

**BEFORE THE KHYBER PAKHTUNKHWA,**  
**SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 2617/2023

Mr. Aurangzeb Khan.....Appellant


**VERSUS**

Chief Secretary, Khyber Pakhtunkhwa & Others .....Respondents

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Dated: 30.04.2024

  
Deponent  
CNIC No: 17301-6272682-3  
Contact No: 0315-5737137

07-05-2024  
S.B  
Peshawar.

2

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. /2023

Mr. Aurangzeb Khan, Assistant (BPS-16)  
Department of Law, Civil Secretariate, KP Peshawar

Appellant

**VERSUS**

Chief Secretary, Government of Khyber Pakhtunkhwa, Peshawar and others

Parawise comments for/on behalf of the Respondents No. 1 to 5.

Khyber Pakhtunkhwa  
Service Tribunal

Case No. 12535

Dated 03-05-2024

**PRELIMINARY OBJECTIONS.**

1. That the appellant has got no cause of action against the respondents.
2. The appellant is estopped by his own conduct to file the present appeal in the Court.
3. That the appeal of the appellant is time barred.
4. That the appellant has not come to this Honorable Court with clean hands and has concealed material facts from this Honorable Court.
5. The appellant has suppressed and twisted the facts with malafide intention for his own benefit.

Respectfully Sheweth,

**ON FACTS**

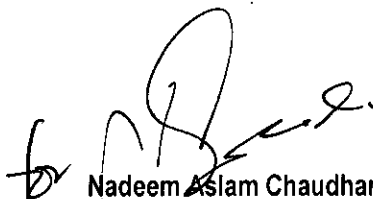
1. Pertains to record, hence, no comments.
2. Pertains to record, hence, no comments.
3. **Incorrect.** The service history of Mr. Aurangzeb, Assistant (BS-16) is replete with several instances of willful absence. It is not only the Law department but other departments which also reported his willful absence. For instance, Labor, Augaf, PHE, Forestry, Home Departments had time and again reported his willful absence (**Annexure-I**).
4. Pertains to record, hence no comments.
5. **Incorrect.** The competent authority tentatively recommended major penalty of dismissal from service in the Show Cause Notice. However, the appellant could not satisfy the competent authority in his reply to the Show Cause Notice; therefore, the competent authority after having considered facts of the case, defense offered by the appellant, findings of the Inquiry Officer and recommendations of Personal Hearing Officer imposed major penalty of Removal from Service.
6. **Incorrect.** The departmental appeal as he referred to has not so far been received to Establishment Department.
7. **No comments.**

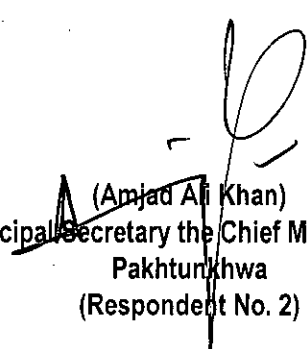
**GROUND OF APPEAL**

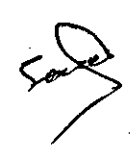
- A. **Incorrect.** The appellant was treated in accordance with true spirit of law / rules. He was proceeded under the Khyber Pakhtunkhwa Government, Servants (E&D) Rules, 2011.
- B. As explained in Para-A of the Grounds.

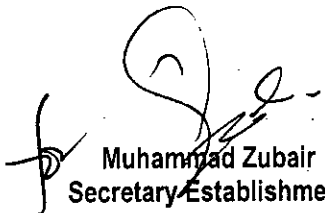
- C. **Incorrect:** The Medical reports and prescription of practitioners were acknowledged as fake by the Medical Superintendent (**Annex-II**)
- D. **Incorrect:** Prior to the issuance of the impugned removal from service order dated 3.7.2023, all codal formalities, under the E&D Rules, 2011 have been followed and the charge sheet & statement of allegation served upon the accused well on time (**Annex-III**).
- E. **Incorrect:** The appellant was treated as per law and rules after fulfilment of all codal formalities by the competent authority, hence no violation of law and rules has been made.
- F. **Incorrect:** The appellant has been given ample opportunity of defense twice, once by the inquiry officer and for another time, by the competent authority. The Medical reports and related prescription had been examined and sent for verification by the Inquiry Officer which were declared as fake by the concerned medical authority. Therefore, his claim of not providing him the opportunity of cross examination is baseless.
- G. **Incorrect:** As explained in Para-5 of the Facts
- H. **Incorrect:** As explained in Para-E above.
- I. **Incorrect.** Reply of the appellant submitted in response to Show Cause Notice could not satisfy the Competent Authority.
- J. **Incorrect.** As explained in Para-J above.
- K. **Incorrect.** As above.
- L. **Incorrect.** As explained in Para-3 of the facts.
- M. **Incorrect.** The appellant has been treated in accordance with law and rules by the respondent, no law as such has been violated.
- N. The respondents seek permission to raise additional grounds at the time of arguments.

It is, therefore, respectfully prayed that the appeal of the appellant may be dismissed with costs based on presumption and being illegal and malafide.


  
Nadeem Aslam Chaudhary  
Chief Secretary, Khyber Pakhtunkhwa  
(Respondent No.1)  
Through  
Kaleem Ullah Baloch  
Special Secretary Establishment

  
(Amjad Ali Khan)  
The Principal Secretary the Chief Minister, Khyber  
Pakhtunkhwa  
(Respondent No. 2)

  
(Akhter Saeed Turk)  
The Secretary to Govt. of Khyber Pakhtunkhwa,  
Law, Parliamentary Affairs and Human Rights  
Department  
(Respondent No. 3)



Muhammad Zubair  
Secretary Establishment  
(Respondent No. 4)  
Through  
Kaleem Ullah Baloch  
Special Secretary Establishment



(Muhammad Abid Majeed)  
The Secretary to Govt. of Khyber Pakhtunkhwa,  
Home and Tribal Affairs Department  
(Respondent No. 5)  
Additional Chief Secretary  
Home & T.As Department  
Khyber Pakhtunkhwa.

5

**BEFORE THE KHYBER PAKHTUNKHWA, SERVICE  
TRIBUNAL, PESHAWAR**

Service Appeal: 2617/2023

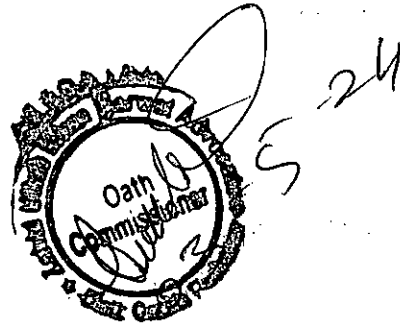
Mr. Aurangzeb Khan.....Appellant

**VERSUS**

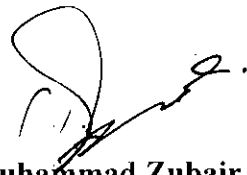
Chief Secretary Khyber Pakhtunkhwa & Others .....Respondents

**AFFIDAVIT**

I, Kaleem Ullah Baloch, Special Secretary Establishment Department do hereby solemnly affirm and declare on that oath contents of the accompanying parawise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal. It is further stated an oath that in this appeal the answering respondents have been neither place ex-party nor their defense has been struck off.



**DEPONENT**

for   
Muhammad Zubair  
Secretary Establishment  
Through  
Kaleem Ullah Baloch  
Special Secretary Establishment  
Contact: 0346-8853313




6

**GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
(Judicial Wing)**

**AUTHORITY LETTER**

Mr. Riaz Khan, Superintendent (Litigation-III Section) Establishment Department is hereby authorized to submit Affidavit to The Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No. 2617/2023 titled as "**AURANGZEB KHAN, VS GOVERNMENT OF KHYBER PAKHTUNKHWA & OTHERS**" on behalf of The Government of Khyber Pakhtunkhwa through Chief Secretary, Khyber Pakhtunkhwa and others being respondents.

  
for **Nadeem Aslam Chaudhry**  
**Chief Secretary Khyber**  
**Pakhtunkhwa**  
**Through**  
**Kaleem Ullah Baloch**  
**Special Secretary**  
**Establishment**

7



# GOVERNMENT OF KHYBER PAKHTUNKHWA LABOUR DEPARTMENT

No SOG(LD)6-51/2010/1595  
Dated Peshawar, the 20<sup>th</sup> August, 2011

To

The Section Officer(E-IV),  
*ESTD* Administration Department,  
Govt: of Khyber Pakhtunkhwa,  
Peshawar.

Subject:- ABSENCE OF MR AURANG ZEB JUNIOR CLERK.

I am directed to refer to the Establishment Department Order No. SOE-IV(E&AD)1-7/2011 dated 02/07/2011, and to state that Mr. Aurang Zeb Junior Clerk after his transfer to this Department reported arrival on 07-07-2011 and thereafter he has not attended the office uptill now without any written application for leave.

As this Department has no home address or Telephone/Cell number therefore report is submitted for information and further necessary action at your end. Another suitable Junior Clerk may be posted as the Department is facing great difficulty in the functioning of the official business.

*Send them Home address  
or Telephone number which  
is possible and then request  
them to possess this case  
at their level.*

*Masoom Shah*  
( SYED MASOOM SHAH )  
Section Officer(General)

*M. Maimun*  
23.8.11

*Attyal*  
Superintendent  
Govt. of KPK  
Estab: Deptt:

*Needful done - letter signed  
no. issue*

*M. Maimun*  
24.8.11  
etc.



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
LABOUR DEPARTMENT

CHARGE SHEET

I, Muhammad Arifeen, Secretary to Government of Khyber Pakhtunkhwa, Establishment Department as competent authority hereby serve you, Mr. Aurang Zeb, Junior Clerk, Labour Department presently awaiting for posting in the Establishment Department with the following charges

That you were posted in Labour Department, Khyber Pakhtunkhwa on 02-07-2011. After submitting your arrival in Labour Department on 07-07-2011, you remained absent from duty upto now. A notice of willful absence from duty was issued on your home address (post office receipt attached) with the direction to resume duty within seven (07) days of the receipt of this notice and also explain your position, failing which you will be proceeded against under Rule 8-A of the Khyber Pakhtunkhw, Government Servants E&D Rules, 2011.

2. Owing to the reasons explained above, you appear to be guilty of misconduct under Rule 3(d) of the Khyber Pakhtunkhwa Government Servant E&D Rules 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4.

3. You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the undersigned.

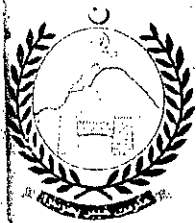
4. Your written defence, if any, should reach to the Secretary Establishment Department within specified period failing which, it shall be presumed that you have nothing in your defence and in that case an exparte decision shall be taken against you.

5. Intimate whether you desire to be heard in person.

6. A statement of Allegations is enclosed.

*Attested*  
Superintendent  
Govt. of KPK  
Estab: Deptt:





GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT

DISCIPLINARY ACTION

I, Muhammad Arifeen, Secretary to Government of Khyber Pakhtunkhwa Establishment Department as competent authority am of the opinion that Mr. Aurang Zeb, Junior Clerk, has rendered himself liable to be proceeded against, as he committed the following acts/omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa Government/Servants (Efficiency and Discipline) Rules, 2011

STATEMENT OF ALLEGATIONS

- i. You were posted in the Labour Department on 2/7/2011, on 7/7/2011 you reported in that Department for duty. Since then you are absent from duty.
- ii. A notice was served upon you on 6/9/2011 at your home address i.e. resident of saidan, Tarnab Farm, Tehsil & District Peshawar with the direction to resume duty within seven (07) days of the receipt of the notice and explain your position failing which you will be proceeded against under Rule 8-A of the Khyber Pakhtunkhwa Government Servant E&A Rules 2011.
- iii. But you did not turn up to explain your position on account of willful absence from duty.

For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/inquiry committee, consisting of the following is constituted under rule 10(1)(a) of the ibid rules:

- i. \_\_\_\_\_
- ii. \_\_\_\_\_

The inquiry officer/inquiry committee shall, in accordance with the provisions of the ibid rules, provide reasonable opportunity of hearing to the accused, and its findings and make, within thirty days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused.

The accused and a well known

9  
38  
Attended  
My  
Supervisor  
Govt. of K  
Estab: D

40

LC


**GOVERNMENT OF KHYBER PAKHTUNKHWA,  
ESTABLISHMENT & ADMINISTRATION DEPARTMENT**

**ABSENCE NOTICE.**

You, Mr. Aurangzeb, Junior Clerk (BS-7) Civil Secretariat, Khyber Pakhtunkhwa, Peshawar is directed/informed that you were transferred to Labour Department on 2<sup>nd</sup> July, 2011 and you had reported your arrival there on 7<sup>th</sup> July, 2011 but absent from duty since 8<sup>th</sup> July, 2011 without any intimation till date. Therefore, you were directed through a Notice on 6<sup>th</sup> September, 2011 at your home address to resume duty immediately otherwise disciplinary action will be taken against you under the rules, but you have failed to comply till date.

2. Now, I Mr. Muhammad Arifeen, Secretary Establishment Department, Government of Khyber Pakhtunkhwa (Competent Authority) inform you through this notice that you may submit your report for duty within 15 days of this notice and explain causes of your absence otherwise disciplinary action will be taken against you, which may lead to removal from service.

*Muhammad Arifeen*  
Supintendent  
Govt. of K. P.K.  
Estab. Deptt.

  
(Muhammad Arifeen)  
Secretary Establishment,  
Government of Khyber Pakhtunkhwa.



20.4  
**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**AUQAF, HAJJ, RELIGIOUS AND MINORITY AFFAIRS DEPARTMENT**  
SDU BUILDING; ATTACHED DEPARTMENT'S COMPLEX KHYBER ROAD PESHAWAR

[Auqaf@kp.gov.pk](mailto:Auqaf@kp.gov.pk)

Phone & Fax No. 091-9212620

No.SO(Admn)/AHR&MAD/2-11/2017/Vol-II/1705-  
Dated Peshawar the 10.10.2017

To

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

Subject:- **PERFORMANCE OF MR AURANGZEB, SENIOR CLERK/SURRENDERING OF SERVICES**

Dear Sir,

I am directed to refer to the Establishment Department Order No.SOE-IV(E&AD)/2012 dated 29-9-2017 and this Department letter of even number dated 17-8-2017 on the subject noted above and to state that subsequent to the Show Cause Notice issued to Mr Aurangzeb, Senior Clerk of Auqaf Department and personal hearing with Secretary Establishment Department, a penalty of stoppage of one annual increment, has been imposed upon the above said official vide Establishment Department letter referred to above.

However, instead of adopting corrective and reformed behavior, he is still absenting from the Department even after imposition of penalty as is evident from the Biometric attendance record (copy enclosed).

In view of the above the incumbent official is hereby surrendered to the Establishment Department for his posting elsewhere. The Establishment Department may also decide whether to release his monthly salaries from the concerned Bank branch or otherwise which were withheld earlier due to his persistent absence from duty (copy enclosed).

Yours faithfully,

(MUSTAFA KAMAL)  
SECTION OFFICER (Admn)

Endst. of even No. & Date:

Copy forwarded to the:-

- 1) Section Officer (E-IV), Establishment Department for information.
- 2) Section Officer (Dev) Auqaf, Hajj, Religious & Minority Affairs Department.
- 3) PS to Secretary Auqaf, Hajj, Religious & Minority Affairs Department.
- 4) Mr Aurangzeb, Senior Clerk, Auqaf Department. He is directed to report for duty in the Establishment Department forthwith.
- 5) The Accountant, Auqaf Department with the direction to make necessary entry in the Service Book of the official and prepare his LPC.

Attended  
by  
Sup. Intend. Secy  
Govt. of KPK  
Estab. Deptt: pl. Put up  
11/10/17

SECTION OFFICER (Admn)



12  
217

**GOVT: OF KHYBER PAKHTUNKHWA  
PUBLIC HEALTH ENGG: DEPARTMENT**

No.SOG/PHED/Posting-Transfer/1-9/2018  
Dated Peshawar, the February 26, 2019

To


The Section Officer (E-IV)  
Govt: of Khyber Pakhtunkhwa,  
Establishment Department.

Subject:

**SURRENDER OF SERVICES OF MR. AURANGZEB ASSISTANT  
PHED.**

I am directed to refer to the subject noted above and to say that services of Mr. Aurangzeb Assistant is hereby surrendered, as the official is not performing his duties, therefore, his services are no more required in this Department.

A suitable substitute of the official may kindly be provided as and when available.

  
SECTION OFFICER (G)

ENDST: OF EVEN NO. & DATE

Copy forwarded to:-

1. Accountant local, PHED with the direction to immediately stop the salary of the official.
2. Mr. Aurangzeb Assistant with the direction to immediately report to the Establishment Department for further posting.
3. PA to Additional Secretary PHE Department.

*Alt. signed*  
*M/*  
Superintendent  
Govt. of K.P.K.  
Estab: Deptt:

  
SECTION OFFICER (G)

*Supdt*  
*27/2*



GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT AND WILDLIFE DEPARTMENT,

SDU Building, Khyber Road, Peshawar Cantt, Peshawar  
(General Branch) Ph # 091-9212592, Fax # 091-9216536

NO. SO(G)/FEW/3-2/2017/ 2249-50  
Dated: the Peshawar, 22<sup>nd</sup> March, 2019

229-13

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

Subject: ABSENCE FROM DUTY / SURRENDER

I am directed to refer to your Notification (S.O.(E-IV) E&AD/2(890)/2018 dated 05-03-2019 on the subject noted above and to say that Mr. Aurangzeb, Assistant (BS-16) recently posted in this Department has submitted his arrival report for duty on 14-03-2019. However, from that very day he is absent from duty till date.

It is further stated that the services of the above named Assistant are no more required in this Department, therefore, he is surrendered to Establishment Department with the request that his substitute may be provided to this department, please.

Section Officer (General)

Copy is forwarded for information to the:-

1. PS to Secretary Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa;
2. Master File.

Govt. of Khyber  
Estab: Deptg

Section Officer (General)



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

No. E&A (HD) 3-26/2018  
Dated Peshawar the July 23, 2019

To: The Section Officer (E-IV)  
Establishment Department

Subject: **ABSENT FROM DUTY**

I am directed to refer to the subject noted above and to state that Mr. Aurangzeb Assistant (BPS-16) has been posted to this Department vide Notification No. SOE-IV(E&AD)2-604/2011 dated 4/7/2019 as a substitute of Mr. Obedullah Assistant, who transferred to Environment Department. Mr. Aurangzeb Assistant just submitted his arrival report on 15/7/2019 and missing since then. It is also added that he has paid upto 28/2/2019 by Public Health Engineering Department as per his LPC.

In view of the above, it is requested that a suitable substituted may be provided in place of the aforementioned official at the earliest, please.

Section Officer (General)

Copy to  
1- PA to Deputy Secretary (Admn) Home Department

Section Officer (General)

*Attested*  
*M/V*  
Superintendent  
Govt. of K.P.K  
Estab: Deptt



GOVERNMENT OF  
KHYBER PAKHTUNKHWA  
HOME & TRIBAL AFFAIRS DEPARTMENT

No. E&A (HD) 3-26/2018  
Dated Peshawar the August 19, 2019

To: The Section Officer (E-IV)  
Establishment Department

Subject: **ABSENT FROM DUTY**

I am directed to refer to this Department letter of even number dated 23/7/2019 on the subject noted above and to state that action taken in the matter may kindly be intimated, please.

Section Officer (General)

Copy to  
1- PA to Deputy Secretary (Admn) Home Department

Section Officer (General)

*Supdt*  
*Attended*  
*11/21/8*  
Superintendent  
Govt. of K.P.K  
Estab: Deptt:

*Arvaizab*  
*Assistant*  
*P.F.*

02(890)18

16  
228



**GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT AND WILDLIFE DEPARTMENT,**

SDU Building, Khyber Road, Peshawar Cantt, Peshawar.  
(General Branch) Ph # 091-9212592, Fax # 091-9210536

No. SO(G)/FEW/3-2/2017/3611-12 /ve  
Dated, the Peshawar, 19<sup>th</sup> August, 2019

To  
9/63  
21-8

The Secretary,  
Govt; of Khyber Pakhtunkhwa,  
Establishment Department,  
Peshawar.

PS/Secy E&AD KP  
Diary No. 647744  
FTS No. \_\_\_\_\_  
Date. 20-8-19  
PS / SS (E) E&AD  
Diary No. 2621 /ve  
Date 21-08-2019

Attention: **Section Officer (E-IV)**  
Subject: **ABSENCE FROM DUTY/ SURRENDER**

Dear Sir,

P-224/c

I am directed to refer to your Notification No. SOE.IV(E&AD)2(604)2011 dated 04-07-2019 and to state that **Mr. Aurangzeb, Assistant (BS-16)** was surrendered to Establishment Department vide this department letter No. SO(G)FEW/3-2/2017/2249-50 dated 22-03-2019 (copy enclosed) for his absence from duty without intimation. Neither he has assumed charge nor his pay has been activated in this department. Now he has approached this department for the release of his salary for the period from 14-03-2019 to 04-07-2019.

2. In view of the above exposition, it is requested that your Notification No. SOE.IV(E&AD)2(604)2011 dated 04-07-2019 (copy enclosed) may be revised as he was not at the strength of this department, therefore, his pay/ arrears issues may be resolved by Establishment Department, please.

**Encl: As Above**

*[Signature]*  
Section Officer (General)

*[Signature]*  
Superintendent  
Govt. of K.P.K  
Estab: Deptt:

Copy is forwarded for information to the:-

1. PS to Secretary Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa.
2. Master File.

Section Officer (General)

Susret  
Pl. Part  
22/8

*[Signature]*  
20-8-19  
S/O

*[Signature]*  
21/8  
D/E

*[Signature]*  
21/8  
S/O E-IV





GOVERNMENT OF KHYBER PAKHTUNKHWA  
FORESTRY, ENVIRONMENT AND WILDLIFE DEPARTMENT,

SDU Building, Khyber Road, Peshawar Cantt, Peshawar:  
(General Branch) Ph # 091-9212592, Fax # 091-9210536

No. SO(G)/FEW/3-2/2017/ 64649-50  
Dated, the Peshawar, 05<sup>th</sup> September, 2019

To

The Section Officer (E-IV),  
Govt; of Khyber Pakhtunkhwa,  
Establishment Department,  
Peshawar.

Subject: **ABSENCE FROM DUTY/ SURRENDER**

Dear Sir,

I am directed to refer to your letter No. SOE.IV(E&AD)2(890)2018 dated 28-08-2019 on the subject noted above and to state that your letter of even No. date 10-04-2019 has not received to this department.

2. Moreover, Mr. Aurangzeb, Assistant (BPS-16) was surrendered to Establishment Department vide this department letter No. SO(G)FE&WD/3-2/2017/2249-50 dated 22-03-2019 (copy enclosed) for his absence from duty without intimation, please.

**Encl: As Above**

Yours faithfully,

(Sadaqat)  
Section Officer (General)

**Endst: Even No. & Date**

Copy is forwarded for information to the:-

1. PA to Deputy Secretary (Amdn), Forestry, Environment & Wildlife Department, Khyber Pakhtunkhwa.
2. Master File.

Notified  
16/9/19  
SUPERVISOR  
GOVT. OF K.P.K  
ESTAB: DEPT:  
Sadaqat

Section Officer (General)

L

The Section officer  
Sports Department  
Peshawar

Sir,

Reference to your letter dated 16/11/2022.  
it is stated that the enclosed <sup>Prescription</sup> (Photo Copy)  
was not issued by me.

17/11/2022

Yours Sincerely,

*Masood ur Rehman*

(Prof. Dr. Masood-ur-Rehman),

Retd. Professor & Head of the Department of  
Med

PGMI / LRH Peshawar

03339367636

Attached  
*M*

Superintendent  
Govt. of KPK  
Estab: Deptt:

Professor Dr. MASOOD-UR-REHMAN  
MBBS, O.T.M. & H. MRCP  
Clinic, Abdul Samad Building  
Dabgar Garden, Peshawar

Annex - VIII

## CHARGE SHEET

I, Dr. Shahzad Khan Bangash, Chief Secretary, Khyber Pakhtunkhwa as competent authority, hereby charge you, Mr. Aurangzeb, Assistant (BS-16) as follows:

That you, while posted as Assistant in Law Department committed the following irregularities:

- i. That you were transferred from Home Department and posted in Law Department vide Notification No. SOE-IV(E&AD)2(890)2018, dated 07.01.2022, and submitted your arrival report on 26.01.2022, but after that you remained absent from duty without prior approval of the competent authority.
- ii. That absence notice was served upon you under Rule-9 (E&D) Rules, 2011 at your home address, directing to resume duty within 15 days but you failed to comply.
- iii. That absence notices were published under the rules ibid in two leading newspapers, after that, you submitted application stating that your absence was due to adverse health conditions, neither willful nor deliberated.
- iv. That your application was forwarded to Law Department vide letter No. SOE.IV E&AD 2-890/2018, Dated: 01.07.2022 for comments and in response, Law Department vide letter No. E&A/LD/1-965/2021 Dated 29.09.2022 intimated that you are still absent from duty.

2. By reason of the above, you appear to be guilty of Misconduct under rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in rule 4 of the rules ibid.

3. You are, therefore, required to submit your written defence within seven (07) days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.

4. Your written defence, if any, should reach the inquiry officer/ inquiry committee within the specified period, failing which it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5. Intimate whether you desire to be heard in person.

A statement of allegations is enclosed.

Sup.intendent  
Govt. of KPK  
Est. MP: Depts:

Mr. Aurangzeb, Assistant (BS-16),  
Law Department.

(DR. SHAHZAD KHAN BANGASH)  
Chief Secretary Khyber Pakhtunkhwa  
(COMPETENT AUTHORITY)

## DISCIPLINARY ACTION

Annex  
3/2/22

I, Dr. Shahzad Khan Bangash, Chief Secretary as competent authority of the opinion that Mr. Aurangzeb, Assistant (BS-16) has rendered himself incompetent and proceeded against, as he committed the following acts/ omissions, within the meaning of rule 3 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules 2011.

### STATEMENT OF ALLEGATIONS

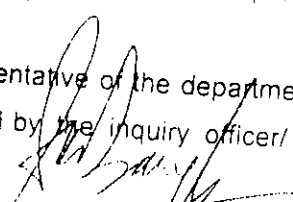
- i. That he was transferred from Home Department and posted in Law Department vide Notification No. SOE-IV(E&AD)2(890)2018, dated 07.01.2022, and submitted his arrival report on 26.01.2022, but after that, he remained absent from duty without prior approval of the competent authority.
- ii. That absence notice was issued under Rule-9 (E&D) Rules, 2011 to him on his home address, directing to resume duty within 15 days but he failed to comply.
- iii. That absence notices were published under the rules ibid in two leading newspapers, after that, he submitted application stating that his absence was due to adverse health conditions, neither willful nor deliberated.
- iv. That his application was forwarded to Law Department vide letter No. SOE.IV.E&AD 2-890/2018, Dated: 01.07.2022 for comments and in response, Law Department vide letter No. E&A/LD/1-965/2021, Dated: 29.09.2022 intimated that he is still absent from duty.

2. For the purpose of inquiry against the said accused with reference to the above allegations, an inquiry officer/ inquiry committee, consisting of the following, is constituted under rule 10(1)(a) of the ibid rules:

- i. Mr. Yousof Hasoon  
S.O Sports Deptt.

3. The inquiry officer/ inquiry committee shall, in accordance with the provision of the ibid rules, provide reasonable opportunity of hearing to the accused, record its finding and make within sixty days of the receipt of this order, recommendations as to punishment and other appropriate action against the accused.

4. The accused and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the inquiry officer/ inquiry committee.

  
**(DR. SHAHZAD KHAN BANGASH)**  
Chief Secretary Khyber Pakhtunkhwa  
**(COMPETENT AUTHORITY)**

Mr. Aurangzeb, Assistant (BS-16),  
Law Department.

  
**Superintendent**  
Govt. of K.P.K  
Estab: Deptt.



GOVERNMENT OF KHYBER PAKHTUNKHWA  
ESTABLISHMENT DEPARTMENT  
No. SO(Policy)/E&AD/Misc/2020  
Dated Peshawar, the December 24, 2020

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To

1. The Director STI, E&A Department.
2. All Additional Secretaries in E&AD.
3. All Deputy Secretaries in E&AD.
4. All Section Officers in E&AD.
5. The Estate Officer/Programme Officer (Computer Cell) in E&AD.

Subject: SIGNING OF PARAWISE COMMENTS ETC IN SERVICE APPEALS.

Dear Sir,

I am directed to refer to this Department letter No.SOR-VI/E&AD/1-23/2005 dated 12-01-2008 (copy enclosed) on the subject, the Competent Authority has been pleased to authorize the Special Secretary (Establishment) Establishment Department to sign the para-wise comments in cases of service appeals filed by the Civil Servants before the Khyber Pakhtunkhwa Service Tribunal on behalf of Chief Secretary, Khyber Pakhtunkhwa and Secretary, Establishment Khyber Pakhtunkhwa.

Yours faithfully,

SECTION OFFICER (POLICY)

ENDST: NO. & DATE EVEN

Copy forwarded to:

1. Secretary to Govt. of Khyber Pakhtunkhwa, Law Department
2. Registrar Peshawar High Court Peshawar.
3. Advocate General Khyber Pakhtunkhwa, Peshawar.
4. Registrar Khyber Pakhtunkhwa Service Tribunal, Peshawar.
5. PS to Chief Secretary, Khyber Pakhtunkhwa
6. PS to Secretary Establishment, Khyber Pakhtunkhwa.
7. PS to Special Secretary (Establishment) Establishment Department
8. PS to Special Secretary (Reg). Establishment Department.

SECTION OFFICER (POLICY)

*Attested*  
*Mj*  
Superintendent  
Govt. of KPK  
Estab: Deptt: