


ORDER


05.06.2024 1. Learned counsel for the appellant present. Mr. Muhammad Jan

learned District Attorney for the respondents present.

2. Vide our detailed judgment of today placed on file, we are unison to dismiss the appeal having no force in it. Costs shall follow the event. Consign.

3. *Pronounced in camp court at Swat and given our hands and seal of the Tribunal on this 05th day of June, 2024.*


(MUHAMMAD AKBAR KAHN)
Member (E)
Camp Court Swat


(RASHIDA BANO)
Member (J)
Camp Court Swat

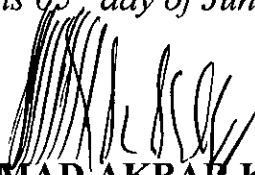
shortage of wheat, committee also recommended that matter be sent to Anti-Corruption Establishment because appellant instead of depositing amount in Government Treasury keep it in his pocket.”

8. Appellant on judicial stamp paper undertakes to deposit amount of short bags within six months, but he failed to deposit the same. Appellant himself committed that he will deposit value of short bags of wheat, which means that he himself admitted the allegations leveled in the charge sheet, which is inefficiency and misuse of his power and authority causing huge loss to Government Exchequer. Although he deposited some of the misappropriate amount, while the rest are still outstanding.

9. Enquiry committee fulfilled all legal and codal formalities by providing opportunity of self-defence to the appellant and thereafter they submitted their report. No injustice or illegality found and the impugned order was issued in accordance with rules/rules.

10. For what has been discussed above, we are unison to dismiss the appeal having no force in it. Costs shall follow the event. Consign.

11. *Pronounced in camp court at Swat and given our hands and seal of the Tribunal on this 05th day of June, 2024.*


(MUHAMMAD AKBAR KAHN)
 Member (E)
 Camp Court Swat


(RASHIDA BANO)
 Member (J)
 Camp Court Swat

Attorney for the respondents.

5. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney controverted the same by supporting the impugned order(s).

6. Perusal of record reveals that appellant was appointed on 01.06.1986 as clerk in the office of Deputy Commissioner Chitral and thereafter appellant transferred in Food Department as Godown Clerk in PR Center Shagram, further served as Food Grain Inspector Yarkhun, Broghil & Torkhow Food Department at Chitral. That charge sheet alongwith statement of allegation was issued to the appellant on the basis of shortfall in wheat stock in physical verification by the DFC Chitral on 10.10.2016.

7. Authority issued charge sheet and statement of allegations to the appellant for committing the following irregularities;

“That during physical verification of PRCs Yarkhoon and Torkhoh carried out by Mr. Zafar Alam Riaz AFC and Riaz Ahmad FGI, a quantity of 12971 (Jute and plastic) Bags 1173.362 M.Tons wheat valuing Rs.39583055/= have been short declared against appellant being in-charge of Torkhoh and yarkhon. Inquiry committee constituted upon Mr. Abdul Jail, ADF Malakand Division and Mr. Muhammad Jehangir, ADF Bannu Division, who after conducted regular inquiry submitted their details report on 19.08.2016 after verification of spot and found 13786 bags containing 1282690/= M.Tons wheat. Inquiry committee held responsible appellant for said



“On acceptance of instant appeal, the impugned order being against the law and rule being set aside illegal, unlawful, void and ineffective and appellant be restrained into service with all back wages and benefits with such other relief as may deemed fit in the circumstances of the case may also be granted.,

2. Brief facts of the case are that appellant was appointed as Junior Clerk BPS-7 in the office of Deputy Commissioner Chitral vide order dated 01.06.1986, He was transferred to Food Department as Godown Clerk in PR center Shagram and further served as Food Grain Inspector Yarkhun, Groghil and Torkhow at Chitral. That during physical verification by the DFC Chitral of Yarkhun, Groghil and Torkhow shortfall in wheat stock was detected on the basis of which, charge sheet alongwith statement of allegations was served upon the appellant, which was properly replied. Thereafter, a final show cause notice was issued, which was also replied. Inquiry was conducted against him, which resulted into dismissal from service vide impugned order dated 10.10.2016. Feeling aggrieved, he filed departmental appeal on 07.11.2016, which was dismissed, hence the present service appeal.

3. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

4. We have heard learned counsel for the appellants and learned District



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL AT CAMP COURT SWAT

Service Appeal No: 177/2017

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MR. MUHAMMAD AKBAR KHAN ... MEMBER (E)

Sher Ali, Ex-Food Grain Inspector, Office of DFC Chitral.

.... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary/Civil Secretariat, Peshawar. Peshawar.
2. Secretary Food, Department, Peshawar.
3. Director Food Khyber Pakhtunkhwa, Peshawar.
4. District Food Controller, Chitral.
5. Assistant Director Food Malakand Division at Saidu Sharif Swat.

.... (Respondents)

Syed Mohammad Ilyas
Advocate

... For appellant

Mr. Muhammad Jan
District Attorney

... For respondents

Date of Institution.....23.01.2017
Date of Hearing..... 05.06.2024
Date of Decision..... 05.06.2024

JUDGMENT

RASHIDA BANO, MEMBER (J):The instant service appeals have been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974

with the prayer copied as below:

