

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,PESHAWAR
AT CAMP COURT, ABBOTTABAD

BEFORE: **KALIM ARSHAD KHAN** ... **CHAIRMAN**
FAREEHA PAUL ... **MEMBER(Executive)**

Service Appeal No.5196/2021

Date of presentation of Appeal.....12.04.2021

Date of Hearing.....23.09.2024

Date of Decision.....23.09.2024

Iftikhar Ahmad, Naib Qasid Alias Saleem S/O Sher Afzal R/O Mohallah Shadat Kheil Near Shaheed Baba Ziarat, Khaki Tehsil and District Mansehra.....(**Appellant**)

Versus

1. **Commissioner Hazara Division**, Abbottabad.
2. **Deputy Commissioner**, Mansehra.
3. **Additional Deputy Commissioner**, Finance & Planning, Mansehra.....(**Respondents**)

Present:

Mr. Muhammad Arshad Khan Tanoli, Advocate.....For the appellant
Mr. Asif Masood Ali Shah, Deputy District AttorneyFor respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 FOR DECLARATION TO THE EFFECT THAT THE APPELLANT HAS BEEN DISMISSED FROM SERVICE ON 08.02.2021 WITHOUT ANY LAWFUL JUSTIFICATION. BUT THE SAME WAS NOT PROVIDED BY RESPONDENT NO.3, THEREFORE, THE APPELLANT FILED DEPARTMENTAL APPEAL TO RESPONDENT NO.1 WHICH WAS DISMISSED ON 17.03.2021. BUT COPY OF REJECTION ORDER OF DEPARTMENTAL APPEAL WAS PROVIDED TO APPELLANT ON 30.03.2021. DISMISSAL FROM SERVICE ORDER AND IMPUGNED REJECTION ORDER DATED 08.02.2021 IS TO BE SET ASIDE.

JUDGMENT



KALIM ARSHAD KHAN CHAIRMAN: Facts of the case

of the appellant, gathered from memorandum and grounds of

appeal are that the appellant joined the Deputy Commissioner Office in Manshra as Naib Qasid in 2007; that the respondent No. 02 issued a charge sheet against the appellant on November 24, 2020; that the appellant submitted a denial of all allegations on December 1, 2020; that the inquiry was allegedly not conducted per prescribed rules, rendering it invalid; that the appellant was dismissed from service on February 8, 2021: that after receiving the dismissal order, the appellant filed a departmental appeal to Respondent No. 1, which was rejected on March 17, 2021, with the rejection notice received on March 30, 2021; hence the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned, who 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.

3. We have heard learned counsel for the appellant and learned Deputy District Attorney for the respondents.

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

5. Upon perusal of the record presented, it is evident that the appellant, who served the Deputy Commissioner Office in



Mansehra since 2007, faced a charge sheet issued on November 24, 2020 that he had handed over cheque of the Additional Deputy Commissioner to a lady (his real sister named Mst. Nighat Bibi), upon verification, the Manager of National Bank of Pakistan found the same with fake signatures. The appellant promptly denied the allegations on December 1, 2020. The proceedings resulted into his dismissal from service on February 8, 2021. Following the dismissal, the appeal filed by the appellant was rejected on March 17, 2021.

6. Claim of the appellant is that he was not proceeded as per law and rules, however, the department has followed the codal formalities by conducting proper inquiry. He was associated with the inquiry proceedings, wherein it was found that his real sister was the beneficiary of the cheque and that lady had also appeared before the inquiry committee and had given a statement on oath. The appellant has not denied the relationship with the lady. Learned counsel for the appellant, however, referred to an affidavit which appears to be an afterthought.

7. In view of the above situation, appellant has properly been proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, which rules have properly been applied upon the appellant. Therefore,



Service Appeal No.5196/2021 titled "Iftikhar Ahmad -vs- Commissioner Hazara Division, Abbottabad and others" declared on 23.09.2024 by Division Bench comprising of Mr. Kalim Arshad Khan, Chairman, and Miss. Fareeha Paul, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar at Camp Court, Abbottabad.

instant service appeal, being devoid of any merits, is dismissed with costs. Consign.

8. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 23rd day of September, 2024.*



KALIM ARSHAD KHAN
Chairman
Camp Court, Abbottabad



FAREEHA PAUL
Member (Executive)
Camp Court, Abbottabad

Mutazem Shah

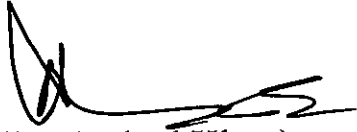
S.A #.5196/2021

ORDER

23rd Sep. 2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for respondents present. Heard.
2. Vide our detailed judgment of today placed on file, instant service appeal, being devoid of any merits, is dismissed with costs. Consign.
3. *Pronounced in open Court at Abbottabad and given under our hands and the seal of the Tribunal on this 23rd day of September, 2024.*


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

Mutazem Shah