


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal No. 261/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	12/02/2024	<p>The appeal of Mr. Shahzad Masih resubmitted today by Mr. Sheikh Ikramullah Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Sanaulah Khan received today i.e on 16.01.2024 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Check list is blank and unsigned.
- 2- Annexures of the appeal are unattested.
- 3- Four more copies/sets of the appeal along annexures i.e. complete in all respect may also be submitted with the appeal.

No. 133 /S.T.

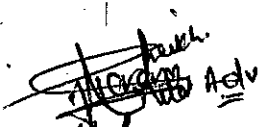
Da. 17/1 /2024.

  
17/1/24  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Sheikh Ikram Ullah Adv.  
High Court of D.I.Khan.

Respected Sir,

it is stated that all the  
above objection are resolved and  
-the appeal is therefore re-submitted.

Regards.  
  
Sheikh Ikramullah  
Advocate High Court

**BEFORE THE KHYBER PAKHUTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Appeal No. 261/2024

Sanallah Khan, Store officer (B.P.S-16), Agriculture Engineering Department, Dera Ismail Khan (D.1.Khan).....(Appellant)


**VERSUS**

The Government of Khyber Pakhtunkhwa (K.P) through Chief Secretary Civil Secretariat, Peshawar & others .....(Respondents).

**INDEX**

S. No	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal with affidavit	---	1-7
2	The copy of the judgment dated 22.11.2002.	A	8-14
3	The copy of the letter dated 17.5.2006	B	15
4	The copy of the judgment dated 13.01.2005	C	16-22
5	The copy of the letter dated 03.6.2005	D	23
6	The copy of the application dated 05.01.2023	E	24
7	The copy of the promotion order	F	25-26
8	The copy of the departmental appeal dated 27.9.2023	G	27-30
9	Wakalatnama		31

Dated \_\_\_\_\_

  
(Sanallah Khan)  
Presently Posted as  
Store officer (B.P.S-16) in  
Agriculture  
Engineering Department,  
D.1.Khan (Appellant)

**BEFORE THE KHYBER PAKHUTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 261 /2024

**Khyber Pakhtukhwa  
Service Tribunal**

Diary No. \_\_\_\_\_

Dated \_\_\_\_\_

Sanaullah Khan, Store officer  
(B.P.S-16), Agriculture Engineering  
Department, Dera Ismail Khan  
(D.1.Khan) ..... (Appellant)

**VERSUS**

1. The Government of Khyber Pakhtunkhwa (K.P) through Chief Secretary Civil Secretariat, Peshawar.
2. The Secretary, Agriculture, Livestock & Co-operative Department, Peshawar.
3. The Director Agriculture Engineering Tarnab Farm, Peshawar.
4. Assistant Agriculture Engineer (F.O),  
D.I.Khan.....(Respondents).

**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICES TRIBUNAL ACT,  
1974 AGAINST ORDER OF THE RESPONDENT  
NO. 4 FOR RECOVERY OF RS. 26. 64.860/-  
FROM THE SALARY OF THE APPELLANT QUA  
SUPPLY OF ALLEGEDLY POOR LUBRICANT  
AND AGAINST THE INACTION OF THE  
RESPONDENTS BY NOT DECIDING THE  
DEPARTMENTAL APPELA OF THE APPELLANT  
IN THIS REGARD WITHIN THE STIPULATED  
PERIOD OF NINTY DAYS.**

**PRAYER:**

**ON ACCEPTANT OF THE INSTANT SERVICE  
APPEAL THE RESPONDENTS MAY PLEASE BE  
DIRECTED TO SET ASIDE ANY ORDER OF THE  
RECOVERY OR THE SO-CALLED POOR  
LUBRICANT MAY BE RETURNED TO THE**

APPELLANT OR PUT IT ON AUCTION TO RE-  
COUP THE ALLEGED REMAINING LOSS.

Respectfully Sheweth:

The appellant begs to make the following submissions: -

1. That the appellant was appointed as Junior Store Keeper in the Agriculture Engineering Department, D.1.Khan in 1986.

2. That it was 1999 when the department initiated departmental proceedings against the appellant & others resultantly the Respondent No. 2 vide order dated 20.7.1999 imposed penalty upon the extent of the appellant only in the following terms: -

*"The accused official will bear the cost of damages of Rs. 26, 64,860/- (Charge No. (i) Rs. 16, 13,805/40 (ii) Rs. 9, 68,998/50 (iii) Rs. 82,056/96). In case he could not recoup/reconcile the loss sustained to Government within three (3) months, his services will stand terminated along with recovery from his property as arrears of land revenue. "*

3. That the appellant re-adjusted all the alleged lost/damaged items formally but even then, the services of the appellant were terminated by order dated 24.10.2000.

4. That the appellant filed a departmental appeal against the said order which was not decided within the statutory period of 90 days obliging the appellant to file service appeal No. 410/2001.

5. That the Hon'ble Service Tribunal Peshawar ('The Tribunal') partly accepted the said service appeal of the appellant by judgment dated 22.11.2002. The operative part of the judgment reads:

*"Consequent upon the above discussion, the Tribunal while accepting the appeal partially, considers it proper to modify the impugned order regarding the major penalty of termination into a minor penalty of stoppage of three future increments in order to meet the ends of*

*justice. The appellant is reinstated in service with consequential benefits. No order as to costs."*

(The copy of the judgment dated 22.11.2002 is Annex—A).

6. That the Assistant Agriculture Engineer (F.O) D.I.Khan, respondent No. 4, however, vide letter No. 695/AAE(F.O) dated D.I.Khan the 17/5/2006 even then withheld the arrears amounting to Rs. 1,00,271/- allowed as a consequential benefit to the appellant by the Hon'ble K.P Service Tribunal, Peshawar without the free consent and knowledge of the appellant.

(The copy of the letter dated 17.5.2006 is Annex---B).

7. That the learned Additional Special Judge, Anti-Corruption Camp Court at D.I.Khan through judgment dated 13.01.2005 already acquitted the appellant honorably from the same charges of the allegedly spoiled lubricants oil also levelled in a criminal case registered vide F.I.R No. 01 dated 28.01.1998 for the offence under Section 409, P.P.C read with Section 5(2) of the P.C, Act at P.S., A.C.E, D.1.Khan.

(The copy of the judgment dated 13.01.2005 is Annex. C).

8. That the Respondent No. 4 even then malafidely further ordered to recover the amount of Rs. 25,64,589/- in respect of supply of purportedly poor quality lubricant/Mobil oil.

9. That the Respondents made the statement of successor-in-office of the appellant vide letter No. 695/AAE (F.O) dated D.1.Khan dated 03.6.2005 as a base to make the said lubricant/mobile oil disputed and started the alleged loss recompensed on its own from the arrears and salary of the appellant without communicating any order of the recovery to the appellant despite his repeated requests.

(The copy of the letter dated 03.6.2005 is Annex. D).

10. The appellant has been constantly requesting the respondents to stop the recovery from his salary or to auction the disputed lubricant/mobile oil or to return it to the appellant to re-coup the alleged loss but to no avail. The

appellant moved the application to this effect on 05.01.2023 but its fate was also not communicated to the appellant.

(The copy of the application dated 05.01.2023 is Annex. E).

11. That the appellant is serving with dedication and commitment and the department, while acknowledging the services rendered by the appellant, promoted him to the post of Store Officer (BPS-16) in 2021.

(The copy of the promotion order is Annex-- F).

12. That the appellant being aggrieved of inaction of the Respondents filed the departmental appeal on 27.9.2023 which is not decided within the statutory period of 90 days.

(The copy of the departmental appeal dated 27.9.2023 is Annex. G)

13. That the appellant being aggrieved of the irresolution and inaction of the respondents on his departmental appeal prefers the present service appeal inter alia on the following grounds:-

GROUNDS

A. That the appellant was not treated in accordance with the law on the subject in utter disregard to the Articles 4 & 25 of the Constitution of Islamic Republic of Pakistan.

B. That the matter in question has already been judicially decided through the above-said two judgments but the respondents even then ordered for the recovery of the aforesaid amount from the arrears and the salary of the appellant. The respondents re-agitated the matter already decided by the Hon'ble K.P Service Tribunal, Peshawar and by the Special Judge Anti-Corruption, Camp Court D.I.Khan. It is well-settled principle of law that nobody can be vexed twice for the same act. The Hon'ble Supreme Court of Pakistan in its enshrined judgment titled SECRETARY, LOCAL GOVERNMENT AND RURAL DEVELOPMENT, GOVERNMENT OF PUNJAB, LAHORE and another---Versus--- AHMAD YAR KHAN (2010 SC'MR 861) held that,

*"Punjab Removal from Service (Special Powers) Ordinance (IV of 2000) --- Ss. 3(l)(e) 11---Punjab Local Councils (Audt.) Rules, 1981, R. 27---Constitution of*

*Pakistan (1973), Arts.13 & 212---Double jeopardy, principle of-Applicability---Civil Servant was awarded penalty of censure under S.3 (l)(e) of Punjab Removal from Service (Special Powers) Ordinance, 2000, by competent authority---Penalty of censure was not challenged by civil servant but authorities later on imposed recovery of Rs.371,836 against him under R. 27 of the Punjab Local Councils (Audit) Rules, 1981-- -Validity—Action against civil servant had already been finalized and penalty imposed under Punjab Removal from Service (Special Powers) Ordinance, 2000, had already attained finality. Recovery could have been made by competent authority but only minor penalty was imposed probably for the reason that civil servant had been exonerated by inquiry officer regarding alleged loss suffered due to Octroi contract allegedly executed by the civil Servant---- Supreme Court declined to interfere in the judgment passed by Service Tribunal as it had rightly set aside the order passed by the authorities---Appeal was dismissed. "*

C. That the appellant was not responsible for the shortage, loss or any impairment to the hypothetically disputed oil but it was admittedly kept in the official premises under the administrative control of the Assistant Agriculture Engineer (F.O) D.I.Khan since the date of its unloading in the official store.

D. That the disputed oil is still being kept in open air intentionally to spoil it at the cost of financial loss to the appellant. The recovery from the arears and salary of the oil already lying under the control of respondent No. 4 in the Govt. premises is quite unjustified.

The Hon'ble Supreme Court of Pakistan in judgment titled SHAHID UL QAYYUM and others--versus---FEDERATION OF PAKISTAN through Secretary, Economic Affairs and Statistics Division, Government of Pakistan, Islamabad and others (1997 SCMR 1198) held as thus,

*"Constitution of Pakistan (1973) --- Art. 212(3) --Misconduct---Loss of store*



items---Major penalty of reduction to lowest post for period of three years and minor penalties of censure, withholding of next annual increment for period of three years and recovery of loss of store items was imposed upon civil servant by Departmental Authority-Service Tribunal, however, modified order in question, so as to reduce penalties to that of stoppage of two increments for period of two years with cumulative effect---Validity---Petitioner contended that Service Tribunal having found that air conditioner (item of store which was deemed to have been lost) purchased by petitioner was installed in office and, therefore, only fault of petitioner was that he did not obtain written approval of officer under whose directions said air conditioner was purchased and that it was not proved whether petitioner was directly responsible for shortage in store items and no valid basis for awarding any penalty to petitioner thus existed---Petitioner's further contention was that because of finding of Service Tribunal, petitioner was not allowed to cross-examine witnesses, thus, inquiry stood vitiated with the result that it could not form basis of any penal action against petitioner---Leave to appeal was granted to consider contentions raised---Leave to appeal was also granted in connected appeal filed by Government against petitioner against reduction of his penalty by Service Tribunal. "

E. That the appellant is on the verge of retirement while an amount of more than Rs. 5, 00,000/-has been recovered from his salary including the arrears so far illegally, unjustifiably, against law and facts and the order to this effect is thus liable to be set at naught.

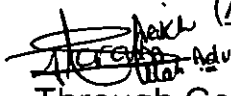
*It is therefore humbly prayed that on acceptance of this service appeal, the impugned order of the recovery may please be set aside or the disputed lubricant/mobile oil be returned to the appellant or be*

auctioned to reconcile/re-adjust the alleged loss accordingly in order to save the appellant from further financial loss in the best interest of justice.

Dated -----



(Sanallah Khan)  
Store officer (B.P.S-16)  
Agriculture Engineering  
Department, D.1.Khan  
(Appellant)



Through Counsel

SHEIKH IKRAMULLAH  
ADVOCATE HIGH COURT

AFFIDAVIT

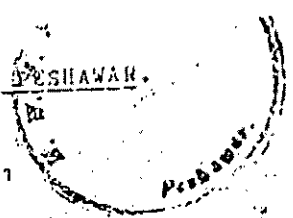
I, Sanallah Khan, Store officer (B.P.S-16) Agriculture Engineering Department, D.1.Khan, do hereby solemnly affirm and declare on oath that the contents of the service appeal are true to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Service Tribunal.

Dated -----



DEPONENT

BEFORE THE N.W.F.P. SERVICE TRIBUNAL, PESHAWAR.



Annex 'A'

SERVICE APPEAL NO. 410/2001

Date of institution ... 02.4.2001

Date of decision ... 22.11.2002

Sanaullah Khan son of Kiamatullah Khan,  
Ex-Junior Store Keeper Office of the  
Agriculture Engineering Workshop D.I.Khan,  
R/o Village Karamat Abad Bannu Road, D.I.Khan. ... Appellant

VERSUS

- 1- Government of NWFP through,  
Chief Secretary, Civil Secretariat,  
Peshawar.
- 2- Secretary,  
Agriculture, Livestock, Cooperative Deptt:  
NWFP, Peshawar.
- 3- Director Agriculture Engineering Tarnab,  
Peshawar.
- 4- Assistant Agriculture Engineer,  
(P.O), D.I.Khan. ... Respondents

Mr. Khushdil Khan,  
Advocate. ... For appellant

Mr. Sultan Mehmood,  
Govt. Pleader. ... For respondents

Mr. Khan Akbar Khan,  
Mr. Muhammad Shaukat. ... Chairman  
Member

JUDGMENT

KHAN AYDAR KHAN, CHAIRMAN: Appellant

Sanaullah Khan has filed the present appeal against the  
impugned order dated 24.10.2000, received on 23.11.2000  
against which his departmental appeal dated 22.12.2000  
remained undispensed of within the statutory period of 90  
days.

N.W.F.P. Service Tribunal  
Peshawar  
EXAMINER  
22/11/2002

2. The facts of the case as averred in the memo. of appeal are that the appellant initially joined the respondent department as Junior Store Keeper in the year 1986 and after serving the department for about 6 months, his services were retrenched but without any break he was reposted against the same post in Karak on 1.7.1987. Thereafter he was transferred and posted in the office of respondent No.3 vide order dated 17.9.96 from where he was again transferred and posted to the office of respondent No.4 vide order dated 17.12.98 (Annexures A, B & C respectively on the file). Respondent No.2 served a charge sheet with statement of allegations without No. and date on the appellant, who received the same on 17.12.98 and filed reply thereof by refuting the charges (Annexures D & E). Respondent No.2 then issued a common order dated 20.7.99, thereby most of co-accused were exonerated of the charges while appellant and 3 other co-accused officials were awarded different punishments vide Annexure-F. This order was challenged by the appellant in his departmental appeal dated 27.8.99 before respondent No.1, who accepted the same and in this regard an order dated 14.3.2000 was issued by respondent No.2 vide which the impugned order was withdrawn without further direction of fresh proceeding or denovo inquiry. Copies are Annexures G & H on the file. All of a sudden, respondent No.2 served a final show cause notice dated 24.3.2000 alongwith inquiry report, which was duly replied by the appellant and refuted the charges in toto (Annexures I, J & K). Respondent No.2 (the A.O) then passed the subsequent impugned order dated 24.10.2000 by which he himself imposed the same and an identical punishment on appellant as awarded earlier. This impugned order was received on 23.11.2000 against which the appellant filed departmental appeal on 22.12.2000 which remained undisposed of within statutory period of 90 days. It is pertinent to mention

NVFP Services Tribunal  
 Postbox No. 1  
 ATIP  
 [Signature]

that on 9.3.2001 another office order was issued by respondent No.4 thereby the impugned order to the extent of termination was implemented and D.C concerned was also requested to make recovery of the <sup>amount</sup> ~~xxxx~~ mentioned therein. (Annexures L, M & N). Hence this appeal.

3. The grounds mentioned in the appeal are that the appellant has not been treated in accordance with law and rules, therefore, the impugned order of respondent No.2 is in violation of article 4 of the Constitution of Pakistan, 1973; that neither the departmental appellate authority has made any direction for denovo proceeding nor the order dated 14.3.2000 was set aside rather the same is still intact, hence issuing of show cause notice to appellant pertaining to the same charges has no legal justification and not warranted by law and rules on subject; that the impugned show cause notice is vague and ambiguous, because therein the penalty of removal from service was recommended and nothing has been uttered about the recovery of alleged loss attributed to appellant while the punishment mentioned in the impugned order is totally different and not brought in the notice of appellant earlier, therefore, the impugned order is not warranted by law and rules and not maintainable; that according to rules on subject, the Authority is competent to impose major penalty but in the present case respondent No.2 (Authorised Officer) has imposed major penalty on appellant which is incompetent, without jurisdiction, without lawful authority and not operative against the rights of appellant; that the inquiry committee has not observed the rules on subject. Neither it has recorded the statement of any witness in the presence of appellant nor collected other material evidence to indicate his alleged involvement; that the appellant has not been provided an opportunity of cross examination and as such the findings of the inquiry

ATTESTED  
EXAMINER  
Tribunal

committee are not warranted by law and the impugned order passed on the basis thereof has got no legal sanctity; that the punishment is excessive, unreasonable and harsh and liable to be set aside; that the appellant has been condemned unheard and no fair opportunity was given to him to defend himself, therefore, the impugned order is passed in glaring violation of principle of natural justice and liable to be set aside and that the termination is not a prescribed punishment under E&D rules which is not maintainable and liable to be set aside. The appellant's prayer is that on acceptance of the appeal, the impugned order may be set aside and he may be reinstated in service with all back benefits.

4. Notices were issued to the respondents. They appeared through their respective representative/counsel, submitted reply and contested the appeal vehemently. The appellant has also submitted his replication in rebuttal.

5. We have heard the arguments of the learned counsel for the appellant and learned P.P for the state at length and have gone through the record with their assistance carefully. The allegations levelled against the present appellant in the instant case are that he while posted as Junior Store Keeper in the office of the Agricultural Engineer D.I.Khan during the years from 10/87 to 10/96 mis-appropriated Percussion Rig Accessories and spare parts etc. amounting to Rs. 16,13,805/40; that he during the aforesaid period collected poor quality of lubricating oil from Karachi, of which 16,605 Ltrs: costing Rs. 5,06,452/50 being not worth using is still lying in the departmental stores. The same issued to the machinery inflicted damages thereto, amounting to Rs. 462,546/-. Thus total loss resulting to Government is Rs. 968,998/50 and that he while posted as Junior Store

UNOFFICIAL  
 P. JAMINEET  
 ASSISTANT  
 SECRETARY  
 (GENERAL)  
 UNIVERSITY OF KARACHI


Keeper in the office of Agricultural Engineer, DIKhan during the years from 10/87 to 10/96 misappropriated 10,000 Litrs. of high speed diesel oil amounting to Rs. 82,056/96. The appellant submitted his detailed reply and denied the allegations levelled against him. Respondent No.2 i.e. Secretary Agriculture then passed a common order dated 20.7.1999, whereby most of the co-accused of the appellant were exonerated of the charges while appellant and 3 others were awarded the punishment mentioned therein. The punishment mentioned at 3.No.12 of the said order of the appellant/is as under:

"The accused official will bear the cost of damages of Rs. 26,64,860/- (Charge No.i Rs. 16,13,805/40 (ii) Rs.968998/50(iii) Rs. 82,056/96). In case he could not recoup/reconcile the loss sustained to Government within three (3) months, his services will stand terminated alongwith recovery from his property as arrears of land revenue."

This order was, however, challenged by the present appellant through his departmental appeal before respondent No.1. The Competent Authority was pleased to withdraw the order dated 20.7.99 vide order dated 14.3.2000 without any further direction regarding fresh/denovo inquiry proceedings etc. Strangely enough, respondent No.2 (Authorised Officer) served a final show cause notice on 24.3.2000 with copy of inquiry report on the appellant and thereafter passed the subsequent impugned order dated 24.10.2000. Feeling aggrieved, the appellant filed departmental appeal which has not been disposed of within the statutory period of 90 days. It is pertinent to mention that on 9.3.2001 respondent No.4 issued another office order, whereby the impugned order to the extent of appellant's termination was implemented to the following effect:

"Consequent upon the final decision of Secretary to Govt. of MWPP, Agric. Live Stock and Co-operation Department, the accused official has failed to recoup/reconcile the loss sustained to Govt. within

MWPP Services Tribunal  
Pashawar



the prescribed period of 3 months, therefore, the services of Mr. Sahaulah, Junior Store Keeper of this office is hereby terminated with effect from 28.2.2001."

Copy of this order was also endorsed to D.O. D.I. Khan with the request to recover the above mentioned loss from the above named official, from his property or arrears of land revenue.

6. The Tribunal observes that the appellant has not been treated properly by the respondent department. On acceptance of his earlier departmental appeal, the Competent Authority was pleased to withdraw the order dated 20.7.99 containing exoneration/major penalties against the officer/officials concerned including the present appellant vide order dated 14.3.2000. No fresh/denovo enquiry proceedings etc. were ordered to be initiated against the present appellant. In the above cited withdrawal order of the competent authority, as much the matter achieved finality and the order dated 14.3.2000 is still intact as it has not been set aside by the authority concerned. So issuance of final show cause notice to the appellant pertaining to the same allegations has got no legal justification and unwarranted by law. Moreover, the Authority is competent to impose major penalty on the accused, but in the present case respondent being the Authorised Officer has imposed major penalty or termination on the appellant which is also incompetent. Similarly, the termination is not a prescribed punishment under the rules as such the same is defective and not maintainable. In this connection reliance is also made on Para 1986 Tr. page 397 and P.L.C 1985 (C.S) 478 (C). Besides the appellant has been treated discriminatorily because most of the co-accused have been exonerated of the charges while harsh view has been taken against the appellant by the

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respondent department by imposing upon him the major penalty. It is also pertinent to mention that at first para of the impugned order dated 24.10.2000, the charges pertaining to the mis-use of Agriculture machinery and fake payment of subsidy cheque in connection with installation of Tube-wells in D.J.Khan have been mentioned which are not mentioned in the previous charge sheet and are quite different to the earlier charges and no opportunity regarding fresh charge was given to the appellant to defend himself but instead the previous impugned order was restored. As such the appellant was condemned unheard which is against the terms of justice.

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7. Consequent upon the above discussion, the Tribunal while accepting the appeal partially, considers it proper to modify the impugned <sup>order regarding</sup> major penalty of termination into a lesser penalty of stoppage of three future increments in order to meet the ends of justice. The appellant is reinstated in service with consequential benefits. No order as to costs. File be consigned to the record.

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ANNOUNCED  
22.11.2002

*Mohammad Shaukat*  
(MUHAMMAD SHAUKAT)  
MEMBER

*H. Akbar*  
(KHAN AKBAR KHAN)  
CHAIRMAN

*[Signature]*  
Certified to be a true copy  
NWFPT Service Tribunal  
Peshawar.

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25/11/02  
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ANNEX - "B"

Annex-B

No: 695 /AAIS(F.O) Dated DIKhan the 17/5 /2006.

The Director,  
Agril:Engineering,  
NWFP, Tarnab, Peshawar.

Subject:-  
Memorandum. RECOVERY OF RS. 26,64,860/- FROM MR. SANULLAH JUNIOR STORE KEEPER.

Kindly refer to your letter No:1412/DAE/7/410-Audit, dated 19/4/2006, with the remarks that the bill on account of arrear pay has since been entertained by the Distt:Accounts Officer, D.I.Khan and deposited into Govt: treasury vide challan No:12 dated 16/5/2006 for Rs.100271/- in our receipt head of account( Copy attached), so the recovery has been decreased to Rs. 25,64,589/-, where as the remaining amount of recovery i.e (26,64,860/-(-)100271/-) = 25,64,589/- is still outstanding against him.

Kindly communicate the method/process for the recovery of balance amount Rs. 25,64,589/- because such huge amount is impossible to recover from his monthly pay.

No: 696 /AAE(F.O) Assistant Agril:Engineer,  
Copy to: (Field Operation) D.I.Khan.  
Mr. Sanullah, Junior Store Keeper,  
for information.

Assistant Agril:Engineer,  
(Field Operation) D.I.Khan.

(16)

ANNEX - "C"

Annex - C

IN THE COURT OF ADDITIONAL JUDGE, ADDITIONAL  
MAGISTRATE (GENERAL) COURT AT DIKHAN.

CASE NO. 07 OF 2004.

date of submission of challan:- 11/2/2001.

date of decision:- 13-01-2005.

THE STATE :-

VERSUS

SANAULLAH KHAN SON OF RAHATULLAH KHAN R/O  
KIRANAT ABAD DIKHAN, FR. STOREKEEPER  
IN AGRICULTURAL ENGINEERING WORKSHOP AT  
DIKHAN.

.....ACCUSED ON TRIAL.

CASE U/S 409 PPC READ WITH SECTION 5(2) OF  
THE IC ACT VIDE FIR NO. 1 DATED 28/1/1998 OF  
PS A.C.E, DIKHAN.

JUDGMENT.

1- Brief facts of the case as disclosed  
in the FIR are that the accused Sanaullah Khan  
was posted as Store-keeper in the Agricultural  
Engineering Workshop DIKHAN. During his posting  
as such he was entrusted 2000 litru Diesel on  
21/10/1996 through Invoice No. 700095 and 700096

...Contd...

Additional Special Judge  
Anti Corruption Southern  
Region at Bamtu

13/1/2005

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From the F.S.O Depot Vehari Jam for the local workshop through two Tankers, however the Diesel through Invoice No.700095 amounting to Rs.30,000/- were not received in the Store. Enquiry was conducted in this respect during which the accused Sansullah was found to have mis-appropriated the said Diesel and resultantly the instant case U/S 409 P.C read with section 5(2) of the P.C Act was registered against him.

2- After completion of usual investigation the accused was sent up for trial, who was summoned and after complying all the social formalities the accused was charge-sheeted to which he pleaded not guilty and claimed trial. The prosecution at trial examined 8 PWs and the gist of their evidence is as under:-

3- Mohammad Saleem Khan, Incharge Depot FSO Vehari District (PW:1) deposed that through Invoice No.70095 dated 21/10/1996 vide PL.No.DNA 7399 in the name of Muzamil Carriage and Invoice No.700096 dated 21/10/1996 vide TL No.EU-8317 plying in the name of Muzamil Carriage,

Additional Special Judge  
Anti Corruption Southern  
Region at Bannu.

13/1/2005

ATTESTED

Additional Special Judge  
Anti Corruption Southern  
Region

son at 2

10,000/- liters to each vehicle were supplied from the said PSO Depot for carrying to the Agricultural Engg. workshop at DIKhan. That the contractor confirmed its delivery and he had delivered the documents regarding the transportation of Oil from Bakker to DIKhan which were taken into possession through recovery memo and serial: 1-1 to 1-7. He also produced original thereof for perusal.

4- Jehangir Khan, PWS the driver of Oil Tanker No. DWA-7355 deposed that he loaded 10,000 liters diesel from PSO Kotala Jam for carrying to Agriculture Office DIKhan. On the same day another vehicle No. 8317-BU being driven by the driver Shulam was also loaded with same quantity of Diesel for taking to the said office. That on the way his Vehicle was out of order. That accused Sanaullah was also travelling in his vehicle and he took all the papers regarding the Diesel from him who boarded in the other Oil Tanker and left for DIKhan. After two hours the accused brought another vehicle and shifted the oil from his Vehicle and the witness then informed the owner Haji Zafrullah Khan on phone about the handing over of the Oil to the accused, and

Additional Special Judge  
Anti-Corruption Southern  
Region at Bannu

13/1/2005

ATTESTED

Additional Special Judge  
Anti-Corruption Southern  
Region at Bannu

about the vehicle having become out of order.  
 The owner sent mechanic who removed the fault.  
 The accused also handed over him all documents  
 pertaining to the transportation and receipts,  
 and the witness delivered the same to Arif Shah  
 clerk of the Depot Kotla Jam.

5- Ghulam Hussain, PW: 3 the driver  
 of Vehicle No. 9317-BU also narrated the same  
 story as given by PW: 2..

6- Amanullah Khan Qureshi, <sup>of Store</sup> ~~store~~ Officer  
 Agri: Work shop DIKhan was examined as PW: 4, who  
 deposed that all the oil tankers were to be entered  
 in the Agri: Workshop and the Oil tanker in question  
 has not arrived to their workshop and so was not  
 entered in the record..

7- Anwar Saeed Kundi, AD, ACE DIKhan  
 (PW: 5) conducted inquiry against the accused and  
 submitted his report Ex: 1/5/2, and thereafter on  
 getting permission he registered the case against  
 the accused vide FIR, Ex: 1/5/3. He then conducted  
 the investigation and took into possession invoice  
 No. 700096, P-1 and No. 70095 and supply order P-3 vide  
 ..Contd..

Additional Special Judge  
 Anti Corruption Southern  
 Region at Pindi

13/11/2015

ATTESTED

Additional Special Judge  
 Anti Corruption Southern  
 Region at Pindi

recovery Memo Ex: PW 5/1. He has also recorded the statements of the F/W's 161 Cr:PC.

8- Asif Khan, the then C.O., ACE, PW:6 had taken into possession Oil Tanker No.DNA-7355 via Memo Ex: PW 5/1 and its registration copy vide Memo Ex: PW 6/2. He recorded the statements of some of the F/Ws and then submitted complete challan against the accused.

9- Wajab Ali, FC (PW:7) is marginal witness to recovery Memo Ex: PW 6/2.

10- Mohammad Ramzan, HC (PW: 8) is a marginal witness to the recovery Memo, Ex:PW 8/1 in which the I.C. in his presence took into his possession letter No.133 dated 4/12/1997, letter No.70095 dated 21/10/96 and letter No.2829-34 dt: 22/6/1996, and admitted his signature on the Memo as correct one.

11- After close of the prosecution evidence the accused was examined U/S 302 Cr:PC in which he denied the prosecution allegations and pleaded innocence and his false involvement in the case. He further stated that that the Fws are interested and have falsely deposed against him. He produced

Additional Special Judge  
Anti Corruption Southern  
Region at Bannu

13/1/2005

ATTESTED

Additional  
Anti Corruption  
Region

no evidence in defence nor wanted to be examined on oath.

12- I have heard the arguments and gone through the record.

13- From perusal of the case file it reveals that Amanullah Qureshi, Store Officer Agri. Workshop DIKhan (PW:4) when examined during the trial deposed that no responsibility was fixed upon accused Sanaullah so long as he remained posted as such. Similarly Adwar Saeed Kumli, AD ACE, DIKhan (PW:5) has admitted that none from the department concerned had reported the matter to any authority for mis-appropriation of shortage of diesel. He further admitted as correct the fact that

nothing has brought on judicial file that the original of the Store record or the record maintained on the gate were taken into possession. Jehangir Khan, PW: 2 the driver of Oil Tanker No. 7354-DNA when examined as PW: 2 deposed to the effect that he received 10000/- liters diesel from the PEO Kotla Jam for carriage to Agricultural Office DIKhan and on the same day another oil Tanker No. 8317-SU also received 10,000 liters Diesel from the same Depot for the same desti-

...Contd..

Additional Special Judge  
Anti Corruption Southern  
Region at Bannu

13/1/2005

TESTED  
Judge  
Southern Region



nation and that the accused was accompanying him. That while they were on the way his vehicle became out of order and accordingly the diesel was shifted to another Oil tanker for carrying to the destination.

14- The prosecution has failed to establish the fact that the alleged misappropriated has not reached to the destination. No individual responsibility on the accused has been proved and so the accused is entitled to the benefit of doubt. Accordingly, the accused is acquitted of the charge in the case. He is on bail and his bail bonds stand cancelled. The case property be kept intact till the expiry of period of appeal/revision, and then be returned to owner.

announced.

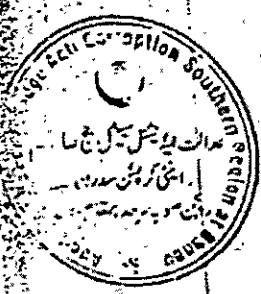
13/1/2005.

(Akram Ullah Khan)  
Addl: Special Judge, Anti-Corruption  
Camp: at Dikhan.

Certified that this judgment consists of 7 pages and each page is signed by me after making corrections therein.

Dated 13/1/2005.

(Akram Ullah Khan)  
Addl: Special Judge, Anti-Corruption,  
Camp: at Dikhan.



ATTN: ...  
13/1/2005

(23)

ANNEX - "D"

Annex - D

No:  
To,

695

/AAE(F.O)

Dated

D.I.Khan the

3/6/2005.

The Director,  
Agril: Engineering,  
NWFP, Tarnab, Peshawar.

Subject:-

Memorandum.

APPLICATION IN RESPECT OF MR. SANNA ULIAH,  
JUNIOR STORE KEEPER/RECOVERY OF RS. 2664860/-.

In compliance of your office letter No:850 dated 23/4/2005.

The comments are as under

1. The applicant has provided on 30/5/2005 to this office a copy of the judgement of hon'able court of Additional special judge Anti-Corruption, D.I.Khan (Copy enclosed).

The date of decision as evident from the copy of judgement is 13/1/2005 and this office has completely remained un aware about any such proceeding's in the court in this connection.

2. According to the statement of Mr. Muhammad Rauf Qureshi, Senior Store Keeper 81 barrel of 3AE-30 containing 16605 litres are lying in P.O. Dantore under the dispute as per record.

3. The photo copies of the Demand Note No:9941 dt: 8/10/1999 and No:9942 dt: 16/10/1999 is attached for ready reference. The items mentioned therein shall be deducted from the recoverable amount.

According to Mr. Muhammad Rauf Qureshi, S.S. Kepr: of this office, there is no other return note available on the record and nothing has been auctioned related to the applicant.

Report submitted as desired please.

*Md 3/6/05*  
Assistant Agril: Engineer,  
(Field Operation) D.I. Khan.

*[Signature]*

Annex - 'E'

بھنخور جناب ڈائریکٹر صاحب ایگریکلچرل انجینئرنگ ڈیپارٹمنٹ خیبر پختونخواہ پشاور

عنوان: درخواست بمراد واپس کئے جانے موبل آئل 16605 لیٹر

یا نیلام کئے جانے آئل۔

جناب عالی:- سائل حسب ذیل عرض رساں ہے۔

۱۔ یہ کہ سائل محکمہ مذکورہ میں بطور سٹورا آفیسر بھرتی ہے اور ضلع ڈیرہ اسماعیل خان میں اپنی ڈیوٹی سرانجام دے رہا ہے۔

۲۔ یہ کہ بروئے لیٹر نمبر SOE(AD)V-1/2000/Vol.3 مورخہ 24/10/2000 کو من سائل سے آئل مذکورہ محکمہ بالانے اپنے قبضہ میں لیا ہے اور من سائل پر مبلغ 2664860/- روپے کی ریکوری ڈال دی ہے۔ جب کہ ریکوری کی مد میں من سائل مبلغ 589789/- روپے محکمہ کو ادا کر چکا ہے اور تاحال مبلغ 2075071/- روپے بدمہ من سائل واجب الادا ہیں۔ (متعلقہ دستاویزات لف ہیں)

۳۔ یہ کہ محکمہ مذکورہ کے سٹورایشن ڈیرہ اسماعیل خان میں 16605 لیٹر موبل آئل موجود ہے۔ جو کہ قبل ازیں بھی کافی ضائع ہو چکا ہے اور مزید ضائع ہونے کا احتمال ہے۔ جس سے من سائل کو ناقابل تلافی نقصان عظیم کا اندیشہ ہے۔ بدیں وجہ آئل مذکورہ من سائل کے حوالے کیا جائے اور سائل کو اجازت دی جائے کہ سائل موبل آئل فروخت کر کے محکمہ مذکورہ میں یکمشت اپنی ریکوری جمع کرا سکے۔ یا بذریعہ محکمہ مذکورہ آئل کو نیلام کر کے من سائل کے ذمہ واجب الادا ریکوری جمع کرائی جائے۔

لہذا استدعا ہے کہ درخواست طہذا منظور فرمائی جائے۔ مورخہ 05/01/2023

العبد

ثناء اللہ۔۔۔ سٹورا آفیسر ایگریکلچرل انجینئرنگ ڈیپارٹمنٹ ضلع ڈیرہ اسماعیل خان

(25)  
ANNEX "F"  
9

**REGISTERED**

**OFFICE ORDER**

Consequent upon the recommendation of Departmental Promotion Committee in its meeting held in this office on 27-10-2017 at 10.00 AM; the following Junior Store Keeper (BPS-07) of this Department are hereby promoted as Senior Store Keeper (BPS-07) in the interest of public service with immediate effect.

S#	Name and Designation	Present Place of Posting	New place of posting
1.	Mr. Noor Ul Haq, Junior Store Keeper.	Assistant Agricultural Engineer, Tarnab Peshawar	Promoted as Senior Store Keeper (BPS-07) and posted in said office against the vacant post.
2.	Mr. Sana Ullah, Junior Store Keeper	Assistant Agricultural Engineer, Dera Ismail Khan.	Promoted as Senior Store Keeper (BPS-07) and posted in said office against the vacant post.
3.	Mr. Sajjad Ahmad, Junior Store Keeper.	Assistant Agricultural Engineer, Swat.	Promoted as Senior Store Keeper (BPS-07) and posted in office of the Assistant Agricultural Engineer, Mansehra against the vacant post.
4.	Mr. Shaukat Kamal, Junior Store Keeper.	Assistant Agricultural Engineer, Tarnab Peshawar	Promoted as Senior Store Keeper (BPS-07) and posted in said office against the vacant post.

**SD/-(ENGR. MAHMOOD JAN)**  
Director,  
Agricultural Engineering,  
Khyber Pakhtunkhwa Tarnab, Peshawar

Endst: No. 7196-7210 /DAE/Estt:/3/8 dated Tarnab, the 31/12/2017

Copy of the above is forwarded to:-

1. The Deputy Secretary, Government of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperative Department Peshawar;
2. The Deputy Director, Agricultural Engineering, Khyber Pakhtunkhwa Tarnab Peshawar, for information with reference to this office letter No.6880-81/DAE/Estt: 3/8 dated 26.10.2017.
3. The Accountant General, Khyber Pakhtunkhwa, Peshawar;
- ✓ 4. The Assistant Agricultural Engineer's, Swat, Tarnab Peshawar, Dera Ismail Khan, Mansehra;
5. The District Account Officer, Dera Ismail Khan, Swat, Mansehra; for information and necessary action please.
6. The above named Officials;
7. File No.3/1 of Estt: Section of this office.

*[Signature]*  
Director,  
Agricultural Engineering,  
Khyber Pakhtunkhwa Tarnab, Peshawar



www.agriengineering.kp.gov.pk  
DIRECTORATE OF AGRICULTURAL ENGINEERING, KHYBER  
PAKHTUNKHWA, TARNAB, PESHAWAR

☒ G.T. Road, Tarnab Peshawar ☎ & 📠 091-2964063  
E-mail daekpktarnab@gmail.com



### OFFICE ORDER

Consequent upon the recommendation of Departmental Promotion Committee in its meeting held in this office on 16.11.2021, the following promotion/posting and transfers are hereby ordered in the interest of public service with immediate effect.

S#	Name and Designation	Present Place of Posting	New place of posting
1.	Sana Ullah Khan, Senior Store Keeper BPS-07	Assistant Agricultural Engineer, Dera Ismail Khan	Promoted as Store Officer (BPS-16) and posted in the said office against the vacant post.
2.	Sajjad Ahmad, Senior Store Keeper BPS-07	Assistant Agricultural Engineer, Tarnab Peshawar	Promoted as Store Officer (BPS-16) and posted in office of the Assistant Agricultural Engineer, Swat against the vacant post.
3.	Shoukat Kamal, Senior Store Keeper BPS-07	Assistant Agricultural Engineer, Tarnab Peshawar	Promoted as Store Officer (BPS-16) and posted in the said office against the vacant post.
4.	Muhammad Irshad, Unit Supervisor (BPS-12)	Agricultural Engineer, Bajaur.	Promoted as Senior Supervisor (BPS-16) and posted in office of the Agricultural Engineer, Haripur against the vacant post.
5.	Muhammad Younas, Mechanic (BPS-08)	Assistant Agricultural Engineer, Tarnab Peshawar	Promoted as Foreman (BPS-12) and posted in office of the Agricultural Engineer, Mardan against the vacant post.

SD/- (ENGR. NAZEER ABBAS)  
Director,  
Agricultural Engineering,  
Khyber Pakhtunkhwa Tarnab, Peshawar

Endst: No. 15055-77 /DAE/Estt:/3/8 dated

Tarnab, the 15 / 11 /2021

Copy of the above is forwarded to:-

1. The Deputy Secretary, Government of Khyber Pakhtunkhwa, Agriculture, Livestock and Cooperative Department Peshawar.
2. The Accountant General, Khyber Pakhtunkhwa Peshawar;
3. The Agricultural Engineers, Mardan, Bajaur, Haripur;
4. The Assistant Agricultural Engineers, DIKhan, Peshawar, Swat;
5. The District Account Officers, Mardan, Bajaur, Haripur, DIKhan, Swat; for information and necessary action please.
6. The above-named Officers/Officials.
7. Personal Files of the Officers/Officials concerned.

Director,  
Agricultural Engineering,  
Khyber Pakhtunkhwa Tarnab, Peshawar

M. J. C.  
19/11/2021

(27)

ANNEX- "G"

1 | Page

To  
The Secretary,  
Govt. of Khyber Pakhtunkhwa (K.P),  
Agriculture, Livestock & Co-operative Department,  
Peshawar.

Through: Proper Channel

SUBJECT: DEPARTMENTAL APPEAL AGAINST ORDER OF A.A.E FOR RECOVERY OF RS. 26, 64,860/- FROM THE SALARY OF THE APPELLANT IN RESPECT OF SUPPLY OF LUBRICANT.

PRAYER: ON ACCEPTANCE OF THIS DEPARTMENTAL APPEAL ANY ORDER OF THE RECOVERY MAY BE SET AS NAUGHT OR THE SO-CALLED DISPUTED LUBRICANT MAY BE RETURNED TO THE APPELLANT OR PUT ON AUCTION TO RE-COUP THE ALLEGED LOSS.

Respectfully Sheweth.

The appellent humbly submits as under: -

1. That the appellent was appointed as Junior Store Keeper in 1986 in the Agriculture Engineering Department, Dera Ismail Khan (D.I.Khan).

2. That the departmental proceedings were initiated against the appellent & others in 1999. The Secretary Agriculture, Livestock, Co-operative Department, K.P. Peshawar eventually imposed penalty vide order dated 20.7.1999 in the following terms to the extent of the appellent only: -

*"The accused official will bear the cost of damages of Rs. 26, 64,860/- (Charge No. (i) Rs. 16, 13,805/40 (ii) Rs. 9, 68,998/50 (iii) Rs. 82,056/96). In case he could not recoup/reconcile the loss sustained to Government within three (3) months, his services will stand terminated along with recovery from his property as arrears of land revenue."*

3. That the appellent reconciled all the alleged lost/damaged items officially but even then, the services of the appellent were terminated by order dated 24.10.2000. That the appellent filed a departmental appeal against the said order which was not decided within the statutory period of 90 days obliging the appellent to file service appeal No. 410/2001.

4. That the Hon'ble Service Tribunal Peshawar partly accepted the service appeal of the appellent by judgment dated 22.11.2002. The operative part of the judgment reads:

*"Consequent upon the above discussion, the Tribunal while accepting the appeal partially, considers it proper to modify the impugned order regarding the major penalty of termination into a minor penalty of stoppage of three future increments in order to meet the ends of justice. The appellant is re-instated in service with consequential benefits. No order as to costs."*

(The photocopy of the judgment is Annex--A).

5. That the Assistant Agriculture Engineer (F.O) D.I.Khan withheld the arrears amounting to Rs. 1,00,271/- allowed as a consequential benefit to the appellant by the Hon'ble K.P Service Tribunal, Peshawar and deposited it in the Govt. treasury as appeared from his letter No. 695/AAE(F.O) dated D.I.Khan the 17/5/2006 without the independent consent and knowledge of the appellant. (The said letter is Annex---B).

6. That the Assistant Agriculture Engineer (F.O) D.I.Khan further ordered to recover the amount of Rs. 25,64,589/- in respect of supply of purportedly poor quality lubricant/Mobil oil although the learned Additional Special Judge, Anti-Corruption camp Court D.I.Khan through judgment dated 13.01.2005 acquitted the appellant honourably from the same charges of the allegedly spoiled lubricants oil levelled in a criminal case registered vide F.I.R No. 01 dated 28.01.1998 for the contravention of Section 409, P.P.C read with Section 5(2) of the P.C, Act with P.S., A.C.E, D.I.Khan. (The photocopy of the judgment is Annex. C).

7. That the Assistant Agriculture Engineer (F.O) D.I.Khan in utter disregard to the above-said judgments ordered for recovery of the aforesaid amount from the salary of the appellant. It is a well-settled principle of law that nobody can be vexed twice for the same act. The Hon'ble Supreme Court in its enshrined judgment titled SECRETARY, LOCAL GOVERNMENT AND RURAL DEVELOPMENT, GOVERNMENT OF PUNJAB, LAHORE and another---Versus---AHMAD YAR KHAN (2010 SCMR 861) held that,

*"Punjab Removal from Service (Special Powers) Ordinance (IV of 2000)---Ss. 3(1)(e) 11---Punjab Local Councils (Audit) Rules, 1981, R.27---Constitution of Pakistan (1973), Arts.13 & 212---Double jeopardy principle of---Applicability---Civil servant was awarded penalty of censure under S.3 (1)(e) of Punjab Removal from Service (Special Powers) Ordinance, 2000, by competent authority---Penalty of censure was not challenged by civil servant but authorities*

later on imposed recovery of Rs.371,836 against him under R.27 of Punjab Local Councils (Audit) Rules, 1981---Validity---Action against civil servant had already been finalized and penalty imposed under Punjab Removal from Service (Special Powers) Ordinance, 2000, had already attained finality---Recovery could have been made by competent authority but only minor penalty was imposed probably for the reason that civil servant had been exonerated by inquiry officer regarding alleged loss suffered due to Octroi contract allegedly executed by the civil servant---Supreme Court declined to interfere in the judgment passed by Service Tribunal as it had rightly set aside the order passed by the authorities---Appeal was dismissed."

8. That the Assistant Agriculture Engineer (F.O) D.I.Khan based on the statement of successor-in-office of the appellant through a letter No. 695/AAE (F.O) dated D.I.Khan dated 03.6.2005 made the said lubricant disputed, which is still being kept open to spoil it malevolently at the cost of financial loss to the appellant and the department as well. (The photocopy of the said letter is Annex. D).

9. That the Assistant Agriculture Engineer (F.O) D.I.Khan did not communicate any order of the recovery to the appellant despite his repeated requests but got it recompensed on its own from the arrears and salary of the appellant.

10. The appellant has been constantly requesting to stop the recovery from his salary, auction the disputed lubricant or return it to the appellant to re-coup the alleged loss but to no avail. The appellant moved the most recent application to this effect on 05.01.2023 and its fate has not been communicated to the appellant to date. (The photocopy of the said application is Annex. E).

11. That the appellant was not responsible for the shortage, loss or any impairment to the hypothetically disputed oil but it was admittedly kept in the official premises under the administrative control of the Assistant Agriculture Engineer (F.O) D.I.Khan since the date of its unloading in the official store.

The Hon'ble Supreme Court of Pakistan in judgment titled SHAHID UL QAYYUM and others---versus---FEDERATION OF PAKISTAN through Secretary, Economic Affairs and Statistics Division, Government of Pakistan, Islamabad and others (1997 SCMR 1198) held as thus,

*"Constitution of Pakistan (1973) ---Art. 212(3)--- Misconduct---Loss of store items---Major penalty of reduction to lowest post for period of three years and minor penalties of*



*censure, withholding of next annual increment for period of three years and recovery of loss of store items was imposed upon civil servant by Departmental Authority--Service Tribunal, however, modified order in question, so as to reduce penalties to that of stoppage of two increments for period of two years with cumulative effect---Validity---Petitioner contended that Service Tribunal having found that air-conditioner (item of store which was deemed to have been lost) purchased by petitioner was installed in office and, therefore, only fault of petitioner was that he did not obtain written approval of officer under whose directions said air conditioner was purchased and that it was not proved whether petitioner was directly responsible for shortage in store items and no valid basis for awarding any penalty to petitioner thus existed---Petitioner's further contention was that because of finding of Service Tribunal, petitioner was not allowed to cross-examine witnesses, thus, inquiry stood vitiated with the result that it could not form basis of any penal action against petitioner---Leave to appeal was granted to consider contentions raised---Leave to appeal was also granted in connected appeal filed by Government against petitioner against reduction of his penalty by Service Tribunal."*

12. That the appellant is serving with dedication and commitment. The department, while acknowledging the services rendered by the appellant, promoted him to the post of Store Officer (BPS-16) in 2021. (The photocopy of the promotion order is Annex--F).

13. The appellant is on the verge of retirement while an amount of more than Rs. 5, 00,000/-has been recovered from his salary including the arrears so far illegally.

*It is therefore, requested that on acceptance of this department appeal, the impugned order of the recovery may please be set aside with further request to return the lubricant to the appellant or to put it to auction to save the appellant and the department from further financial loss in the best interest of justice.*

Dated 07.9.2023



(Sanaullah Khan)  
Presently Posted as Store officer  
(B.P.S-16) in Agriculture  
Engineering Department,  
D.I.Khan (Appellant)



SIR AKHTAR ULLAH

Advocate

No: 17/1173

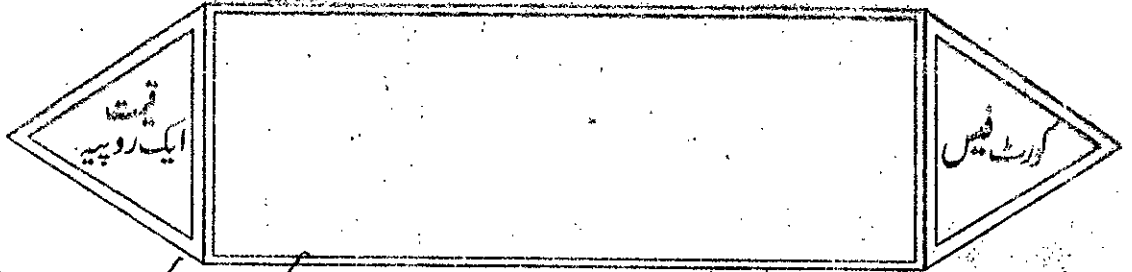
Date of Issue: June 2010

Valid upto: June 2021



Additional Secretary  
Khyber Council

# وکالت نامہ



بعدالت جناب حسین مجتہد گھوڑہ سروس ٹریبونل لیسٹڈ ریٹری

منجانب ایبلا نٹ  
بنام گورنمنٹ آف ریٹری

مناہد اللہ

دعویٰ یا جرم

سروس اپیل

تفصیل دعویٰ یا جرم

باعث تحریر آئینکے

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جوابدہی برائے پیشی یا تفتیشی مقدمہ بمقام مجلس اکرام ایبلا نٹ ریٹری کیلئے

کوسب ذیل شرائط پر وکیل مقرر کیا ہے، کہ میں ہر ذمہ پر خود بذریعہ اختیار خاص رہا تو عدالت حاضر ہوتا رہوں گا۔ اور ہر وقت پکارے جاے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر پیشی پر منظر حاضر نہ ہوں اور مقدمہ میری غیرحاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بعد از تظہیر بی بی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ کسی جگہ یا بکھری کے اوقات سے پہلے یا پیچھے یا بعد از تظہیر بی بی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر بکھری کے علاوہ اور جگہ نامت ہونے یا بعد از تظہیر یا بکھری کے اوقات کے آگے پیچھے نہیں ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار ہوں گے واسطے کسی معاوضہ کے ادا کرنے یا اٹھانے یا اس کے لئے کسی بھی صورت ذمہ دار نہ ہوں گے۔ بلکہ کوئی سائنٹ پر واسطے صاحب موصوف عمل کروہ امت نادر منظور نہ ہوگا۔ اور صاحب موصوف کو مرضی مرضی، یا جواب دہی یا درخواست ابراہانے آگری و نظر ثانی اپیل گرائی اور جرم اور فرسٹ ہڈیا طلبہ مقدمہ کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا آگری کرنے اور جرم کا وہ پہنچا وصول کرنے اور سیدہ دینے اور اپیل کرنے اور جرم کے بیان دینے اور اس پر حاشیہ یا راضی نامہ دینے پر حاشیہ کرنے، و اقبال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکورہ دوران از بکھری صدر بی بی مقدمہ مذکورہ نظر ثانی و اپیل گرائی و برآئی مقدمہ یا مشورتی و آگری یا طرف یا درخواست حکم اختتامی یا قرتی یا گرفتاری قبل از لیٹل اجرائے و آگری بھی صاحب موصوف کو بشرط ادا سنگل علیحدہ مکانہ پیروی کا اختیار ہوگا اور تمام سائنٹ پر داخستہ صاحب موصوف عمل کروہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا گرائی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا ایئر سٹروکاپے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

لہذا وکالت نامہ لکھ دیا ہے۔ تاکہ سند ہے

مورخہ \_\_\_\_\_ ماہ \_\_\_\_\_ 201

مضمون وکالت نامہ سن لیا ہے۔ اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted

Justice  
A. Ullah

ایبلا نٹ

مناہد اللہ