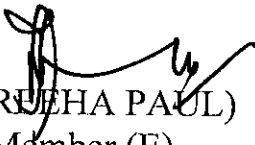
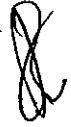


Page 19 of the service appeal was a transcript of whatsapp messages dated 16 March 2021 and 6 April 2021 through which the appellant tried to contact the lady complainant. When the appellant was no more posted on that position of Computer Operator, where he was assigned the duty of recording the complaints, then why he tried to contact that complainant seemed strange and out of place. It was clarified during the course of arguments that every official had a specific job description according to his post. It was then the duty and job of the official posted at that position, to respond to that lady complaint, after his transfer. Perusal of those whatsapp messages showed that it was an unnecessary correspondence and not required from him being a civil servant, who had a specific job according to his post.

8. In view of the above discussion, the service appeal in hand is dismissed being groundless. Cost shall follow the event. Consign.

9. *Pronounced in open court at camp court, Abbottabad and given under our hands and seal of the Tribunal this 25th day of July, 2024.*


(FARZHA PAUL)
Member (E)
(Camp Court, Abbottabad)


(RASHIDA BANO)
Member (J)
(Camp Court, Abbottabad)

Fazle Subhan PS

materialize the allegations leveled against the appellant. He requested that the appeal might be accepted as prayed for.

5. Learned Deputy District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that proper departmental inquiry was conducted and the allegations leveled against him were proved. He was heard in person but failed to prove his innocence and had rightly been punished. He requested that the appeal might be dismissed.

6. Arguments and record presented before us show that the appellant was proceeded against departmentally and awarded minor penalty of withholding of annual increment for a period of one year with accumulative effect on the ground of misconduct. According to charge sheet the appellant, while posted as Computer Operator in the office of Deputy Commissioner Haripur committed the following irregularity:-

“A complaint received through Pakistan Citizen Portal ref. No. KP070421-88210827 dated 21.04.2021, has been initiated by lady regarding your coordination with her on her personal cell number and whatsapp messages to let her know the status of her case pending in this office by making a pretext of the case you tried to establish personal relation which is against the code of conduct of service. You have been found guilty of gross misconduct which is liable to proceed under E&D Rules 2011.”

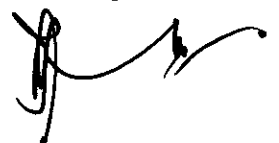
7. An inquiry was conducted and the official was found guilty and awarded minor punishment. Record presented before us shows that the appellant contacted the lady complainant in the month of February 2021. On 09.03.2021, he was transferred to Service Delivery Centre Haripur.



2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant had more than 05 years service in the respondent department. On the complaint of a lady, received through Pakistan Citizen Portal dated 21.04.2021, the Deputy Commissioner, Haripur served upon the appellant charge sheet dated 22.04.2021, which was duly replied on 28.04.2021. No proper departmental enquiry was conducted, no witness was called by the inquiry officer in the presence of the appellant nor was he afforded to cross examine such a witness. He was not confronted with any documentary evidence nor show cause notice was issued to him. The appellant was called by the competent authority to appear before him on 16.06.2021 but without giving any consideration to the stance taken by him, he was awarded penalty of withholding of annual increment for a period of one year with accumulative effect vide order dated 11.06.2021. Feeling aggrieved, he filed departmental appeal before the Commissioner Hazara Division, Abbottabad which was rejected on 31.08.2021; hence the instant service appeal.

3. Respondents were put on notice but they failed to submit reply/comments and their right for submission of written reply/comments was deemed struck off vide order sheet dated 18.10.2022. We heard the learned counsel for the appellant as well as learned Deputy District Attorney for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant, after presenting the case in detail, argued that nothing adverse could be brought on record against the appellant by the Inquiry Officer during the inquiry proceedings to



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD

Service Appeal No. 7570/2021

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
 MISS FAREEHA PAUL ... MEMBER (E)

Muhammad Bilal, Computer Operator presently posted at Deputy
 Commissioner office Haripur.(Appellant)

Versus

1. Secretary to Government Revenue Department, Khyber Pakhtunkhwa,
 Peshawar.
2. Commissioner, Hazara Division, Abbottabad.
3. Deputy Commissioner, Haripur.(Respondents)

Mr. Muhammad Aslam Tanoli,
 Advocate

... For appellant

Mr. Asif Masood Ali Shah,
 Deputy District Attorney

... For respondents

Date of Institution.....	11.10.2020
Date of Hearing.....	25.07.2024
Date of Decision.....	25.07.2024

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against order dated 11.06.2021 of Deputy Commissioner Haripur whereby the appellant was awarded penalty of withholding of annual increment for the period of one year with cumulative effect and order dated 31.08.2021 of the Commissioner Hazara Division Abbottabad whereby his departmental appeal was rejected. It has been prayed that on acceptance of the appeal, impugned orders dated 11.06.2021 and 31.08.2021 might be set aside and the appellant be released his one year stopped annual increment with all consequential back benefits.





SA 7570/2021

25th July, 2024 01. Mr. Muhammad Aslam Tanoli, Advocate for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 04 pages, the service appeal in hand is dismissed being groundless. Cost shall follow the event. Consign.

03. *Pronounced in open court at camp court, Abbottabad and given under our hands and seal of the Tribunal this 25th day of July, 2024.*


(FAREEHA PAUL)
Member (E)
(Camp Court, Abbottabad)


(RASHIDA BANO)
Member (J)
(Camp Court, Abbottabad)

Fazle Subhan PS