


FORM OF ORDER SHEET

Court of _____

Appeal No. 1476/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/09/2024	<p>The appeal of Mr. Muhammad Shafaqat received today by registered post through Mr. Hamayun Khan Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on 24.09.2024. counsel for the appellant has been informed telephonically.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP AT ABBOTTABAD

Service Appeal No. 1476 /2024

Muhammad Shafqat son of Dost Muhammad, (Ex senior scale stenographer BPS-16 Deputy Commissioner Office Abbottabad) resident of Ghomawan, Post Office Nawanshehr, Tehsil & District Abbottabad.

...APPELLANT

VERSUS

Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar & others.

....RESPONDENTS

SERVICE APPEAL

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...APPELLANT

Dated: 13/9 /2024

Through

 03120861681
(HAMAYUN KHAN)

&


(FAZLULLAH KHAN)

Advocates High Court, Abbottabad

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR CAMP AT ABBOTTABAD

Diary No. 15839

Dated 18.09.2024

Service Appeal No. 1476 /2024

Muhammad Shafqat son of Dost Muhammad, (Ex senior scale stenographer BPS-16 Deputy Commissioner Office Abbottabad) resident of Ghomawan, Post Office Nawanshehr, Tehsil & District Abbottabad.

...APPELLANT

VERSUS

1. Senior Member Board of Revenue Khyber Pakhtunkhwa Peshawar.
2. Commissioner Hazara Division Abbottabad.
3. Deputy Commissioner Abbottabad.

...RESPONDENTS

APPEAL UNDER SECTION 04 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974. AGAINST THE IMPUGNED ORDER DATED 05/06/2024 PASSED BY RESPONDENT NO. 03 WHEREBY RESPONDENT NO. 03 IMPOSED MAJOR PATENTLY REMOVAL FROM SERVICE WHICH IS ILLEGAL, UNLAWFUL, AGAINST THE LAW, FACTS NATURAL JUSTICE ABINITIO VOID AND LIABLE TO BE SET-ASIDE.

File day
Registrar

18/9/24.

PRAYER:- ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, IMPUGNED ORDER DATED 05/06/2024 PASSED BY RESPONDENT NO. 3 MAY

KINDLY BE DECLARED NULL AND VOID,
AGAINST THE LAW AND NATURAL JUSTICE AND
APPELLANT BE RE-INSTATED IN SERVICE WITH
ALL BACK BENEFITS ANY OTHER RELIEF
WHICH THIS HONOURABLE DEEM FIT AND
PROPER IN THE INTEREST OF JUSTICE AND FAIR
PLAY.

Respectfully Sheweth;-

Appellant beg to solicit through this appeal on the following factual and legal grounds;-

1. That appellant was appointed on 09/01/2004 as a Junior Scale Stenographer BS-12 and later on in the year 2012 post was upgraded to BS-14.
2. That due to best performance and there had no adverse remarks against the appellant, therefore, appellant was promoted to Senior Scale Stenographer BS-16 on 03/01/2019.
3. That appellant is serving since last 20 years in the Establishment of respondent No.3 with full devotion and liabilities and there had no complaint or allegation of any kind against the appellant.

4. That on 08/05/2024 citizen namely Preetum Gilani visited the office of respondent No.3 and submitted application for NOC for opening of Gay Club Abbottabad for the purpose of sex and other Un-Islamic immoral, unlawful activities and the same was sent to Additional Deputy Commissioner/AG for further proceeding. Copy of application is annexed as Annexure "A".
5. That when the same application came to the knowledge of inhabitant of the Society the agitation was started against the said application as well as local Administration of District Abbottabad.
6. That on 05/06/2024 Deputy Commissioner/respondent No.3 served show cause notice without any specific allegation against the appellant for the purpose of personally hearing. Copy of show cause notice is annexed as Annexure "B".
7. That on 09/05/2024, respondent No.3/Deputy Commissioner, Abbottabad constitute Inquiry Committee and initiated inquiry against the appellant. Copy of notification is annexed as Annexure "C".

8. That on 14/05/2024 Inquiry Committee submitted his report before the Deputy Commissioner, Abbottabad. Copy of inquiry report is annexed as Annexure "D".
9. That in the meanwhile respondents started working on the promotion of different officials/officers was pending before the respondent No.1 and on 30/05/2024, respondent No.1 after approval of the Departmental Promotion Committee promoted appellant from Senior Stenographer BPS-16 to Private Secretary BPS-17 alongwith others. Copy of promotion order is annexed as Annexure "E".
10. That on 31/05/2024, appellant assumed charge against the post of Private Secretary BS-17 at the office of Deputy Commissioner, Abbottabad.
11. That on 05/06/2024, respondent No.3 imposed major penalty of removal from service vide impugned order dated 05/06/2024. Copy of impugned order is annexed as Annexure "F"
12. That on 06/06/2024, appellant preferred departmental appeal before the respondent No.2/Commissioner, Hazara Division at Abbottabad against the impugned order dated 05/06/2024 but till date respondent No. 2 not passed any order on the said appeal and similarly not

given any response to the appellant. Copy of departmental appeal is annexed as Annexure "G".

13. That feeling from aggrieved from the above aforesaid situation, appellant seeks indulgence of this Honourable Tribunal, inter-alia, on the following amongst many other grounds through this appeal.

GROUNDS:-

- a. That, the removal from service impugned order dated 05/06/2024 is illegal, unlawful, without lawful authority, perverse, and against the constitutional guaranteed rights of the appellant hence, untenable in the eye of law and his liable to be set-aside.
- b. That when law prescribed something which is to be in a particular. That must be in that manner and not otherwise. Hence the competent authority was bound to follow the law which is not done in the instant case. Hence impugned order is liable to be set-aside and appellant be reinstated.
- c. That, neither any show cause was served upon the appellant nor he was associated with any enquiry hence, the dismissal order is based on political influence, therefore liable to be set-aside.

- d. That competent authority intentionally not delivered the inquiry to the appellant for redressing of his grievance which shows the malafide of the competent authority.
- e. That, the appellant was condemned unheard and he did not given opportunity for personal hearing to bring the real and true facts on the screen.
- f. That even otherwise the impugned removal impugned order dated 05/06/2024 is liable to be set-aside on the grounds that no rights of defence or personal right of hearing which was mandatory provision of law was given to the appellant before being proceeded against him.
- g. That, impugned order was passed against the appellant with malafide, against law and natural justice.
- h. That respondent No.3 was not competent authority while passing the impugned order dated 05/06/2024 because that time appellant was serving in BPS-17.
- i. That the whole disciplinary proceedings initiated against the appellant have been done in

contravention to the rules, regulation and law and therefore the whole proceedings are liable to be set-aside appellant be reinstated to his original post.

- j. That competent authority violated the basic principle of natural justice and rule and procedure prescribed in E&D ~~Rules~~ Rules, hence impugned order is liable to be set-aside.
- k. That competent authority issued impugned order against the well known principles procedures prescribed and guidelines by the superior courts and authorities time by time for the governments departments but competent authority ignored all these rules and principles.
- l. That allegations mentioned in the inquiry report and other documents are totally against the facts and circumstances because appellant was not authorized and as was not competent to issue any direction and nor has any concern with such direction.
- m. That the competent authority without any reasons on the part of appellant imposed major penalty of

removal from service and no opportunity of personal hearing was given to the appellant.

- n. That the other points shall be argued at the time of arguments.

It is therefore, most humbly prayed that on acceptance of the instant service appeal, impugned order dated 05/06/2024 passed by respondent No. 3 may kindly be declared null and void, against the law and natural justice and appellant be re-instated in service with all back benefits any other relief which this honourable deem fit and proper in the interest of justice and fair play.


...APPELLANT

Through

Dated: 13 / 9 / 2024


(HAMAYUN KHAN)

&

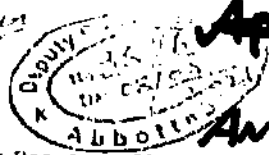

(FAZLULLAH KHAN)

Advocates High Court, Abbottabad

VERIFICATION/ AFFIDAVIT:-

Verified on oath that the contents of forgoing appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Court.


...APPELLANT



BY HAND

ANNEXURE

A. Habib Bhan
please send it to Branch 202 and file it.

AMM
08/05/14

9

From: Mr. Preetam, 2500 Phule Road, Gulistan Colony, Abbottabad Cantt. (Phones: 0992-415269, 3759082)
To: The Deputy Commissioner, Abbottabad.
Subject: Application for an NOC (no-objection certificate) in connection with setting up a gay club in Abbottabad.

Dear Sir:

1. For a considerable time now, I have wished to set up, here in Abbottabad, a gay club, open to both members and non-members, with, naturally, more facilities available to members. This would constitute a great practical convenience and resource for many homosexual, bisexual, and even some heterosexual people residing in Abbottabad in particular, and in other parts of the country in general.
 2. The envisaged gay club, tentatively to be called *Lorenzo Gay Club*, would basically be just a venue where gay people could freely meet, converse with, and share light refreshments with other gay people; it WOULD NOT be a place to engage in gay (or non-gay) sex (other than kissing). A clearly visible notice on the wall would warn: NO SEX ON PREMISES. This would mean that no legal constraints (even obsolete ones like PPC section 377) would be flouted on the premises. What visitors to the club might or might not do after leaving the premises would be up to them, and would NOT incriminate the club or club proprietor (me).
 3. This is clearly a matter of the basic human right of free association, enshrined in the country's constitution. If a snooker club can be set up for (the fairly few) people interested in playing snooker, why on earth can't a gay club be set up for (the far more numerous) people interested in gay sex? Let's all of us try to be just, equitable, tolerant, modern people, instead of prejudiced, backward, superannuated savages.
 4. In light of the above, it is requested that a no-objection certificate (NOC) be granted, enabling me to set up the *Lorenzo Gay Club* (on rented premises) here in Abbottabad. Subsequently, you would be welcome to visit the club at any time, and observe for yourself the activities going on there.
- i. Kindly respond (hopefully positively) to my instant application at your earliest convenience. Thanking you in advance.

Yours,

P. Khan
PART: 0992-415269

Attenu
H. Bhan



OFFICE OF THE
DEPUTY COMMISSIONER
ABBOTTABAD

No. 3165 /23-EB
Dated: 16/05/2023

ANNEXURE 'B'

10

SHOW CAUSE NOTICE.

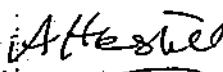
I, Khalid Iqbal, Deputy Commissioner, Abbottabad as competent authority, under the Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules, 2011 do hereby serve you, Mr. Muhammad Shafqat, Personal Secretary, Deputy Commissioner Abbottabad as follows.

I am satisfied that you have committed the following act/omissions specified in Rule-5 of the specified rules.

- a. That you were warned times and again not to mark any application but despite of so many warnings and counseling you did not abstain from marking of the application/Dak. The same fact was admitted by you before the inquiry officer.
 - b. That you take the official responsibilities casually and do not give due attention to your official duties.
 - c. That you do not obey the instructions of your superior officer.
 - d. Your above acts tantamount to in-efficiency and mis-conduct towards official duties.
6. In terms of Rule-5(b) of Khyber Pakhtunkhwa Government Servant (efficiency and discipline) Rule, 2011, I competent authority, dispense with the inquiry and serve you with a show cause notice under Rule-7 of the Rules ibid.
7. As a result thereof, I as competent authority have tentatively decided to impose upon you the penalty under Rule-4 of the Khyber Pakhtunkhwa Government servant (Efficiency & Discipline) Rules, 2011
8. You are therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you. Furthermore, you are directed to appear on 21.05.2024 at 02.00PM before the undersigned for personal hearing.
9. If no reply to this notice is received within seven days of its delivery shall be presumed that you have no defense to put in and in the case and ex-parte action shall be taken against you.


DEPUTY COMMISSIONER
ABBOTTABAD

Endst: No & Date Even:


H S
su

ANNEXURE 'C' II



**OFFICE OF THE
DEPUTY COMMISSIONER
ABBOTTABAD**

No. 3051-S/2/13-FB
Dated: 9/5/2024

NOTIFICATION

The Competent Authority is pleased to notify the inquiry committee comprising the following officers to conduct a fact finding inquiry in the case of NOC in connection with application submitted by named (PREETUM GIANI).

1. Mr. Ahmad Mughees, Assistant Commissioner, Abbottabad. -- (Chairman)
2. Mrs. Sana Fatima, Additional Assistant Commissioner-I, Abbottabad. (Member)

TORs of the committee:

1. The inquiry committee is required to submit report as to how the said application was marked/processed without bringing the matter into the knowledge of the undersigned.
2. And also inquire into the fact that who has leaked out the said application.

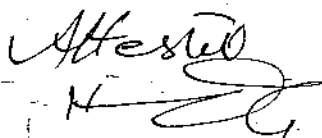
The inquiry committee is required to submit its report within 05 days positively.


DEPUTY COMMISSIONER
ABBOTTABAD

Ends No and Date Even

Copy to the;

1. Commissioner Hazara Division Abbottabad for information please.
2. The District Police Officer, Abbottabad
3. All concerned.




DEPUTY COMMISSIONER
ABBOTTABAD

**OFFICE OF THE
ASSISTANT COMMISSIONER
ABBOTTABAD**

No. 566 /ACA

Dated Abbottabad the 14/05/2024
Tel: (0992) 9310203 Fax: (0992) 9310202

12

ANNEXURE 'D'

To: The Deputy Commissioner
Abbottabad

Subject: **INQUIRY ON APPLICATION SUBMITTED BY PRETAM GIANI**

Kindly refer to your good office Notification No. 3051-53/2/3-EB' dated 09/05/2024 on the subject cited above. The detailed inquiry report is appended below:-

PROCEEDINGS:-

A detailed inquiry was conducted in the office of undersigned wherein officials involved in the matter were summoned in the office of undersigned for personal hearing. Moreover the branches through which the NOC application of Preetum Giani was routed were also visited and record was inspected. The detail inquiry report is appended below:-

STATEMENT OF MUHAMMAD SHAFQAT SENIOR SCALE STENOGRAPHER

Mr. Muhammad Shafqat Senior Scale Stenographer currently working as PS to Deputy Commissioner Abbottabad was summoned in the office of undersigned to record his statement. He submitted that:-

1. Number of routine simple applications are received in Deputy Commissioner Office Abbottabad from general public on daily basis, which are marked to the concerned officers / branches for further process as per law. The applications submitted by the applicants by hand are marked by the PS while applications received by post are placed before the Deputy Commissioner for passing directions to the sub-ordinate offices/branches.
2. On 08.05.2024 Preetum Giani visited the office and submitted an application and verbally explained that he wants NOC for opening of club in Abbottabad and did not use the word Gay Club; therefore on his verbal explanation the application was marked to ADC(G) being relevant officer to deal with NOCs of clubs /restaurants etc.
3. Due to heavy work load and rush of general public he was unable to go through the contents of the application in detail and only relied on the verbal explanation and marked the same to concerned branch. Moreover the marking never guarantee's / means the approval / issuance of NOC or permission without going through a specific legal process.
4. He also submitted on oath that there was no malafide intention behind marking the said application. He requested that he may be exonerated from the charges in the matter please. (Copy of statement available at Flag-A)

STATEMENT OF MR. HABIB UR REHMAN INCHARGE GENERAL BRANCH

Mr. Habib Ur Rehman Incharge General Branch Deputy Commissioner Office Abbottabad was summoned in the office of undersigned to record his statement. He submitted that:-

1. The applicant Preetam Giani brought the application by hand after marking from ADC (G) and handed over to him.
2. Without showing to any person he locked it in his drawer. Even diary No. of the application was avoided by him because he was fully aware that it was sensitive and confidential issue. (Copy of statement available at Flag-B)

VISIT TO DIARY BRANCH AND GENERAL BRANCH

The inquiry committee also visited the Diary Branch and General Branch of Deputy Commissioner Office. The JCs of Diary Branch submitted that they were unaware of contents and sensitivity of the matter/application. Moreover, the incharge General Branch as submitted in his written statement briefed the committee during the visit that application was handed over to him by Preetam Giani and he without showing the application to anyone locked the same in the drawer.

RECOMMENDATIONS

1. The incident occurred as the application was marked both in the Deputy Commissioner Office and Additional Deputy Commissioner Office by hand and handed over to the applicant. By hand marking of the applications may be avoided especially in such like matters. In routine the applications are marked by hand to the applicants no malafide intentions of staff marking were found.
2. Computerized record of the applications marked to branches may be maintained in the diary branch of Deputy Commissioner Office. At least first page of every document containing subject etc. of the letter may also be scanned.
3. An official well versed with office routine matters may be deputed as in-charge diary Branch as a cross check to avoid such like incidents in future.
4. As on the application available on different social media sites, the remarks of ADC(G) are present, hence it can be ascertained that application got leaked after the marking of ADC(G), however as the application was marked by hand and handed over to the applicant (Pretam Giani) hence responsibility on any official of ADC(G) Office or General Branch cannot be fixed.

Report is submitted please.

Amal Naqvi
 (14-May-2024)
 ASSISTANT COMMISSIONER
 ABBOTTABAD

Attest
 R
 *on

NOTIFICATION.

ANNEXURE E

No.Estt:II/DPC/12915-50 On the recommendations of Departmental Promotion Committee meeting dated 27.02.2024 and with the approval of the Competent Authority the following Private Secretary (ACB BS-17) and Senior Scale Stenographers (BS-16) offices of the Peshawar, Mardan, Malakand, Hazara and Bannu Divisions are hereby promoted to the post mentioned against each:-

S#	Name and Designation	Name of office	Promoted
1.	Muhammad Wisal, Private Secretary (ACB BS-17)	Deputy Commissioner office Charsadda	Promoted as Private Secretary (BS-17) on regular basis.
2.	Mr. Ziaullah Khan, Private Secretary (ACB BS-17)	Deputy Commissioner office Nowshera	Promoted as Private Secretary (BS-17) on regular basis.
3.	Mr. Said Mukhtiar, Private Secretary (ACB BS-17)	Deputy Commissioner, office Buner	Promoted as Private Secretary (BS-17) on regular basis.
4.	Mr. Fazlud Din, Private Secretary (ACB BS-17)	Deputy Commissioner, office Chitral	Promoted as Private Secretary (BS-17) on regular basis.
5.	Mr. Fazal Ahad, Private Secretary (ACB BS-17)	Deputy Commissioner, office Shangla	Promoted as Private Secretary (BS-17) on regular basis.
6.	Mr. Jameel Ahmad, Private Secretary (ACB BS-17)	Deputy Commissioner, office Malakand	Promoted as Private Secretary (BS-17) on regular basis.
7.	Mr. Mukhtiar Hussain, Private Secretary (ACB BS-17)	Deputy Commissioner, office Battagram	Promoted as Private Secretary (BS-17) on regular basis.
8.	Mr. Pervez Khan, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Peshawar	Promoted as Private Secretary (BS-17) on regular basis.
9.	Mr. Ihsan Ullah, Senior Scale Stenographer (BS-16)	Commissioner office Mardan	Promoted as Private Secretary (BS-17) on regular basis.
10.	Muhammad Shafqat Senior Scale Stenographer (BS-16)	Deputy Commissioner, office Abbottabad	Promoted as Private Secretary (BS-17) on regular basis.
11.	Mr. Mumtaz Hussain, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Upper Chitral	Appointed as Private Secretary (BS-17) on acting charge basis
12.	Mr. Nawshad Khan, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Dir Lower	Appointed as Private Secretary (BS-17) on acting charge basis
13.	Mr. Abdul Qayyum Senior Scale Stenographer (BS-16)	Deputy Commissioner office Kohistan Upper	Appointed as Private Secretary (BS-17) on acting charge basis
14.	Muhammad Iqbal, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Torghar	Appointed as Private Secretary (BS-17) on acting charge basis
15.	Muhammad Sajjad, Senior Scale Stenographer (BS-16)	Deputy Commissioner office Lakki Marwat	Appointed as Private Secretary (BS-17) on acting charge basis

2. On promotion, the officials at S. No. 1 to 10 will be on probation for a period of one year in term of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer Rules, 1989), and extendable for another year with the specific order of appointing authority within two months of the expiry of first year of probation period as provided in rule-15(2) of rules ibid.

3. Consequent upon their promotion, the said officials are hereby posted against the following positions:-

S#	Name & Office	From	To
1.	Muhammad Wisal, Private Secretary (BS-17)	Private Secretary to DC Charsadda	Retained on the same post

Attested
H
Adm

2.	Mr. Ziaullah Khan, Private Secretary (BS-17)	Private Secretary to DC Nowshera	Retained on the same post
3.	Mr. Said Mukhtiar, Private Secretary (BS-17)	Private Secretary to DC Buner	Retained on the same post
4.	Mr. Fazlud Din, Private Secretary (BS-17)	Private Secretary to DC Lower Chitral	Retained on the same post
5.	Mr. Fazal Ahad, Private Secretary (BS-17)	Private Secretary to DC Shangla	Retained on the same post
6.	Mr. Jameel Ahmad, Private Secretary (BS-17)	Private Secretary to DC Malakand	Retained on the same post
7.	Mr. Mukhtiar Hussain, Private Secretary (BS-17)	Private Secretary to DC Battagram	Retained on the same post
8.	Mr. Pervez Khan, Private Secretary (BS-17)	On promotion as Private Secretary (BS-17) office of the DC Peshawar	PS to Commissioner, Peshawar Division.
9.	Mr. Ihsan Ullah, Private Secretary (BS-17)	On promotion as Private Secretary (BS-17) office of the Commissioner Mardan	PS to DC Swabi against the vacant post.
10.	Muhammad Shafqat Private Secretary (BS-17)	On promotion as Private Secretary (BS-17) office of the DC Abbottabad	PS to DC Abbottabad against the vacant post
11.	Muhammad Sajjad Private Secretary (ACB BS-17)	On appointment as Private Secretary (ACB) BS-17 office of the DC Lakki Marwat	PS to DC Bannu against the vacant post
12.	Mr. Mumtaz Hussain, Private Secretary (ACB BS-17)	On appointment as Private Secretary (ACB BS-17) office of the DC Upper Chitral	PS to DC Upper Chitral against the vacant post
13.	Mr. Nawshad Khan, Private Secretary (ACB BS-17)	On appointment as Private Secretary (ACB BS-17) office of the DC Dir Lower	PS to DC Dir Lower against the vacant post
14.	Mr. Abdul Qayyum Private Secretary (ACB BS-17)	On appointment as Private Secretary (ACB BS-17) office of the DC Kohistan Upper	He will actualize his promotion against the vacant post of Private Secretary to DC Kolai Palas for one day and thereafter he will report to Deputy Commissioner, Kohistan Upper for further posting
15.	Muhammad Iqbal, Senior Scale Stenographer (BS-16)	On appointment as Private Secretary (ACB BS-17) office of the DC Torghar	PS to DC Kohistan Lower against the vacant post

With the approval of
Competent Authority

No. & Date Even.

Copy forwarded to the: -

1. Commissioners of the respective Divisions.
2. Deputy Commissioners of the respective Districts.
3. District Accounts Officers of the respective Districts.
4. SPS to Senior Member, Board of Revenue.
5. PS to Member-III, Board of Revenue.
6. PA to Secretary-I, Board of Revenue.
7. Officers concerned.
8. Office order file.


After this
H. E. S.

Noor Khan
(NOOR KHAN)
Assistant Secretary (Estt.)
Board of Revenue

16

CHARGE RELINQUISH REPORT

In compliance with Government of Khyber Pakhtunkhwa, Board of Revenue, Revenue & Estate Department Notification No. Estt: II/DPC/12915-50 dated 30.05.2024. I Muhammad Shafqat, do hereby relinquish the charge of the Post of Senior Scale Stenographer (BPS-16) in Office of the Deputy Commissioner Abbottabad today on 31.05.2024 (F/N).


Muhammad Shafqat

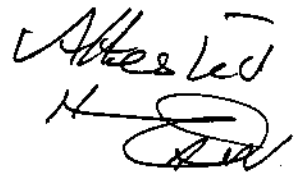
Senior Scale Stenographer, Deputy Commissioner Office
Abbottabad.

Date 31/05/2024

Copy to the:

1. Deputy Commissioner Abbottabad.
2. District Comptroller of Accounts Abbottabad.
3. District Account Officer, Abbottabad.
4. Assistant Secretary (Estab) Board of Revenue & Estate Department Khyber Pakhtunkhwa Peshawar.
5. PS to Commissioner Hazara Division Abbottabad.
6. District Nazir Deputy Commissioner Office, Abbottabad.


Senior Scale Stenographer, Deputy Commissioner Office
Abbottabad.





OFFICE OF THE
DEPUTY COMMISSIONER

ABBOTTABAD

No. 3592-7823-111

Date: 05/06/2024

17

ANNEXURE 'F'

ORDER

WHEREAS, disciplinary proceedings were initiated against Mr. Muhammad Shafqat, Senior Scale Stenographer, Deputy Commissioner Office Abbottabad under the provision of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011, on account of charges leveled against him.

And whereas, the inquiry committee was constituted under the provisions of Rule 5(1) (b) of the Khyber Pakhtunkhwa, Government Servants (E&D) Rules, 2011 who conducted the inquiry and submitted report vide letter No. 566/ACA dated 14.05.2024.

And whereas, he served with show cause notice vide No. 3165/2/3-111 dated 16.05.2024 to which he responded and appear before the undersigned for personal hearing on 21.05.2024 and failed to rebut the allegations during the personal hearing.

And whereas, after considering reply/personal hearing of the accused official. The undersigned in the capacity as competent authority has decided to impose major penalty upon the accused official.

Now therefore, I, Mr. Khalid Iqbal, Deputy Commissioner, Abbottabad as competent authority in exercise of the powers conferred upon me under Rule 14(5) read with Rule-4 (1) (b-iii) of Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline Rules, 2011), impose a Major penalty of "Removal from Service" upon Mr. Shafqat, Senior Scale Stenographer with immediate effect.

Thabir
DEPUTY COMMISSIONER
ABBOTTABAD

Endst: No & Date Given:

1. Commissioner, Hazara Division, Abbottabad.
2. Additional Deputy Commissioner (F&P) Abbottabad.
3. Assistant Commissioner Abbottabad.
4. Additional Assistant Commissioner-I, Abbottabad
5. District Account Officer, Abbottabad
6. Official concerned.

Thabir
DEPUTY COMMISSIONER
ABBOTTABAD

Attested
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ANNEXURE "G"

SERVICE APPEAL BEFORE THE COMMISSSIONER HAZARA DIVISION ABBOTTABAD

Service Appeal against order issued by the respondent /Deputy Commissioner Abbottabad bearing endorsement No 3542-48/2/3-EB dated 05/06/02024 whereby appellat was awarded major penalty "Removal From Service".

Muhammad Shafqat Senior Scale Stenographer BPS-16..... Appellant

VERSUS

Deputy Commisssoner Abbottabad Respondant

The appellat respectfully submitted as under:-

1. That the appellat is working as a Senior Scale Stenographer BPS-16 and served more than twenty years with great zeal & zest in different branches of the office of the Deputy Commissioner Abbottabad.
2. That the entire service record of the appellat is crystal clear and even no single explanation was called during the entire service of the appellat.
3. That the appellat has recently been promoted to the post of Private Secretary BS-17 on regular basis, which shows the effeciency and fair track record of the appellat.
4. That on 08.05.2024 one Pritum Giani visited the office of the Deputy Commissioner Abbottabad and submitted an application with verbal explantion that he desires NOC for opening of club in district Abbottabad and even he did not use the word Gay Club in his verbal explanation to judge the stance of the applicant. Due to rush of work and frequent visits of general public the appellat could not be able to go through the contents of the application in question and just relied upon the verbal explanation of the applicant. Application is attached Annexure -A.
5. That the appellat being P.S of the Deputy Commissioner Abbottabad marked the application in question to Additional Deputy Commissioner (G) being concerned officer to deal with such nature of NOC's with regards to clubs/resturant etc. Mere marking of application to the concerned authority is not an illegal act on the part of the appellat. Further the application in question has been filed by the ADC (G) to whom it was marked. Filing of application in question clearly dipicits that the process for issuance of NOC to the applicant has not been initiated.

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6. That as per past and prevailing practice, routine official DOK/correspondance is placed in office pad and presented before the Deputy Commissioner Abbottabad for his kind remarks/ directions to concerned officers/branch incharges. As far as the applications which are presented by the applicants personally are concerned, same are marked by the P.S to the relevant sections/branches for appropriate legal action. As the applicant personally appeared alongwith his application so it was entertained by the appellant being P.S to the Deputy Commissioner Abbottabad. His application was marked by the appellant in official capacity as explained in para 4 above.
 7. That the appellant affirms on oath that there was no mala fide intention involved behind marking of application in question. It was done just in the official capacity by the appellant.
 8. That the respondent appointed Assistant Commissioner, Abbottabad as enquiry officer vide No 3051-53/2/3-EB dated 09.05.2024 Annexure "B".
 9. That the appellant appeared before the inquiry officer on the date fixed and submitted written statement which has been incorporated by the enquiry officer in his report as well Annexure "C".
 10. That enquiry officer vide No-566/ACA dated 14/05/2024 submitted his report. In his enquiry report he did not fix responsibility on the appellant or any other official as well. Enquiry report is attached as Annexure "D".
 11. That no proper procedure under the prevailing E&D rules was adopted during the entire enquiry proceeding by the respondent. As no charge sheet and statement of allegations was served upon the appellant . .
 12. That show cause notice vide No 3165/2/3-EB dated 16/05/2024 was served upon the appellant attached as Annexure "E".
 13. That appellant appeared on the date fixed for personal hearing before the respondent and repeated the same stance.
 14. That the respondent without keeping in view the enquiry report conducted by enquiry officer, issued order bearing No3542-48/2/3-EB dated 05/06/2024 whereby major penalty removal from

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service was imposed upon the appellant. Whereas the appellant did not found guilty or any misconduct committed by the appellant attached Annexure "F".

15. That as explained above, no proper procedure under the prevailing E&D rules enforced was adopted during the entire enquiry proceedings and without observing the volume of guilt major penalty was imposed upon the appellant which is injustice

16. That at any stage during entire enquiry proceedings malafide intention behind the marking of application in question has not been established.

Keeping in view of above narrated facts, it is humbly prayed that on acceptance of this appeal the impugned order of the Deputy Commissioner, Abbottabad may please be set aside.

Muhammad Sharqat
Appellant

Dated : 06/06/2024

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Handwritten text at the bottom: Before the King's Service Tribunal, Michael Shagal & Smeeta, Appellant

Large, bold, stylized text at the bottom left: کانت نامہ

Small handwritten text at the bottom center: در وقت