding further, the Commissioner DIKhan Division issued a Show Cause Notice to the said official vide No. 5879/Acctt dated: 27/10/2023 (Annexure-G). Wherein, the said official was conveyed of the following acts of omission and commission under rule 3(a, b and c) of the E&D Rules 2011 for the reasons mentioned in the said Show Cause Notice:

- Inefficient



- Guilty of misconduct
- Guilty of habitually absenting himself from duty without prior approval of leave

Mr. Fazal Rasool, Naib Qasid submitted a written reply to the Show Cause Notice stating that he remained absent from duty on 4-5/9/2023 due to some domestic emergency while also affirming that he was behind the bars from the period 9/9/2023 till his bail on 20/9/2023 (Annexure-H)

Going through the note sheet part attached with the inquiry letter revealed that it was reported to the commissioner DIKhan Division that the said official remained absent from duty since October 1st, 2023 and hence the Competent Authority ordered an Inquiry under the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules-2011 and appointed the undersigned as Inquiry Officer.

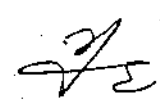
Proceedings:

The undersigned, initiating the inquiry, issued notice to Mr. Fazal Rasool Naib Qasid to appear before him on 4.12.2023 vide letter No. 4713-14/Poll(Enquiry) Dated: 01.12.2023 (Annexure-I). The undersigned served the Statement of Allegation/ Show Cause Notice upon the official and directed him to submit reply to the Inquiry Officer by 07.12.2023.

The official submitted the written reply to the undersigned as per following detail: -

Mr. Fazal Rasool, Naib Qasid stated that on 4-5/9/2023 he had to leave for Peshawar because of a domestic urgency and informed the Naib Qasid of the office about his inability to join office on 4-5/9/2023. He further stated that he was put behind the bars from the period 9/9/2023 till his bail on 20/9/2023 in FIR No.196 Dated 06.7.2023 u/s 489-F PPC PS City DIKhan (Copies of cancellation of BBA and subsequent bail annexed at Annexure-J). Furthermore, he stated that he fell ill on 18.10.2023 and taken to hospital where bed rest was prescribed to him and his brother submitted application to the accountant of Commissioner Office. He also attached medical prescriptions from various doctors along with his statement prescribing bed rest over a period with effect from 19.10.2023 (Annexure-K).

Findings



The perusal of statement of the accused and available record has led to the following: -

1. No formal permission for leave for the period 4-5.9.2023 was granted by the Additional Commissioner, DIKhan.
2. He remained behind the bars for the period 09.09.2023 to 20.9.2023.
3. The note sheet part attached with the file provided to the undersigned clearly states that the said official has been absent from duty since 1st October 2023. Moreover, the

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accountant of the commissioner office, Mr. Muhammad Nawaz also confirmed that no attendance was marked by the said official on the attendance register for the said period. He also confirmed that he did not receive any written application for leave in respect of the said official.

4. Although the said official submitted multiple prescriptions from various doctors (the authenticity of which is to be determined), he did not attach any copy application for medical leave or any other leave that he might have submitted to the concerned officer/ official for processing/approval from the competent authority.

Recommendations

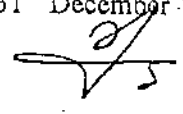
1. The period during which the official remained absent i.e 4-5/9/2023 without any approval of leave from the competent authority may be treated willful absence and be proceeded against in light of the KhyberPakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011.
2. For the period i.e from 09.09.2023 to 20.9.2023 for which the said official was put behind bars in FIR No. 196 Dated 06.7.2023 u/s 489-F PPC, the instructions contained in Rule 6(2) of the KhyberPakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 amended and notified on 31st December 2021 are quite clear that are reproduced as below:

"6-Suspension and leave... (2) A government servant, who has been charged for a criminal offence and is committed to prison, shall be considered as under suspension from the date of his arrest without the formal approval of the competent authority" (Annexure-L).

3. Similarly, for the period following the bail of the said official, the same rule further elaborates as follows:

"...Provided that in case such government servant is not arrested or is released on bail; the competent authority may suspend him by a specific order in this behalf" (Annexure-L).

4. Furthermore, Rule 6(3) of the KhyberPakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules, 2011 amended and notified on 31st December 2021 also states that;



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"During suspension period, the government servant shall be entitled to his pay, allowances and other benefits in accordance with Fundamental Rule-53" (Annexure-I).



Enquiry Officer /
Assistant to Commissioner (Poll &
Dev)
DIKhan Division, DIKhan

RS



48 Mark P

OFFICE OF THE
COMMISSIONER
DIKHAN DIVISION DIKHAN
Phone: # 0966-9280351
Fax No. 0966-9280352
commissionerdikhan@yahoo.com
secretarytocommissionerdik@gmail.com



No. 124-25/Acctt

Dated Dikhan the 04/10/2024.

SUBJECT: SHOW CAUSE NOTICE.

I, Zafar-Ul-Islam, Commissioner Dikhan Division Dikhan as competent Authority under Section-14, Sub Section-4 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Disciplinary) Rules-2011 do hereby serve you, Mr. Fazal Rasool, Naib Qasid as follows:-

1. You remained absent from your duty without any prior permission.
2. Generally you are also reportedly found habitual absentee and incorrigible type of person and extremely careless in performance of your official duties.
3. You were repeatedly directed by your respective officers to be punctual but you failed to mend yourself.
4. In view of Departmental Enquiry conducted vide this office order No.6532-34/Acctt: dated 30-11-2023 and received vide No.4852-53/Poll(Enquiry) dated 15-12-2023, your wilful absence has been proved.

I am, therefore, satisfied that you have committed the following acts of omission and commission specified in Rule-3 (a) (b) (d) of E & D Rules, 2011.

- a) Inefficient.
- b) Guilty of misconduct.
- c) Guilty of habitually absent from duty without prior approval of leave.

As a result, thereof, I as competent authority have tentatively decided to impose upon you one of the following penalties:-

Penalties:-

Minor Penalties.

- (1) Censure.
- (2) Withholding of a specific period, promotion or increment, otherwise than for unfitness for promotion or financial advancement, in accordance with the rules of orders pertaining to the service or post.
- (3) Recovery from pay of the whole or any part of any pecuniary loss caused to Government by negligence or breach of order.



(a) Major Penalties.

- (1) Reduction to a lower post, grade or time scale, or to a lower stage in a time scale.
- (2) Compulsory Retirement.
- (3) Removal from service and
- (4) dismissal from service.

You are, therefore, required to show cause as to why the aforesaid penalties provided in Rule-4 of the Khyber Pakhtunkhwa E & D Rules, 2011 should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply is received within seven days of the delivery of this Notice, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

(COMPETENT AUTHORITY)
COMMISSIONER, DIKHAN Division

Mr. Fazal Rasool,
Naib Qasid.

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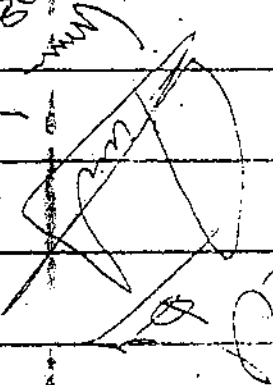
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OFFICE OF THE
COMMISSIONER
DIKHAN DIVISION DIKHAN

Phone # 0966-9280351

Fax No. 0966-9280352

commissionerdikhan@yahoo.com

secretarytocommissionerdik@gmail.com



No. 120-23 / Acctt

Dated DIKhan the

04/01/2024

To

Mr. Fazal Rasool,
Naib Qasid.

SUBJECT: NOTICE.

It has been noticed that you are absent from your duty since 01-10-2023 till date without any intimation/ prior permission of the Competent Authority. You were ask telephonically to join your duty several times but failed:

You are, hereby serve with this notice under Section-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 to immediately report for duty and also explain reasons for your willful absence from duty for the period mentioned above.

In case of no response from your end, further proceedings as provided under rules-9 of the E&D Rules, 2011 will be initiated against you.

Sd/-

Commissioner

D.I. Khan Division, Dera Ismail Khan

Endst: No & Date Even

Copy forwarded to the:

1. PS to Commissioner, DIKhan Division, DIKhan.
2. Office Order File.
3. Personal File.

Assistant to Commissioner (Rev. & GA)

D.I. Khan Division, Dera Ismail Khan

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OFFICE OF THE
COMMISSIONER
DIKHAN DIVISION DIKHAN
Phone # 0966-9280351
Fax No. 0966-9280352
commissionerdikhan@yahoo.com
secretarytocommissionerdik@gmail.com

Mark
P



No. 758-63/ACCT

Dated DIKhan the 29 /02/2024.

OFFICE ORDER.

WHEREAS, Mr. Fazal Rasool s/o Abdul Aziz Naib Qasid of this office absented himself from duty with effect from 01-10-2023 till date without prior permission of the Competent Authority. Show Cause bearing No.124-25/ dated 04-01-2024 served to him with the direction to resume his duties within seven days failing which disciplinary action could be initiated against him under Sub-Rule-9 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011.

AND WHEREAS, after expiry of more than 07 days period of Show Cause Notice, the accused official failed to resume his duty, therefore, as required under Sub Rule-9 of ibid rules, a notice was published in two daily newspapers i.e. Daily Mashriq, Peshawar dated 01-02-2024 and Daily Pashtoon Millat DIKhan dated 01-02-2024, directing him to resume his duty within 15 days of publication of the said Notice. But after lapse of given stipulated period, he didn't resume his duty nor submitted any reply.

NOW Therefore, in exercise of powers conferred under Sub Rule-9 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the undersigned being Competent Authority, hereby awarded major penalty of "REMOVAL FROM SERVICE" to Mr. Fazal Rasool s/o Abdul Aziz Naib Qasid of this office from the date of his willful absence i.e. 01-10-2024.

[Handwritten Signature]

Commissioner
D.I. Khan Division, Dera Ismail Khan

Endost No. & Date Even.

Copy is forwarded to :-

1. The District Accounts officer, DIKhan.
2. The Mr. Fazal Rasool, Ex- Naib Qasid.
3. personal file.
4. Office Order File.
5. Service Book.

[Handwritten Signature]
05-04-24

[Handwritten Signature]

Commissioner
D.I. Khan Division, Dera Ismail Khan

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Mark "U"

The Worthy Secretary,
Revenue & Estate Department Cum SMBR,
Khyber Pakhtunkhwa,
Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST ORDER NO. 758-63/Acctt DATED 29.02.2024 ISSUED BY THE COMMISSIONER, D.I.KHAN DIVISION D.I.KHAN VIDE WHICH APPELLANT WAS REMOVED FROM SERVICE WITHOUT ANY LAWFUL JUSTIFICATIONS

Respected Sir,

BRIEF FACTS;

1. That the appellant was appointed as Naib Qasid (BPS-02) against the post vacated due to death of his father in District Coordination Office Dera Ismail Khan vide order No. 1021-23/DCO(Acctt), dated 19/02/2008 and performed his duties diligently and with full satisfaction of his superiors.. Copy of appointment order is annexed as **Mark-A**.
2. That the appellant was transferred from DCO Office D.I.Khan to Commissioner Office D.I.Khan by the Commissioner D.I.Khan Division D.I.Khan vide order No. 1628/Poll, dated 05-08-2010. Copy of transfer order is annexed as **Mark-B**.
3. That the appellant was transferred vide an office order No. 4718-22/Acctt: dated 23-08-2023 from office of the Assistant Commissioner (Pol & Dev) to office of the Additional Commissioner, D.I.Khan Division. Copy of Order is annexed as **Mark-C**.
4. That the appellant was performing his duties with great zeal and zest but ironically the Additional Commissioner D.I.Khan Division vide order no. 465/Addl: Com; DIK dated 13-09-2023 requested The Commissioner DIKhan Division that the appellant be transferred back as there is no need of additional Naib Qasid in the office of Additional Commissioner DIKhan, copy of order is annexed as **Mark-D**, but no transfer Order was ever given by the Commissioner Office nor the appellant was allowed to work in Additional Commissioner's Office.

5. Then, the appellant was given a notice vide letter no. 5212-14/Acctt dated 21-09-2023 to immediately report for duty in your respective office and also explain reasons for your willful absence from duty. Copy of Notice is annexed as **Mark-E**. To this notice reply was filed by the appellant on 25-09-2023. Copy of the same is annexed as **Mark-F**. On the same day the appellant went to the Commissioner Office on 25-09-2023 and requested Assistant to Commissioner (Rev & GA) and Secretary to Commissioner D.I.Khan Division to issue the posting/transfer order of the appellant so that he could perform his duties diligently. Similarly, on 05-10-2023 the appellant moved an application to the Secretary to Commissioner D.I.Khan Division for his posting/transfer but he was verbally told by the office that the departmental proceeding is carried out against you and after its outcome you will be adjusted accordingly. Copy of the application is annexed as **Mark-G**
6. That Afterwards, Office of The Commissioner DIKhan Division vide letter No. 5514-16/Acct dated 13-10-2023 called for Explanation of the appellant, copy of letter is annexed as **Mark-H**, to which a satisfactory reply as well as other necessary documents regarding absence from duty of the appellant were submitted by the appellant, copy of which is annexed as **Mark-I**. Then, the Office of The Commissioner DIKhan Division vide letter No. 5879/Acctt: dated 27-10-2023 served a show cause notice upon the appellant in which baseless allegation of absence from duty were made on the appellant to which a comprehensive response was submitted, copy of show cause notice and reply is annexed as **Mark J & K** respectively. Thereafter, Office of the Commissioner vide letter No. 6532-34/Acctt dated 30-11-2023 appointed Assistant Commissioner (Pol & Dev) as inquiry officer. Copy of letter is annexed as **Mark-L**. Then on 01-12-2023 vide letter no 4713-14/ Poll (Enquiry) the inquiry officer directed the appellant to appear before him. Copy of letter is annexed as **Mark-M**. The appellant appeared on the designated date and time and submitted a written statement to the inquiry

officer on 07-12-2023, copy of the same is annexed as **Mark-N**. It is noteworthy to mention here that the appellant was never given any statement of allegations nor any show cause notice was served upon him by the inquiry officer and no proper inquiry was conducted by the inquiry officer in accordance with law. Thereafter, the inquiry officer submitted an inquiry report, copy of which is annexed as **Mark-O**.

7. That the Office of The Commissioner D.I.Khan Division vide letter No. 124-25/Acctt: dated 04-01-2024 served another show cause notice upon the appellant but without the copy of inquiry report. Whereas, On the same day another Notice No. 120-23/Acctt: dated 04-01-2024 issued by the office of the Commissioner, D.I.Khan Division, was served on the appellant in which another level of baseless allegations were made upon the appellant regarding his absence from duty since 01-10-2023 till date without any intimation/prior permission of the competent authority to which satisfactory responses were submitted on both the notices, copy of Show cause notice, Notice and Replies are annexed as **Mark -P, Q, R & S** respectively.
8. That since 13-09-2023 the appellant has been made rolling stone as neither he was posted/transferred nor he was allowed to perform his duties rather he was made to sit in offices for long hours and without any purpose, also he was served show cause and numerous notices with the allegations that he was absent and how one could perform duty when his posting/transfer wasn't being made and he was made to sit idly at government offices and then the allegation of absence from duty is not only against the law but a mockery and sheer violation of the fundamental rights of the appellant.
9. That vide impugned order No. 758-63/Acctt: dated 29-02-2024 the appellant has been removed from his service alleging that he was absent from duty with effect from 01-10-2023 till date without prior permission of the competent authority. Copy of impugned order is annexed as **Mark-T**.

Being aggrieved, the appellant is filling the instant appeal for redressal of his grievances, inter alia, on the following grounds;


GROUNDS

1. That the impugned order as well as inquiry report is against the law, ground realities, without lawful authority, arbitrary, without jurisdiction and ultra vires to the rules and the constitution which is liable to be rejected.
2. That the allegations against the appellant regarding his willful absence from duty with effect from 01-10-2023 till date without prior permission of the competent authority is baseless. As the appellant never absented himself willfully rather on 04-09-2023 the appellant had to go to Peshawar with his mother for reconciliation of his sister's matrimonial dispute. Appellant's sister was married in Peshawar and after the failure of reconciliation efforts his sister got divorce. So, the appellant absented himself on 04-09-2023 & 05-09-2023 and reason of his urgent departure was also communicated to the office on the same day at its official number i.e. 0966-9280472. The appellant then came back to D.I.Khan. After that in a few days the appellant was arrested by the local police on 09-09-2023 in case FIR No. 196 U/S 489-F dated 06-07-2023 PS Cantt: DIKhan whose bail before arrest was obtained from the court of Additional Sessions Judge-III D.I.Khan on 22-07-2023 and the same was dismissed on 09-09-2023 and the same day the appellant was apprehended and sent to central jail D.I.Khan. Thereafter the appellant was released from jail on 21-09-2023. Hence, the absence of the appellant was not willful as the appellant never absented himself intentionally rather his absence was due to unavoidable circumstances. Also, the appellant fell seriously ill and medical record was also submitted for that matter. Moreover, the Appellant was never posted/transferred nor he was allowed to perform his duties rather he was made to sit in offices for long hours and without any purpose; also he was served show cause and numerous notices with the allegations that he was absent and how one could perform duty when his posting/transfer wasn't being made and he was made to sit idly at government offices. Hence on this

score alone the findings of inquiry report, departmental proceedings and impugned order are liable to be set aside.

3. That the alleged inquiry was not conducted in accordance with law and facts as the charge sheet / statement of allegation was never handed over to the appellant and all the proceeding was conducted in hasty and flimsy manner, as no opportunity of personal hearing was provided to the appellant by the Authority before imposing the major penalty, hence, on this score alone the impugned order and inquiry report are liable to be set aside.
4. That all the proceeding was conducted arbitrarily, against the canon of justice, equity and fair play, thus it was violative of law and without adopting proper procedure and the rules of business.
5. That it is pertinent to mention here that the show cause notices and alleged inquiry proceeding are contradictory in nature as the appellant was shown the door for those absentees during which the appellant was not posted/transferred rather the appellant visited offices in those times for his posting/transfer but he was made to sit idly and was made a rolling stone.
6. That no opportunity of personal hearing was provided to the appellant and the appellant was condemned unheard and there are various views of apex supreme court that no one should be condemned unheard as it's against the important principle of natural justice enshrined in the maxim "audi alteram partem" and its violation is always considered enough to vitiate even most solemn proceedings.
7. That the appellant had an unblemished career of almost sixteen years and this point was overlooked and he was awarded major penalty of removal from service, which is clearly against the maxims of justice.
8. That the appellant had no source of income except this job and is living in a rented house and is unable to maintain his family of seven people.
9. That the impugned order was communicated to the appellant on 05-03-2024 hence, the instant appeal is well within time. Copy of the same is attached herewith.

In view of the above submission, it is requested that the impugned order No. 758-63/Acctt: issued by the Commissioner D.I.Khan Division and the alleged inquiry report, may kindly be set aside and may kindly reinstate the appellant along with all back benefits or any other relief may being deem fit in the interest of the appellant.


29-03-24


Dated: 29/03/2024

Your's Sincerely,

Fazal Rasool (Ex-Naib
Qasid) S/O Abdul Aziz, R/O:
Tehsil & District Dera Ismail
Khan.
Mob # 0333-9954543
0345-9824543

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Mark "V"

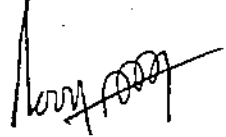
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|  | GOVERNMENT OF KHYBER PAKHTUNKHWA, BOARD OF REVENUE, REVENUE & ESTATE DEPARTMENT. |
| 091-9212726 | 091-9214208 |
| No. Estt:11/fazal Rasool/N.Q/D.I.Khan/ 9877 | Peshawar Dated the 20/04/2024 |

To

Mr. Fazal Rasool,
Naib Qasid, Office of the Commissioner,
D.I.Khan Division D.I.Khan.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER NO. 758-63/ACCTT:
DATED 29.02.2024.

Your Departmental Appeal dated 29.03.2024 has been examined and dismissed
by the Competent Authority being meritless.




(NOOR KHAN)
Assistant Secretary (Estt:)
Board of Revenue

KHYBER PAKHTUNKHWA BAR COUNCIL

ADVOCATE HIGH COURT

MALIK HAROON JAMIL

DC-16-6283
Date of Issue: January 2023
Valid upto: January 2026



AP Bar Council

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In the event of joining or working in any other profession, service or business, the holder will not be entitled to use the seal and that registered number in the L.P. Bar Council.

Father's Name: MUHAMMAD JAMIL
Address: ANJUM ABAD COLONY, MULTAN ROAD D.I. KHAN.
Contact No: 03401822333
Enrolment Date L.C 22-September-2016
Enrolment Date H.C 24-June-2019
Place of Practice: D.I. KHAN
Date of Birth: 15-January-1972
Blood Group: A+VE
C.NIC No: 12201-0559390-9

KHYBER PAKHTUNKHWA BAR COUNCIL
Bar Council Building, Multan Road, Dera Ismail Khan, District Dera Ismail Khan, F-75200
District Dera Ismail Khan, F-75200

VAKLAT NAMA

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar

Fazal Rasool

VERSUS

Govt. of KPK and others.

In Suit/Case Service Appeal.

I/We do here by appoint Mr. **MALIK HAROON JAMIL ADVOCATE** in the above mentioned matter / case and authorize him/them to do all or any of the following acts, in my/our name and on my/our behalf, that is to say,

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 or any other proceedings what so ever, ancillary thereto, including appeal, revision etc; on payment of fees separately for each court by me / us,
2. To sign, verify, file, present or withdraw all/any proceedings, petitions, appeals, cross objections and application 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 him/them and to conduct prosecution or defense of the said case at all its stages,
3. To undertake execution proceedings, deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be conferred to be done for the progress and in the course of prosecution of the said case,
4. To appoint and instruct any other Advocate/ legal practitioner authorizing him to exercise the power and authority conferred upon the advocate whenever he/they may think fit to do so and to sign Power of Attorney on our behalf,

I /we, the undersigned do hereby agree to ratify and confirm all acts done by the advocate or his authorized substitute in the matter as my /our own acts, as if done by me/us to intents and purposes, and I / we undertake that I /we or my/our duly authorized agent shall appear in the court on all hearings and will inform the advocate(s) for appearance when case is called and I/we the undersigned agree hereby not to hold the advocate(s) or his/their substitute responsible if the said case be proceeded ex-parte or dismissed in default in consequence of my/our absence from court when it is called for hearing and for the result of the said case, the adjournment costs whenever ordered by the court shall be of the advocate(s) which he/they may receive and retain himself/themselves. I/we the undersigned do hereby agree that in the event of the whole or part of the fees agreed by me/us to be paid to the advocate(s), if remain unpaid, he/they shall be entitled to withdraw from prosecution of the above said case until the same is paid and fee settled is only for the above said case and above court and I /we agree hereby that once fee is paid, I/we shall not be entitled for refund of the same in any case whatsoever.

IN WITNESS WHEREOF, I /we do hereby set my/our hand to these presents, the contents of which have been read / read over, explained fully and understood by me/us on

Date: D 27 M 05 2024

Name of Person Appointing the Advocate Fazal Rasool (Ex-Naib Qasid)

Signature: [Signature]

Accepted & Attested
[Signature]
Malik Haroon Jamil
Advocate High Court
Dera Ismail Khan