Form- A FORM OF ORDER SHEET

Court of	
•	
Implementation Petition No.	1136/2024

_	. ****	olementation Petition No. 1136/2024				
S.No.	Date of order Order or other proceedings with signature of judge proceedings					
1	2	3				
1	03.10.2024	The implementation petition of Mr. Hazrat Ali submitted today by him. It is fixed for implementation				
		report before touring Single Bench at Swat on -				
•		09.10.2024. Original file be requisitioned. AAG has noted				
•	the next date. Parcha Peshi given to coun					
	. •	petitioner.				
		By order of the Chairman REGISTRAR				
	, .					
,						
,						

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

		E.P	. No	136/	2026
CM	2024		110	6	· · · · /

Hazrat Ali S/o Bakht Kamal Ex: Naib Qasid (BPS-03) office of Research Live Stock and Dairy Development Department Khyber Pakhtunkhwa present address Mohallah Shagai, Saidu Sharif, District Swat.

... APPELLANT

VERSUS

- Director General (Research) Live Stock and Dairy Development Department Khyber Pakhtunkhwa at Peshawar.
- 2. Dr. Syed Rahim Ullah Shah Regional Director / Principal Research
 Officer Veterinary and Disease Investigation Centre Balogram, Swat.

.. RESPONDENTS

APPLICATION FOR IMPLEMENTATION OF ORDER AND JUDGMENT DATED.

04/07/2024 PASSED BY THIS HON'BLE COURT AT CAMP COURT SWAT.

Respectfully Sheweth:

- 1. That the applicant joined the office of veterinary research and disease investigation center being Naib Qasid (BPS-03) on 15/12/2015 and respondent No. 1 and 2 have removed applicant from service through order dated. 15/11/2021 and 04/01/2022.
- 2. That applicant has filed against both impugned orders service appeal No. 235 of 2022 before this Hon'ble Court where this Hon'ble Court set aside both the impugned orders of the

respondents through judgment and decree dated. 04/07/2024. (Copy of order and judgment is attached as Ann: A).

- 3. That this Hon'ble Court through order and judgment dated. 04/07/2024 directed the respondents to conduct de novo inquiry and shall conclude at within period of 60 days after receipt of copy of judgment of this Hon'ble Court.
- That judgment of this Hon'ble Court has been delivered to respondent on 22/08/2024, whereby the respondents did not conclude de novo inquiry at prescribed time directed by this Hon'ble Court.
- 5. That respondent No. 1 has illegally, wrongly issued letter No. DG(Res)/L&DD/Est-11(91)/2019/4819-27 on dated. 12/09/2024 to respondent No. 2 in which job description of the applicant also with back benefits of the applicant have changed illegally. (Copy of letter is attached as Ann: B).
- 6. That in pursuance of above letter, applicant requested to respondent No. 1 through letter dated. 16/09/2024 for the implementation of order and judgment of this Hon'ble Court. (Copy of letter is attached as Ann: C).
- 7. That the respondent No. 1 has issued letter No. 184-187/path on dated. 19/09/2024 for de novo inquiry of the applicant, whereby mentioning date of de novo inquiry as 24/09/2024. (Copy of letter is attached as Ann: D).
- 8. That on 24/09/2024 applicant appear before the inquiry officer and requested him to inquire him as being Naib Qasid (BPS-03) as directed by this Hon'ble Court vide his order and judgment dated. 04/07/2024 but the inquiry officer was not ready to inquire him.

Ŀ

10. That the respondents and the inquiry officer have failed to conduct de novo inquiry on the directions of order and judgment of this Hon'ble Court within stipulated time. Similarly respondents have also not ready to reinstate applicant on the post of Naib Qasid (BPS-03).

It is, therefore, humbly prayed that on acceptance of this application, the respondents may kindly be directed to reinstate applicant as directed by this Hon'ble Court.

Applicant

HAZRAT ALI

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

CM	2024

Hazrat Ali S/o Bakht Kamal

... APPELLANT

VERSUS

Director General (Research) Live Stock and Dairy Development Department Khyber Pakhtunkhwa at Peshawar and other.

. RESPONDENTS

AFFIDAVIT

I, petitioner, do hereby stated on oath that all the contents of the instant petition are true and correct to the best of my knowledge and belief; nothing has been kept concealed from this August Court. Moreover, no such like petition is either pending or decided by this Hon'ble court.

Minla S.No. 98 * Date 2-10-20 24

DEPONENT

HAZRAT ALI

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

CΜ	2024
	 2024

Hazrat Ali S/o Bakht Kamal

... APPELLANT

VERSUS

Director General (Research) Live Stock and Dairy Development Department Khyber Pakhtunkhwa at Peshawar and other.

..RESPONDENTS

CERTIFICATE

It is certified that as per instructions of my client all the contents of the instant petition are true and correct to the best of my knowledge and belief; Moreover, no such like petition is either pending or decided by this Hon'ble court.

ARSHAD IQBAL

Advocate High Court

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

CM	2024			·		•
•						
Hazrat Ali S/o E	Bakht Kamal	•				
· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·			APPE	LLANT

VERSUS

Director General (Research) Live Stock and Dairy Development Department Khyber Pakhtunkhwa at Peshawar and other.

.. RESPONDENTS

MEMO OF ADDRESSES

ADDRESS OF PETITIONER:

Hazrat Ali S/o Bakht Kamal R/o Mohallah Shagai, Saidu Sharif, District Swat.

Cell No:

CNIC No:

ADDRESSES OF RESPONDENTS:

- Director General (Research) Live Stock and Dairy Development
 Department Khyber Pakhtunkhwa at Peshawar.
- 2. Dr. Syed Rahim Ullah Shah Regional Director / Principal Research
 Officer Veterinary and Disease Investigation Centre Balogram, Swat.

Petitioner through

ARSHAD IQBAL Advocate High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNA PESHAWAR AT CAMP COURT SWAT

Service Appeal No. 235/2022

BEFORE:

AURANGZEB KHATTAK

MUHAMMAD AKBAR KHAN ---

--- MEMBER NY MEMBER (E)

Hazrat Ali S/o Bakht Kamal Ex: Naib Qasid (BPS-03) office of Research Live Stock and Diary Development Department Khyber Pakhtunkhwa Present Address Mohallah Shagai Saidu Sharif District

VERSUS

1. Director General (Research) Live Stock and Diary Development Department Khyber Pakhtunkhwa at Peshawar.

2. Dr. Syed Rahim Ullah Shah Regional Director/Principal Research officer Veterinary Research and Disease Investigation Centre Balogram Swat.....(Respondents)

Present:

ARSHAD IQBAL,

Advocate:

For Appellant

MUHAMMAD JAN,

District Attorney

For respondents.

Date of Institution......14.02.2022 Date of Hearing...... 04.07.2024 Date of Decision......04.07.2024

JUDGMENT.

MUHAMMAD AKBAR KHAN, MEMBER(E):- The instant service appeal has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as under;

"Tirat on acceptance of this service appeal the impugned orders may very kindly be set aside and the appellant may also be reinstated back into service with all back consequential benefits."

8

o2. Brief facts of the case are that appellant was appointed as Naib Qasid in the office of Veterinary Research and Disease Investigation Centre at Balogram vide order dated 15.12.2015. The appellant while posted at Balogram Research Centre Swat was issued Show Cause Notice dated 29.10.2021 for his willful absence from duty w.e.f. 01.09.2021 to 20.10.2021. The appellant filed application alongwith medical certificates/receipts regarding his illness which was not considered and he was removed from service vide order dated 15.11.2021. Feeling aggrieved from the impugned order dated 15.11.2021, the appellant filed departmental appeal which was rejected vide order dated 04.01.2022, hence preferred the instant service appeal on 14.02.2022.

- 03. Notices were issued to the respondents, who submit their comments, wherein they refuted the assertions raised by the appellant in his appeal. We have heard arguments of learned counsel for the appellant and learned District Attorney and have gone through the record with their valuable assistance.
- 04. Learned counsel for the appellant contended that the impugned order was illegal, unlawful, and based on malafide. He submitted that no inquiry had been conducted. No opportunity of cross examination was provided to the appellant. He has therefore, been condemned unheard. He further submitted that the respondents have violated the Government Servants (Efficiency & Discipline) Rules, 2011 by not giving chance of defense in the inquiry proceedings and the same conduct was also against the fundamental rights enshrined in the Constitution of Islamic Republic of Pakistan. He, therefore, requested for acceptance of the instant service appeal.

(9)

AUTESTED

05. As against that, learned District Attorney contended that the respondents acted in accordance with law/rules and order of removal from service was passed after observing all the codal formalities as per law/rules; that proper inquiry was initiated against the appellant and the codal formalities fulfilled including issuance of Show Cause Notice alongwith statement of allegations and affording opportunity of defense. He further argued that the appellant was a habitual absentee and was not interested in performing his duty. Lastly, he submitted that proper opportunity of cross examination was also given to the appellant but he failed to avail the same, therefore, was rightly dismissed from service.

06. Scrutiny of record reveal that the appellant was appointed Naib Qasid in the office of Veterinary Research and Disease Investigation Centre at Balogram vide order dated 15.12.2012. The appellant while posted at Balogram Research Centre at Swat fell ill on 67.09.2021 and consulted doctor at Saidu Group of Teaching Hospital Swat. The doctor examined him and prescribed medicine for his treatment as outdoor patient. The time period which the appellant remained indisposed was the peak period of COVID-19 which had created a scare around the world including Pakistan. On 29.10.2021 the appellant was served with a Show Cause Notice which the appellant replied and submitted his medical certificates but the same was not considered. By not taking into account medical certificate and prescriptions the respondents acted in an arbitrary manner. Rule 13 of the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981 provide as under.

Leave on Medical Certificate --- Leave applied for on medical certificate shall not be refused. The authority competent to sanction leave may, however, at its discretion, secure a



Раge

second medical opinion by requesting the Civil Surgeon or the Medical Board to have the applicant medically examined. The existing provisions contained in Supplementary Rules 212, 213 and Rule 220 to 231 for the grant of leave on medical grounds will continue to apply

O7. Moreover, scrutiny of the contents of the Show Cause Notice issued to the appellant and the impugned order passed by the competent authority dated 15.11.2021 it transpired that one of the ground of the disciplinary proceedings against the appellant was deduction of salary for 13 days from his monthly pay vide order dated 01.04.2021. The same has again been made as a ground of punishment vide impugned order dated 15.11.2021 which comes under the ambit of double jeopardy rendering the entire proceedings doubtful.

08. In view of foregoing findings the impugned orders dated 15.11.2021 & 04.01.2022 are set aside and the case is remitted to the respondents for denovo inquiry in accordance with the law and rules. The appellant shall be reinstated into service for the purpose of denovo inquiry which shall be concluded within a period of 60 days after receipt of copy of this judgment. Costs shall follow the event. Consign.

09. Pronounced in open court at Camp Court Swat and given under our hands and seal of the Tribunal on this 04th day of July, 2024

(Aurangzeb Khattak)

Member (J)

Camp Court Swat

(Muhammad Akbar Khan)

Member (E)

Camp Court Swat

mrandlidi*

. .

.

.



E GENERAL (RESEARCH) LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR



անունությարագայի

091-9210210, 11031-9210220 c Facebook com/livestockresearchkp G Twitter.com/livestockreskp O dg.iddin i p.gov.px

No. DG(Res)/L&DD/Est-11/(91)/2019/ Dated Peshawar the / 2009/2024

NOTHICATION

Pursuant to the judgment/order of the Khyber Pakhtunkhwa, Service Tribunal Peshawar at Camp Court Swat dated 04.07,2024 in service appeal No. 235/2022 and this office order No.DG(Res)/ L&DD-Esti-11/(91)/2019/4819-27 dated 12,09,2024, a denovo inquiry committee consisting of the tallowing officers of Livestock & Dairy Development Department (Research) Khyber Pakhjunkhwa is hereby constituted under-10(1) of the Khyber Pakhtunkhwa Servanis (Efficiency & Discipline) Rules 2011 to enquire into the factual position of the charges leveled against Mr. Hazrat Ali, Ex-Naib Qasid, Veterinary Research & Disease Investigation Center, Balogram Swat on account of his willful absence, The charge sheet and statement of allegation is enclosed. The committee shall submit inquiry Report to the Ambority within ten (10) days of the completion of the inquiry with clear findings.

Moreover, Or thear thissain, Research Officert Focal Person (Litigation Cases) Actormary Research & Disease Investigation Center, Balogram Swat, is hereby nominated as departmental representative to assist the inquiry committee in proceedings of the denovo inquiry

> L. Dr. Muhammad Hyas Khan. PRO/Station Director. . LR&DS: Swahi

Chainnan

Dr. Ommel Clab Klian,

Member

SRO (Media & Sterilization Section).

Director General (Research)

Umist of even No. & date:

Copy of the above is forwarded fur information and necessary action to:-

one Director, Live stock by warch & Development, Klyber Pakhtunkhwa, Peshawar,

16 Original Vercionary Post arch Institute, Peshawar

the Registrar, Khylier Pakla ankliwa, Service Tribunal Peshawar w/r to Indigment quoted above and Law Department letter No SOR aw 79-3A(02)Livestuck/2024/14477-80 dated 06.09.2024.

the Section Officer (Latination) Livestock, Fisheries & Cooperative Department, Government of Myber Paklaunklava. Peshawar wir in law Department letter No.SO/Law /9-\$A(02)1, ivestoe3/2024/14/1/77/80 dated 06:09:2024.

Dr. Muhammad Ilyas Khan, PRO/ Station (Director/ Chairman, Livestock Research &

Development Station, Swaln

The Hannid Ollah Khan, Senior Research Officer (Media & Sterilization Section)/ member, Onectorate General (Research) Livestock & Dairy Development Department, Khyber Pakhtunkhwa, Peshawar,

De Ibrar Plussain, Resemble Officer/ Focal Person (Litigation Cuses) through PRO/ Regional Director, Veterinary Research & Disease Investigation Center, Balogram Swat,

the Incharge, Linguisian Section, Directurate General (Research) Livestock & Daicy Development Department, Khyber Pakhtankhwa, Peshawar,

Mr. Hazrat Ali, Nath Quant the Moballa Shagai Saidu Sharif District Swat e/o PRO/ Regional Hossion, Veterinary Research & Disease Investigation Center, Balogram Swatchle is directed to appear before inquire committee, as and when summaned and present complete verifiable record/ positivation

Office order file

whatsApp on 13/04/2

🛭 CamScanner



DIRECTORATE GENERAL (RESEARCH)

LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR

Perchanthan Chard Righer Pakhtunkhwa Peshawar Chivestocki esikipi govi pik

+ 091-9210218, +1091-9210220 o Facebook com/livestockresearchkp O Twitter.com/livestockrest.p O dgJlddrijkip.gov.pk

ORDER.

In Compliance of the judgment/order dated 04.07.2024 of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar at Camp Court Swat in service appeal No. 235/2022, Mr. Hazrat Ali S/O Bakht Kamal, Ex- Naib Qasid (BPS-03) is hereby conditionally re-instated for the purpose of de-novo inquiry, adjusting him against the available vacant post of Sweeper (BPS-03) at Veterinary Research & Disease Investigation Center, Balogram Swat with all consequential back benefits w.e.f. 04.07.2024.

Subsequent to the above, for implementation of the directives as laid down in the aforesaid judgment, a de-novo inquiry against the official is being conducted / notified separately.

Director General (Research)

No. DG(Res)/L&DD/Est-11/(91)/2019/4819-27-

Dated Peshawar the 3/09/2024

Copy of the above is forwarded for information and necessary action tot-

1. The Director, Veterinary Research Institute, Peshawar.

- 2. The Registrar, Khyber Pakhtunkhwa, Service Tribunal Peshawar w/r to Judgment quoted above and Law Department letter No.SO/Law /9-3A(02)Livestock/2024/14477-80 dated 06.09,2024
- 3. The Section Officer (Litigation) Livestock, Fisheries & Cooperative Department, Government of Khyber Pakhtunkhwa, Peshawar w/r to law Department letter No.SO/Layv 19-3A(02)Livestock/202-1/1-1477-80 dated 06.09.2024.

District Accounts officer. Saidu Sharif Swat.

Dr. Ibrar Hussain, Research Officer/ Focal Person (Litigation Cases) through PRO/ Regional Director, Veterinary Research & Disease Investigation Center, Balogram Swat.

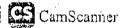
6. The Incharger Web Admin, Information Technology Cell Directorate General (Research) Livestock & Dairy Development Department, Khyber Pakhtunkhwa, Peshawar.

7. The Incharge, Litigation Section, Directorate General (Research) Livestock & Dairy Development Department, Khyber Pakhtunkhwa, Peshawar.

Mr. Hazrat Ali, Naib Qusid r/o Mohalla Shagai Saidu Sharif District Swat e/o PRO/Regional Director. Veterinary Research & Disease Investigation Center, Balogram Swat with the instructions to report arrival at VR&DIC, Balogram Swat, ensure your presence, as and when summoned and present complete verifiable record/justification to the Inquiry Committee/Inquiry Officer for the purpose of de-novo inquiry.

9. Office order file

Director General (Research)





da kidro kp.gov.pk

B Livestockres. Ltr. Gov.194

DIRECTORATE GENERAL (RESEARCH

LIVESTOCK & DAIRY DEVELOPMENT DEPARTMENT KHYBER PAKHTUNKHWA, PESHAWAR

* 091-9710248,091-9210218, * 091-9210220

O Fecebook.com/livestock/es/earchite O Twitter.conviwestockreiko

10.

Dated Peshawar 19/09/2024

Mr. Hazrat Ali. Sweeper, Veterinary Research & Disease Investigation Center Balogram Swat.

Subject:

De nevo INQUIRY UNDER KHYBER PAKHTUNKHWA TRIBUNAL JUDGMENT DATED 04.07,2024.

Kindly refer to the subject noted above and Director General (Research) L&DD Nonfiction No. DG(Res)/L&DD/Est-II(91)/2019 dated 12.09.2024.

In this connection, you are directed to appear before the inquiry committee on Tuesday 24.09.2024 time 10:00 AM along-with record (if any) in the office of Regional Director Veterinary Research & Disease Investigation Center Balogram Swat for inquiry proceedings.

> DR. HAMID ULLAH KHAN SRO/Inquiry Officer

Copy of the above is forwarded for information to:-

1. The Director General (Research) Livestock & Dairy Development Department Khyber Pakhtunkhwa Peshawar.

The Regional Director Veterinary Research & Disease Investigation Center Balogram Swat with the request to organize all documents related to Mr. Hazrat Ali for the purpose of subject inquiry, please.

SRO/Inquiry Officer

SUBJECT: ARRIVAL UNDER PROTEST FOR DE-NOVO INQUIRY ONLY

To

HON'BLE DIRECTOR GENERAL (RESEARCH)

LIVESTOCK AND DAIRY DEVELOPMENT DEPARTMENT

KHYBER PAKHTUNKHWA PESHAWAR.

PHONE NO# 0919210218---0919210220 16-09-2024

> It comes to my knowledge that your office has issued arrival order No. DG(Res)/L&DD/Est-11(91)/2019/4819-27 dated. 12/09/2024 of the petitioner in pursuance of judgment order dated. 04/07/2024 of Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar at Camp Court Swat in service appeal No. 235/2022 whereby the petitioner Ex-Naib qasid (BPS-03) is hereby conditionally reinstated for the purpose of De-novo inquiry. I petitioner, Hazrat Ali have reservation / objection upon the adjustment of the petitioner job against the available vacant post of (Sweeper). Similarly, I petitioner have also reservation / objection upon consequential back benefits w.e.f. 04/07/2024 because your office has violated judgment / order dated. 04/07/2024 of Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar at Camp Court Swat. Both objection / reservation regarding job description and back benefits issued by your office is illegal, against Law, against service rules and against spirit of judgment of Hon'ble Service Tribunal dated. 04/07/2024. Petitioner is ready to join arrival of his office for the purpose of De-Novo inquiry only.

> > Petitioner

HAZRAT ALI.

Copy of this letter is forwarded for information and necessary legal requirements to;



- 1. The Director, Veterinary Research Institute, Peshawar.
- 2. The Registrar, Khyber Pakhtunkhwa, Service Tribunal Peshawar w/r to judgment quoted above and law department letter No. SO/Law / 9-3A(02) Livestock/2024/14477-80 dated. 06/09/2024.
- 3. The Section Officer (Litigation) Livestock, Fisheries & Cooperative Department, Government of Khbyer Pakhtunkhwa, Peshawar w/r to Law Department letter No. SO/Law/9-3A(02)Livestock/2024/14477-80 dated. 06/09/2024.
- 4. District Accounts Officer, Saidu Sharif, Swat.
- 5. Dr. Ibrar Hussain, Research Officer / Focal Person (Litigation Cases) through PRO/ Regional Director, Veterinary Research & Disease Investigation Center, Balogram Swat.
- 6. The Incharge / Web Admin; Information Technology Cell Directorate General (Research) Livestock & Dairy Development Department, Khyber Pakhtunkhwa, Peshawar.
- 7. The Incharge, Litigation Section, Directorate General (Research)
 Livestock & Dairy Development Department, Khyber Pakhtunkhwa,
 Peshawar.
- 8. Office order file.

4. Principal Research officer Bologram swint.

Before the Khyber paklitunkhung Berrice Trimed pellocumb, exilic distribution of the control of

ا مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے برائے پیروی مقدمہ

مِسْاء ر العبر مختومخوا ع ك مظور

الدُّوكِث ادستخط

الرقم الا مع (10 | 20

interior,