

23/10/2022  
Hazrat Ali



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



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No. DG(Res)/L&DD/Est-II/(91)/2019/5413-24  
Dated Peshawar the 27/10/2024

**OFFICE ORDER**

Pursuance to the recommendations of the denovo Inquiry Committee vide No. 189/Path dated 02.10.2024, constituted in compliance of the judgment/ order dated 04.07.2024 of the Khyber Pakhtunkhwa Service Tribunal Peshawar at Camp Court Swat vide notification No. DG(Res)/L&DD/Est-II(91)/2019/4830-39 dated 12.09.2024, this office order No.DG(Res)/L&DD/Est-II(91)/2019/4819-27 dated 12.09.2024 regarding conditional re-instatement of Mr. Hazrat Ali S/O Bakht Kamal, Ex-Naib Qasid (BPS-03) against the available vacant post of Sweeper (BPS-03) at Veterinary Research & Disease Investigation Center, Balogram Swat for the purpose of denovo inquiry is hereby rescinded/ withdrawn ab-initio.

Director General  
(Research)

**Endst of even No. & date:**

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

1. The Director, Livestock Research & Development, Khyber Pakhtunkhwa, Peshawar.
2. The Director, Veterinary Research Institute, Peshawar.
3. 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 a/w copy of the denovo inquiry.
4. The Section Officer (Litigation) Livestock, Fisheries & Cooperative Department, Government of Khyber Pakhtunkhwa, Peshawar w/r to law Department letter No.SO/Law/9-3A(02)Livestock/2024/14477-80 dated 06.09.2024, a/w copy of denovo inquiry.
5. Inquiry Officer Dr. Muhammad Ilyas Khan, PRO/Station Director, Livestock Research & Development Station, Swabi w/r to recommendations vide letter quoted above.
6. Inquiry Officer Dr. Hamid Ullah Khan, Senior Research Officer (Media & Sterilization Section), Directorate General (Research) Livestock & Dairy Development Department, Khyber Pakhtunkhwa, Peshawar w/r to recommendations vide letter quoted above.
7. The District Accounts Officer, Saidu Sharif Swat.
8. Dr. Ibrar Hussain, Research Officer / Focal Person (Litigation Cases) through PRO/ Regional Director, Veterinary Research & Disease Investigation Center, Balogram Swat.
9. The Incharge / Web Admn, Information Technology Cell, Directorate General (Research) Livestock & Dairy Development Department, Khyber Pakhtunkhwa, Peshawar.
10. The Incharge, Litigation Section, Directorate General (Research) Livestock & Dairy Development Department, Khyber Pakhtunkhwa, Peshawar.
11. Mr. Hazrat Ali, Ex-Sweeper r/o Mohalla Shagai Saidu Sharif District Swat c/o PRO/ Regional Director, Veterinary Research & Disease Investigation Center, Balogram Swat.
12. Office order file

Director General  
(Research)

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## INQUIRY REPORT

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**Subject:** De-Novo inquiry of Mr. Hazrat Ali (Ex-Naib Qasid BPS-03) as per judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar conducted in his absentia as he refused to join the available post of sweeper (BPS-03), on which the accused has been reinstated for the purpose of de-novo inquiry

### Introduction:

In compliance to the judgment of Khyber Pakhtunkhwa, Service Tribunal Peshawar Camp Court Swat dated 04.07.2024 in service appeal No: 235/2022 (Annex-A- Page: 01-04), Director General livestock & dairy development (Research wing) Khyber Pakhtunkhwa Peshawar reinstated Mr. Hazrat Ali ex-Naib Qasid (BPS-03) on the available post of sweeper (BPS- 03) for the purpose of de-novo inquiry vide Notification No: DG(Res)/L&DD/Estt-II(91)/2019/4819-27 dated 12-09-2024. (Annex- B- Page: 05),

Dr Muhammad Ijaz Ali Director General issued charge sheet and statement of allegations to Mr. Hazrat Ali Ex- Naib Qasid (BPS-03) Veterinary Research and Disease Investigation Center (VR&DIC) Swat vide Notification No: DG(Res)/L&DD/Estt-II(91)/2019/4830-39 dated 12-09-2024 with the following irregularities: (Annex- C- Page: 06-08),

- i. You are found guilty of misconduct by remaining willfully absent from Government duties.
- ii. You neither responded to the show cause notice issued by your incharge vide No: RD/VR&DIC/SW/ESTT:/PF/N.G:II (25)/2017/4065-69 dated 29-10-2021 within the stipulated period nor attended the office.
- iii. In spite of your undertaking on stamp paper regarding repentance and non-repetition of habitual absenteeism, you failed to improve your efficiency.

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Proceedings:

1- Inquiry committee proceeded to Veterinary Research & Disease Investigation Center (VR & DIC) Swat on 23-09-2024 to initiate proceedings and enquire factual position of the charges under Rule 11 of the Khyber Pakhtunkhwa government servants (Efficiency and Discipline) Rules 2011. The inquiry committee directed the accused Mr. Hazrat Ali telephonically on 19/09/2024 at 2:55 pm vide cell phone #: 0340 5453436 and in written vide letter No: 184-187/path dated 19/09/2024 through departmental representative, received by the accused on 19-09-2024 at 05:20 pm (Annex-D- Page : 09-10), to appear before inquiry committee in the office of the Regional Director VR&DIC Swat on 24/09/2024 at 10.00 am for inquiry proceedings, under rule 11 of the rules ibid.

2- The inquiry committee also requested Regional Director VR&DIC Swat and departmental representative to organize all documents related with the accused in the subject inquiry vide letter No; 184-187/path dated 19-09-2024.

3- The accused Mr. Hazrat Ali Ex-Naib Qasid appeared before the committee on the said date & time i.e on 24-09-2024 at 10.00 am. He verbally narrated his issues in detail but when the committee-inquired about his formal joining report for the purpose of de novo inquiry, the accused Mr. Hazrat Ali refused to submit arrival/joining report on the post of sweeper BPS-03 and he was of the view to consult his lawyer before joining. Therefore, the committee extended him an opportunity to decide the joining/arrival to the office for the purpose of de novo inquiry after consultation with his lawyer. On 25-09-2024 the accused met again the committee after consultation with his lawyer. He bluntly refused to join the office for the purpose of inquiry on the available post of sweeper (BPS-03) and he was of the view to join the office on the post of Naib Qasid (BPS-03) only and stressed that the post of sweeper is not acceptable to him, even it may be for the purpose of de novo inquiry.

4- In such a situation when the accused refuses to join office for the purpose of de-novo inquiry, there were two options left with the inquiry committee for further proceedings:

- I- To stop the De-Novo inquiry as the accused did not join the post of Sweeper BPS-03, on which the accused has been reinstated for the purpose of de-novo inquiry
- II- To continue the De-Novo inquiry on the basis of available official record in absentia of the accused

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5- With above two options only in hand, the inquiry committee picked up the 2<sup>nd</sup> option i.e "To continue the de-novo inquiry on the basis of available official record in absentia of the accused" with the logic behind is, that

- I- The refusal from one party is not sufficient to stop the inquiry proceedings as the other party i.e department has extended full cooperation to facilitate the inquiry committee
- II- As the official record related to the accused is fully provided as and when asked.
- III- The compliance of the judgment of honorable Khyber Pakhtunkhwa Service Tribunal Peshawar Camp Court Swat dated 04.07.2024 in service appeal No: 235/2022 is on the priority for the inquiry committee to act upon.

**Findings:**

**1st Phase of Absence period of the accused**

A- The record of Mr. Hazrat Ali, the accused was thoroughly checked, examined and scrutinized which reveals that the accused remained absent from official duties from time to time where he, the accused was treated as per the existing govt rules. The first phase of the accused absentee period with appropriate action against him is given as below:



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Table: 01

S.No	Period of Absence from Official Duty	Duration of Absence	Action taken by the competent Authority
01	22-24 March. 2021	03 days	The competent authority granted 42 (Forty Two) days Extra Ordinary Leave (without pay) retrospectively. Attendance Record (Annex- E- Page: 11-14). Casual Leave Balance. Reply to explanation. Leave without Pay. Notice of Resuming Duty. Notice for Resumption of duty through News Papers (Annex- F- Page: 15-21), Inquiry Order (Annex-G -Page: 22), Show Cause Notice & Reply (Annex- H - Page: 23-25). Order for EOL. without pay & Medical Leave with full and disqualification for promotion as per existing government rules. (Annex- I- Page: 26-27)
02	28-31 March. 2021	04 days	
03	04-11 April, 2021	08 days	
04	15-21 April. 2021	07 days	
05	25-28 April, 2021	04 days	
06	02-17 May, 2021	16 days	
Period of absence (converted to Extra Ordinary. Leave without pay)		42 days	
01	25-27 March. 2021	03 days	The competent authority granted 15 (Fifteen) days Medical Leave on full pay as per existing rules. (Annex- I- Page: 26-27),
02	01-03 April. 2021	03 days	
03	12-14 April, 2021	03 days	
04	22-24 April. 2021	03 days	
05	29-30 April. 2021	02 days	
06	01 May, 2021	01 day	
Period of absence (converted to Medical Leave with full pay)		15 days	
Total period of absentia		42+15=57 days	42 days converted to EOL without pay and 15 days treated as Medical Leave with full pay

- B- It is clear from the above official data/record, that the accused remained absent for a period of 57 days and the competent authority converted 42 days to Extra Ordinary leave without pay while 15 days to Medical Leave as per existing government rules.
- C- As the official record of the accused shows that he was habitual of absenteeism from government duty since his induction 2015, therefore the accused has produced a personal statement on stamp paper, ensuring the competent authority that he will take care for attendance and will be abide by government rules & regulations in future.  
(Annex- J- Page: 28-29)

2nd Phase of Absence period of the accused

- D- The official record of the accused shows that he remained absent from official duty from 1<sup>st</sup> September 2021 to 20<sup>th</sup> October 2021(48 days) except two days i.e 2<sup>nd</sup> & 7<sup>th</sup> Sep 2021 (for which medical certificate provided). Details of absenteeism is given below:

Table: 2

S.No	Period of Absence from Official Duty	Duration of Absence	Action taken by the competent Authority
01	1 <sup>st</sup> Sept 2021 to 30 <sup>th</sup> Sep 2021, except 2 <sup>nd</sup> & 7 <sup>th</sup> Sept 2021	28 days	The accused remained absent from 1 <sup>st</sup> Sept 2021 to 20 <sup>th</sup> Oct 2021 except 2 <sup>nd</sup> & 7 <sup>th</sup> Sept 2021(medical leave for 2 <sup>nd</sup> & 7 <sup>th</sup> Sept 2021). Attendance Record & Medical Leave (Annex- K- Page: 30-35), Explanation & Reply (Annex- L- Page: 36-38), Show Cause Notice & Report of the Personal Hearing Committee (Annex- M- Page: 39-40), Order of Removal from service dated 15-11-2021 & Appeal to the Appellant Authority (Annex- N- Page: 41-42)
02	1 <sup>st</sup> Oct 2021 to 20 <sup>th</sup> Oct 2021	20 days	
<b>Total period of absence</b>		<b>48 days</b>	

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- E- The accused was called by the concerned officer to explain his position on dated 21/10/2021 but the reply was not satisfactory and hence not accepted. The competent authority issued a Show Cause Notice dated 29/10/2021 under Rule 7(b) of E & D Rules 2011 which was received by the accused himself on the same date i.e 29/10/2021. (Annex- L & M- Page: 36-40)
- F- The record shows that the accused did not reply the Show Cause Notice dated 29/10/2021 and removed from service vide Order No: RD/VR&DIC/Sw/Estt/PF/N.Gzt/(25)2017/4119-23 dated 15/11/2021. Finally the accused appealed to the Appellant Authority which was rejected dated 04/01/2022. (Annex- N- Page: 41-42)
- G- It is pertinent to mention that according to the official record, the accused has been removed from service on his absentia from 1<sup>st</sup> Sept 2021 to 30<sup>th</sup> Sept 2021 and 1<sup>st</sup> Oct to 20<sup>th</sup> Oct excluding 2<sup>nd</sup> & 7<sup>th</sup> Sept 2021 (medical leave), for a total period of 48 days absentia as shown in the above Table: 02. This has also been mentioned in the Order (Removal From Service) dated 15/11/2021. To elaborate it, the wordings of the order dated 15/11/2021 are reproduced here " *Whereas Mr. Hazrat Ali while appointed and working as Naib Qusid (BPS-03) was proved guilty of misconduct [ under Rule 3(b)] remaining willfully absent from Govt duty [ w.e.f 01 Sep, 2021 to 20 Oct2021] without any legal approval from the competent authority; ...*"

Thus keeping the available record of the accused in view, It is clear that the accused found absent from government official duty for 48 days as shown in above Table: 02.

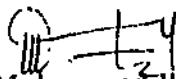
**Recommendations:**


The inquiry committee in the absentia of the accused (as the accused did not want to join the available post of Sweeper BPS-03 on which the accused has been reinstated for the purpose of de.novo inquiry) has gone through all the relevant record and recommends that:

- 1- The accused remained absent from government official duty for the specified mentioned period and the order of removal from services RD/VR&DIC/SW/ESTT/PF/N.Gzt/(25)2017/4119-23 dated 15-11-202 issued by the competent authority may be kept intact.

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2- The copy of the inquiry report may be sent to the Registrar Khyber Pakhtunkhwa, Service Tribunal Peshawar Camp Court Swat with reference to judgment dated 04.07.2024 in service appeal No: 235/2022.

  
(Dr. Muhammad Ilyas Khan)  
Chairman Inquiry Committee  
Dated: 2/10/2024

  
(Dr. Hamid Ullah Khan)  
Member Inquiry Committee  
Dated: 02/10/2024