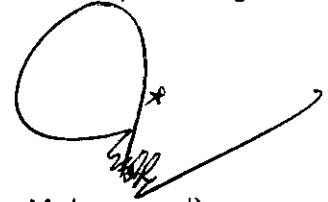


18.05.2022

Junior to counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Reply/comments on behalf of respondents not submitted. Learned AAG seeks time to contact the respondents for submission of reply/comments. Granted. To come up for reply/comments as well as preliminary hearing on 22.07.2022 before S.B.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a horizontal line that extends to the right and then curves downwards.

(Mian Muhammad)
Member (E)

13.12.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant while arguing the case stated that the appellant was serving as Lab Attendant at GHS Gul Akbar Kali Sherkera and is basically aggrieved of the impugned order dated 29.01.2019 whereby major penalty of "removal from service" was imposed on the appellant. He submitted departmental appeal against the impugned order on 23.6.2021 which was not responded within the statutory period, hence, the instant service appeal filed in Service Tribunal on 06.10.2021. There is a gap of 2-1/2 years between the impugned order passed by the competent authority and departmental appeal submitted there against. Learned counsel for the appellant could neither justify the question of limitation nor there is any application for condonation. It would, therefore, be appropriate to issue pre-admission notice to the respondents to submit their reply/parawise comments and assist the Tribunal. Adjourned. To come up for preliminary hearing on 22.02.2022 before S.B.


(Mian Muhammad)
Member(E)

22.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 18.05.2022 for the same as before.

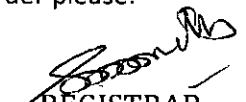


Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7565 /2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/10/2021	<p>The appeal of Mr. Qaim Khan resubmitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>13/12/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

The appeal of Mr. Qaim Khan, Ex-Lab Attendant, GHS Gul Akbar Killi, District Peshawar received today i.e. on 06.10.2021 is incomplete on the following score which is returned to the counsel for the appellants for completion and resubmission within 15 days.

- 1- Departmental appeal authority is not made respondent, which may be made according to the Khyber Pakhtunkhwa Service Rules, 1974.

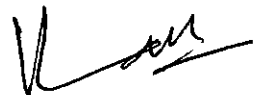
No. 1979 /S.T,

Dt. 06/10 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Noor Muhammad Khattak Adv. Pesh.

R/sir; That respondent No. 1 is the appellate authority and the departmental appeal so filed is supposed to be forwarded to respondent No. 1 under the K-P (Appeal) Rules, 1980.


8-10-21

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: QAIM KHAN

V/S

EDUCATION DEPTT:

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: NOOR MOHAMMAD KHATTAK	✓	
2	Whether Counsel/Appellant/Respondent/Deponents have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly pagged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____		
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____		
26	Whether copies of comments/reply/rejoinder submitted? On _____		
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:

NOOR MOHAMMAD KHATTAK

Signature:

Dated:

2021

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR**

SERVICE APPEAL NO. 7565 /2021

QAIM KHAN

V/S

EDUCATION DEPTT:

INDEX

S.NO	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1-3
2	Service book	A	4-18
3	Impugned order dt: 29.01.2016	B	19
4	Departmental appeal	C	20
5	Wakalat Nama	21

Dated: _____ 10.2021

APPELLANT

Through:

NOOR MOHAMMAD KHATTAK

ADVOCATE

FLATE NO. 04/ 2ND FLOOR,
JUMA KHAN PLAZA, NEAR FATA SECRETARIAT,
WARSAK ROAD, PESHAWAR

0345-9383141

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO. _____/2021

Mr. Qaim Khan, Ex- Lab Attendant,
GHS Gul Akbar Killi, Peshawar.

..... APPELLANT

VERSUS

- 1- The Director E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The District Education Officer (M), District Peshawar.

..... RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPUGNED ORDER DATED 29.1.2016
WHEREBY THE APPELLANT HAS BEEN REMOVED FROM
SERVICE AND AGAINST NO ACTION TAKEN ON THE
DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN
THE STAUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order
dated 29.1.2016 may very kindly be set aside and the
appellant may kindly be reinstated into service with all
back benefits. Any other remedy which this august
Tribunal deems fit that may also be awarded in favor of
the appellant.

R/SHWETH:

ON FACTS:

1. That appellant is the employee of the respondent Department and was appointed as Laboratory attendant vide order dated 1.1.2004 after fulfilling all the codal formalities required for the post and started performing his duty with full zeal & zest. Copy of the service book is attached as **annexure** **A.**
2. That due to illness the appellant submitted applications for medical leave but the same were not responded by the respondent No.1. That after gaining health the appellant visited the concerned quarter for arrival/joining of duty but the appellant was handed over with the impugned order dated 29.1.2016 whereby major penalty of removal from service has been imposed on the appellant without fulfilling codal formalities. Copy of the impugned order is attached as **annexure** **B.**

- 3. That appellant feeling aggrieved from the impugned order dated 29.1.2016 preferred Departmental appeal but no reply has been received so far. Copy of the Departmental appeal is attached as annexure C.
- 4. That appellant feeling highly aggrieved and having no other remedy filed the instant appeal on the following grounds amongst the others.

GROUND:

- A- That impugned order dated 29.1.2016 issued by the respondents is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the respondents acted in arbitrary and malafide manner while issuing the impugned Removal order dated 29.1.2016.
- D- That, the treatment meted out to the appellant clearly based on discrimination and malafide and as such the respondents violated the Principle of Natural Justice.
- E- That the absence of the appellant was not willful but because of illness, therefore imposition of major penalty vide order dated 29.1.2016 is against the Rule and Law.
- F- That neither notice nor chance of personal hearing has been given by the respondents to appellant before issuing the impugned removal orders dated 11-12-2018 and 11-06-2021.
- G- That even otherwise the penalty imposed upon the appellant is very harsh by removing the appellant from service which does not commensurate with the facts and circumstances of the case of the appellant which is not maintainable in the eye of law.
- H- That the appellant had sufficient service at his credit. During his entire service, the appellant was never earlier been charge sheeted for dereliction of duties. The penalty is therefore very harsh and liable to be set aside on this ground also.

- I- That no show cause notice nor chance of personal hearing has been provided to the appellant before issuance of the impugned order dated 29.1.2016.
- J- That rule 9 of the E&D rules has not been adopted by the respondents prior to the issuance of the impugned order dated 29.1.2016.
- K- That no regular inquiry has been conducted prior to the issuance of the impugned order dated 29.1.2016.
- L- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may very graciously be accepted as prayed for, please.

Dated: 1-10-2021

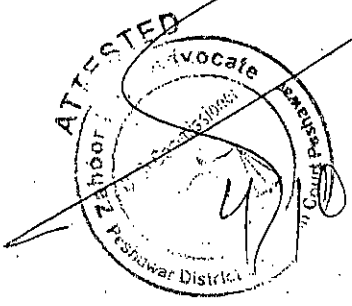
APPELLANT
 QAIM KHAN

Through:
 NOOR MOHAMMAD KHATTAK

&
 KAMRAN KHAN
 ADVOCATES,
 High Court, Peshawar

AFFIDAVIT

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



DEPONENT

CERTIFICATE:

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

CERTIFICATION

ANNEXURE .. A ..

④

(For use in Police Department only).

Heirs,

- 1.
- 2.
- 3.

Verification Roll No. _____ dated _____ received back _____

Left thumb-impression. _____

Passed & examined in

Qualification	Date	Qualifications	Date
Under Roll No. _____			
English 1968 session		First Arts	
Pashtu 1994 Supplement 27		B. L. or B. A.	
Urdu marks obtained 416		Pleadership examination	
Plan-drawing 850		Training School Final examination	
Finger print		Other qualifications—	
Drill instructing			
Court duties			
Reserve duties			

Shad Malik
 Head Master
 Govt. School
 S. S. P. ...

N.B.—Line to be drawn under the qualification possessed.

ATTESTED

Note:—The entries in this page should be renewed or re-attested at least every five years and the Signature to
Lines 9 and 10 should be dated.

- 1. Name *Qaim Khan*
- 2. Race *Afghan Afandi*
- 3. Residence *Village Ali Kbel Plo
Pun Kana D/T Re.*
- 4. Father's name and residence *ASLAM KHAN
AS ABOU*
- 5. Date of birth by Christian era as
nearly as can be ascertained *11-11-1977
11th November 11th Security Seven*
- 6. Exact height by measurement *5' - 10"*
- 7. Personal marks for indentification *Black mole on face left side.*

8. Left hand thumb and Finger impres-
sion of (non-gazetted) officer

Little Finger.

Ring Finger

Middle Finger.

Fore Finger

Thumb.

9. Signature of Government servant

Qaim Khan

10. Signature and designation of the
Head of the Office, or other Attesting
Officer.

Shad Jahan
Government
Officer
Shad

ATTESTED

✓ Ades
745, 746, 747
K. 16-17
21. Grat. Allowance
P. 10/03

2	3	4	5	6	7	8
Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Act, 371, C.S.J.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term "pay"	Date of appointment	Signature of Government servant
(BPS)	no of	15	2500/-	Pm. Travel		
			2500/- Pm.		02/01/2004	D. G. D. G.
<p>REVISED ENTRIES ALL OF INCREASE OF PAY RS. 3001 P.M. W.E.F. 01/01/2003</p>						
			3700/-	P. M. Travel	02/01/2004	
			3700/-	P. M. Travel	01/12/2004	
			3700/-	P. M. Travel	01/13/2005	

Signature of the officer attesting of columns

ATTACHED

Service was terminated from 02/01/04 to 31/07/06 The pay Roll of

7

9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Nature and duration of leave taken	14 Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government	15 Signature of the head of the office or other attesting officer	16 Reference to any recorded punishment or censure, or reward or praise of the Government Servant
<p>APPOINTMENT ORDER</p> <p>Consistent with the approval of the Selection Committee the following class IV local candidate are hereby appointed on CONTRACT BASIS for 03 years @ Rs 2500/- per fixed rate</p>							
Shad Mubashir Head Master Govt. High School Gul Akbar Kill F. R. Peshawar.	30/11/04		Shad Mubashir Head Master Govt. High School Gul Akbar Kill F. R. Peshawar.				
Shad Mubashir Head Master Govt. High School Gul Akbar Kill F. R. Peshawar.	30/11/04		Shad Mubashir Head Master Govt. High School Gul Akbar Kill F. R. Peshawar.				
<p>on A/c pay for the months</p> <p>of 10, 2 + 3/04</p> <p>DRAMA Rs 9300/-</p> <p>on a/c of pay = 1175/-</p> <p>net 02/01/04 To 31/7/06</p>							
Shad Mubashir Head Master Govt. High School Gul Akbar Kill F. R. Peshawar.			Assistant Revenue Officer ACPR Sub Office Peshawar.			Asstt. Accountant General Peshawar Revenue Sub Office.	
							16/8/06
						Shad Mubashir Head Master Govt. High School Gul Akbar Kill F. R. Peshawar.	

ATTACHED

Name of Post (with <i>Attended</i> and <i>Em</i> notes)	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in Substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature and Signature of the office or other attesting officer of Government Service columns 1 to 8
			BPs no (01) fixed Pay 3500/- Pm				
				3500/- Pm		01-07-2006	u/c
				fixed			
			BPs no (01) fixed Pay 4000/- Pm				
				4000/- Pm		01-11-2006	u/c
				fixed			

ATTENDED

8	9	10	11	12	13		14	15
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination, (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting Officer	Nature and duration of leave taken	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant
					Period	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government Government to which debitable		

Headmaster
Govt. High School
Gul Abad Killa
F. S. Peshawar

Headmaster
Govt. High School
Gul Abad Killa
F. S. Peshawar

Headmaster
Govt. High School
Gul Abad Killa
F. S. Peshawar

Headmaster
Govt. High School
Gul Abad Killa
F. S. Peshawar

مقررہ تنخواہ Fixed Pay ۲۰۰۸ ملازمت میں آمد کے بعد ۲۰۰۸ میں انعام سے فارغ
۰۸/۱۵-۰۸/۲۵ ۲۰۰۸-۲۰۰۹ میں ۲۵/۱۱-۲۵/۰۱ مورخہ ۲۵/۱۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
مقررہ تنخواہ کی رقم جو ملازمت کے وقت ملا رہی تھی وہ ۲۰۰۸ میں انعام سے فارغ
۰۸/۱۵-۰۸/۲۵ ۲۰۰۸-۲۰۰۹ میں ۲۵/۱۱-۲۵/۰۱ مورخہ ۲۵/۱۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ

مقررہ تنخواہ Fixed Pay ۲۰۰۸ ملازمت میں آمد کے بعد ۲۰۰۸ میں انعام سے فارغ
۰۸/۱۵-۰۸/۲۵ ۲۰۰۸-۲۰۰۹ میں ۲۵/۱۱-۲۵/۰۱ مورخہ ۲۵/۱۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
مقررہ تنخواہ کی رقم جو ملازمت کے وقت ملا رہی تھی وہ ۲۰۰۸ میں انعام سے فارغ
۰۸/۱۵-۰۸/۲۵ ۲۰۰۸-۲۰۰۹ میں ۲۵/۱۱-۲۵/۰۱ مورخہ ۲۵/۱۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ
۰۵/۲۵-۰۵/۲۵ ۲۰۰۹-۲۰۱۰ میں ۲۵/۰۱-۲۵/۰۱ مورخہ ۲۵/۰۱-۲۵/۰۱ کو ملازمت سے فارغ

Drawn Rs 2740/-
on a/c of Pay ref
11/7/05 To 30/11/06

Asstt. Accounts General
Pakistan Revenue, Sub-Office
F. S. Peshawar
14/12/06

ATTACHED

11

1	2	3	4	5	6	7	8	9
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant	Signature designating head of other officer in column of column
<p>1/ After demand 7 AS, Equal than killer responsible</p>	<p>Revised Entry</p>							
<p>— do —</p>			1870/- Pm			02/01/2002	Vidya	
<p>— do —</p>			1925/- Pm			01/12/2004	Vidya	
<p>— do —</p>			2215/- Pm			01/07/2005	Vidya	
<p>— do —</p>			2280/- Pm			01/12/2005	Vidya	
<p>— do —</p>			2345/- Pm			01/12/2006	Vidya	
<p>— do —</p>			2700/- Pm			01/07/2007	Vidya	
<p>— do —</p>			2775/- Pm			01/09/2007	Vidya	

BPS no 01 (1870-55-3520)

BPS no 01 (2150-65-4100)

BPS no 01 (2475-75-4725)

ATTACHED

9	10	11	12	13 Leave		14	15				
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant				
					<table border="1"> <tr> <th data-bbox="730 445 794 522">Period</th> <th data-bbox="794 445 922 522">Government to which debitable</th> </tr> <tr> <td></td> <td></td> </tr> </table>	Period	Government to which debitable				
Period	Government to which debitable										
<p>Shad Yaqub HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar FAS</p>			<p>Shad Yaqub HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar FAS</p>		<p>Vacation of regularization of service in pursuance of W.P.A. Civil Servants (Amendment) Act 2005. The competent authority has been pleased to regularize the service of the following class in servants in respect of FR permanent w.e.f. from 01-07-2008 vide Finance Deptt. No. 2219-23 class IV dated 01-10-09</p>						
<p>Shad Yaqub HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar FAS</p>	<p>30-06-2008 Pay Review</p>		<p>Shad Yaqub HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar FAS</p>		<p>Official letter no. 1007/D/1-22/2008-09 dated 30-07-2008 vide Agency Education Officer's order no. 02. Enclt No. 2219-23 class IV dated 01-10-09</p>						
<p>Shad Yaqub HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar FAS</p>		<p>Annual increments</p>	<p>Shad Yaqub HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar FAS</p>		<p>Annual increments accounted for last appointment but career will be claimed w.e.f. 01-07-2008.</p>						
<p>Shad Yaqub HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar FAS</p>		<p>Annual increments</p>	<p>Shad Yaqub HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar FAS</p>			<p>Shad Yaqub HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar FAS</p>					
<p>Shad Yaqub HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar FAS</p>	<p>30-06-2008 Pay Review</p>		<p>Shad Yaqub HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar FAS</p>		<p>Drawn Rs 20920/- on a/c of regularization</p>						
<p>Shad Yaqub HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar FAS</p>	<p>30-06-2008 Special Adv. Dr.</p>		<p>Shad Yaqub HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar FAS</p>		<p>Pay of 15710.8</p>	<p>Rs 32197.05</p>					
<p>Shad Yaqub HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar FAS</p>	<p>30-06-2008 An. Dr.</p>		<p>Shad Yaqub HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar FAS</p>			<p>5710/09</p>	<p>Additional Accountant General Pakistan Revenue Deptt. Peshawar</p>				

ATTACHED

1	2	3	4	5	6	7	8	9
Name of Civil	Whether substantive or officiating and whether permanent or temporary	If officiating state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "pay"	Date of appointment	Signature of Government Servant	Signature and designation of the officer of the office of investigation cumns lit
<i>L/Attendant</i> <i>EHS Civil</i> <i>Akbar Billa</i> <i>PR Pashgusar</i>		<i>3PS No 01/2475-75-9725)</i>						
<i>d.</i>		<i>Rs 2850/- Pm</i>				<i>01/12/2007</i>	<i>Jalil</i>	
		<i>3PS No 01/2970-90-5670)</i>						
<i>d.</i>		<i>Rs 3420/- Pm</i>				<i>01/07/2008</i>	<i>Jalil</i>	
<i>d.</i>		<i>Rs 3510/- Pm</i>				<i>01/12/2008</i>	<i>Jalil</i>	
<i>d.</i>		<i>Rs 3600/- Pm</i>				<i>01/12/2009</i>		
<i>d.</i>		<i>Rs 3690/- Pm</i>				<i>01/12/2010</i>		
		<i>Revised Pay 2PS No 01/4800-150-9300)</i>						
		<i>Rs 6000/- Pm</i>				<i>01/07/2011</i>		
		<i>Rs 6150/- Pm</i>				<i>01/12/2011</i>		

ATTACHED

H/ Gul

Gul

Gul

Gul

9 Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Serv.	
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period			Government to which debitable
<p>Shad Gulab HEAD MASTER Govt. High School Gul Akbar Killa F.R. Peshawar JMS</p>		Pay Reviser	<p>Shad Gulab HEAD MASTER Govt. High School Gul Akbar Killa F.R. Peshawar JMS</p>			<p>Service verified w.e.f. 02-01-2004 To 30-11-2009 From the Pay Roll and other record of this School.</p>		
<p>Shad Gulab HEAD MASTER Govt. High School Gul Akbar Killa F.R. Peshawar JMS</p>	30/11/2008	AG	<p>Shad Gulab HEAD MASTER Govt. High School Gul Akbar Killa F.R. Peshawar JMS</p>					
<p>Shad Gulab HEAD MASTER Govt. High School Gul Akbar Killa F.R. Peshawar JMS</p>	30/11/2009	AG	<p>Shad Gulab HEAD MASTER Govt. High School Gul Akbar Killa F.R. Peshawar JMS</p>					
<p>Shad Gulab HEAD MASTER Govt. High School Gul Akbar Killa F.R. Peshawar JMS</p>	11/2010	AG	<p>Shad Gulab HEAD MASTER Govt. High School Gul Akbar Killa F.R. Peshawar JMS</p>			<p>Services Verified w.e.f. 01/12/09 to 31/11/2010 From The Pay Bills & Other Record of This School Office.</p>		
<p>Shad Gulab HEAD MASTER Govt. High School Gul Akbar Killa F.R. Peshawar JMS</p>	30/11/2009	AG	<p>Shad Gulab HEAD MASTER Govt. High School Gul Akbar Killa F.R. Peshawar JMS</p>					
<p>Shad Gulab HEAD MASTER Govt. High School Gul Akbar Killa F.R. Peshawar JMS</p>	30/11/2011	AG	<p>Shad Gulab HEAD MASTER Govt. High School Gul Akbar Killa F.R. Peshawar JMS</p>			<p>Services Verified w.e.f. 01/12/2010 to 31/12/2011 From The Pay Bills & Other Record of This School Office.</p>		
<p>Shad Gulab HEAD MASTER Govt. High School Gul Akbar Killa F.R. Peshawar JMS</p>	30/11/2012	AG	<p>Shad Gulab HEAD MASTER Govt. High School Gul Akbar Killa F.R. Peshawar JMS</p>			<p>Services Verified w.e.f. 01/12/2011 to 31/12/2012 From The Pay Bills & Other Record of This School Office.</p>		

RECEIVED

1 Name of Post	2 Whether substantive or officiating and whether permanent or temporary	3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	4 Pay in substantive Post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of Appointment	8 Signature of Government Servant	9 Signature of the officer testing of attestation columns
			R/S no of (6300-150-9300)					
			R/S 6300/- Pm			01/12/2013		
			R/S 6450/- Pm			01/12/2013		
		Advised Premature increment 01-07-2014						
			R/S 6600/- Pm			01/07/2014		
			R/S 6750/- Pm			01/12/2013		
		/						

[Handwritten signature]

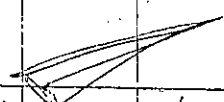
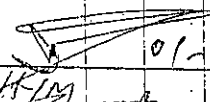

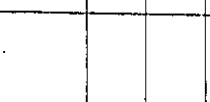
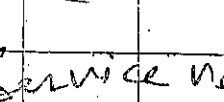
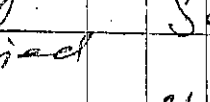
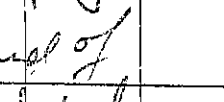
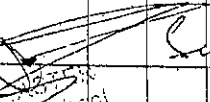

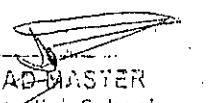
rc Servant	9 Signature and signature of the head of the office or other attesting officer in attribution of columns 1 to 8	10 Date of termination of appoint- ment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting Officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant	
					Nature and dura- tion of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debtible to another Government			
						Period			Government to which debtible
	<i>[Signature]</i> HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar			<i>[Signature]</i> HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar				<i>Leave - verified w. cert 01/2012 to 30/11/2013 from the pay roll and other record of this School.</i>	
	<i>[Signature]</i> HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar		<i>06 Premature 2014 One incr</i>	<i>[Signature]</i> HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar					
	<i>[Signature]</i> HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar		<i>30/11/2014</i>	<i>[Signature]</i> HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar				<i>Grant of Pakistan Finance Divis. (Regulat wing) Fno 1(4)R-1/2009-278/2014 Islam The 08th July 2014, in Pursuance of Cabinet's decision no 103/05/2014 dated 03-08-2014, it has been decided to allow One Pre-mature increm. To the employees in BPs of 01 to 04 W. e of 01-07-2014.</i>	
	<i>[Signature]</i> HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar		<i>Revised 06 pay Scale 2015</i>	<i>[Signature]</i> HEAD MASTER Govt. High School Gul Akbar Killi F.R. Peshawar					
								<i>Drawn Rs 5359/- Annex 1-7 Premature im. pay and 5-12/2013 2014 W. e. of 01-07-2013 to 30-09-2013</i>	

ATTACHED

AAAG

1	2	3	4	5	6	7	8
Name of Post	Whether substantive or officiating and whether permanent or temporary	If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R.	Pay in substantive Post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of Appointment	Signature of Government Serv
L/ATTEN ^{ALM} 9/15/15 Prithvi PR	ALM	01-07-2015 Reversion				07/01/2015	
B/S No of Rs		(6210-195-12060)		Rs 37457		PM	
				Rs 8940/-		01/12/2015	

ATTESTED

9	10	11	12	13	14	15	
Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc).	Signature of the head of the office or other attesting officer	Leave		Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debit to another Government		
				Period	Government to which debit to		
				Service verified w.e.f 01-12-2013 To 30-11-2014			
 HEAD MASTER Govt. High School Gil Akbar, Khyber Peshawar		 HEAD MASTER Govt. High School Gil Akbar, Khyber Peshawar		The pay roll and other record of this school			
				Service verified w.e.f 01-12-2014 To 30-11-2015			
 HEAD MASTER Govt. High School Gil Akbar, Khyber Peshawar		 HEAD MASTER Govt. High School Gil Akbar, Khyber Peshawar		From the pay roll and other record of this school			
				Service verified w.e.f 01-12-2015 To 09-12-2015			
 HEAD MASTER Govt. High School Gil Akbar, Khyber Peshawar		 HEAD MASTER Govt. High School Gil Akbar, Khyber Peshawar		From the pay roll and other record of this school			
				Service verified w.e.f 01-12-2015 To 09-12-2015			
 HEAD MASTER Govt. High School Gil Akbar, Khyber Peshawar		 HEAD MASTER Govt. High School Gil Akbar, Khyber Peshawar		From the pay roll and other record of this school			
<p>NOTIFICATION</p> <p>① Whereas during the course of monitoring visit dated [unclear] it was pointed out that Mr Bajram Khan Lab attendant of GHS Gil Akbar Khyber Peshawar had been absent since long. ② And whereas the Principal of the school had been asked to explain his position as to why did he not report the willful absence of the said Mr Bajram Khan Lab attendant. ③ And whereas the Principal reported that his pay had been stopped vide his No 694 date 09/12/2015. Removal from service upon Mr Bajram Khan Lab attendant with immediate effect. So he long willful absence vide No 304-22 dated 29-01-2016 RAO [unclear] Peshawar.</p>						 HEAD MASTER Govt. High School Gil Akbar, Khyber Peshawar	
						 HEAD MASTER Govt. High School Gil Akbar, Khyber Peshawar	

ATTACHED



ANNEXURE D

19

OFFICE OF THE
AGENCY EDUCATION OFFICER,
FR PESHAWAR
BLOCK: 8 NEAR INFORMATION DEPTT:
KHYBER ROAD, PESHAWAR, K.P.K
Phone No. 091-9210145

NOTIFICATION:

1. **Whereas** during the course of monitoring team visit dated: it was pointed out that Mr. Qaiyam Khan Lab Attendant GHS Gul Akbar Killi sherkeria had been absent since long.
2. **And whereas** the principal of the school had been asked to explain his position as to why did he not report the willful absence of the said Mr. Qaiyam Khan Lab: Attendant GHS Gul Akbar Killi Sherkeria.
3. **And Whereas** the principal reported that his pay had been stopped vide his No. 694 dated: 09/12/2015.
4. **And whereas** the a show cause notice was served upon Mr. Qaiyam Khan Khan Lab Attendant GHS Gul Akbar Killi Sherkeria for his willful absence vide this office No. 2452-74 dated: 02/12/2015 as a first step of requirement of section 9 of KP Govt. Servants (Efficiency and discipline) Rules 2011.
5. **And whereas** the willful absence Mr. Qaiyam Khan Lab Attendant GHS Gul Akbar Killi Sherkeria did not show his cause of will full absence.
6. **And whereas** the willfull absence of Mr. Qaiyam Khan Lab: Attendant GHS Gul Akbar Killi Sherkeria was published in 2 leading news paper daily Mashriq and daily Ajj dated: 13/01/2016.
7. **And whereas** Mr. Qaiyam Khan Lab: Attendant GHS Gul Akbar Killi Sherkeria did neither show cause not appear for personal hearing.
8. **And whereas** the Agency Education officer FR Peshawar in the capacity of the competent authority after completion of all codal formalities laid down in rules ibid is pleased to impose major penalty of "Removal From Service" upon Mr. Qaiyam Khan Lab: Attendant GHS Gul Akbar Killi Sherkeria with immediate effect for hi9s long-willful absence.

Agency Education Officer
FR Peshawar

Endst: No. 3014-22 Dated Peshawar the: 29-01- /2016

Copy forwarded to the:-

1. Director Education FATA Peshawar.
2. Assistant Political Agent FR Peshawar.
3. Addl: Accountant General (PR) sub office Peshawar.
4. Headmaster GHS Gul Akbar Sherkeria with instruction making entries in S/Book of the official concerned.
5. AAEO FR Peshawar.
6. Superintendent/Accountant.
7. EMIS Cell FATA Peshawar.
8. Official concerned.

Agency Education Officer
FR Peshawar

ATTACHED

To

The Director Education,
Merged Area Peshawar.

Subject;

DEPARTMENTAL APPEAL AGAINST THE IMPUGNED
ORDER DATED 29.01.2016 WHEREBY THE APPELLANT
HAS BEEN REMOVED FROM SERVICE.

Respected Sir,

It is most humbly stated that I, Qaiyam Khan was appointed as Lab Attendant at GHS Gul Akbar Killi Sherkeri Vide Appointment order dated 01-01-2004 on consequences upon the approval of the department selection committee on contract basis for 03 years from 02.01.2004. After my appointment, the competent authority has been placed to regularize the following.

That I have shown my genuine cause in response to the show cause notice of being absent that day and that I was never called for personal hearing neither did I receive any such notice of personal hearing.

That it is also pertinent to mention here that the concerned authority without fulfilling the codal formalities straight away issued the impugned order dated 29.01.2016 and I have been terminated from service. That no opportunity has been provided to me and as such I have been condemned unheard while issuing the impugned order dated 29.01.2016.

It is, therefore, most humbly prayed that on acceptance of this Departmental appeal the impugned order dated 29.01.2016 may very kindly be set aside and I may kindly be re-instated into service with all back benefits.

Dated: 23.06.2021

APPELLANT

QAIYM KHAN

Ex Lab Attendant

GHS, GUL AKBAR KILLI SHERKERI

ATTENDED

21



VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO: _____ OF 2021

Qaim Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Department

(RESPONDENT)
(DEFENDANT)

I/We Qaim Khan

Do hereby appoint and constitute **NOOR MUHAMMAD KHATTAK Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2021

Qaim Khan

CLIENTS

ACCEPTED

NOOR MUHAMMAD KHATTAK

KAMRAN KHAN

UMER FAROOQ MOHMAND

SAID KHAN

&

**HAIDER ALI
ADVOCATES**

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, P.B
PESHAWAR.

No.

Appeal No. 7565 of 2021

Mr. Qaim Khan Appellant/Petitioner

Versus

The Director E&SE Pesh: Respondent

Respondent No. 1

Notice to: The Director E&SE Dept. KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 22/2/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

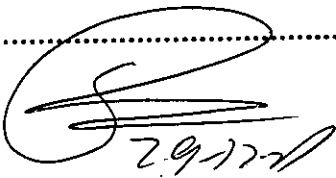
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

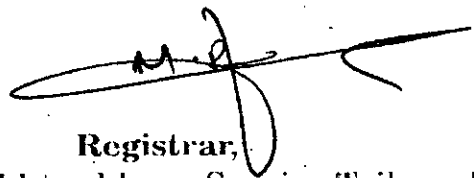
Copy of appeal is attached. Pre-Admission Notice Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 22nd

Day of..... Dec. 20 21

(For Reply)


29/12/21



Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

SSRPD Form-22.001/2011

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. S.D

No.

Appeal No. 7565 of 2011

Mr. Qaim Khan Appellant/Petitioner

Versus

The Director, E.S.E. Peshawar Respondent

Respondent No. 2

Notice to: The Dist. Education Officer (M)
Distt. Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal on 22/12/2011 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorized representative or by any Advocate, duly supported by your power of Attorney. You are therefore, required to file in this Court at least seven days before the date of hearing copies of written statement alongwith any other documents upon which you rely. You are also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Pre-Admission Notice

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated 22/12/2011

Given under my hand and the seal of this Court, at Peshawar this 22/12/2011

Day of Dec 2011

(For Reply)

[Signature]

[Signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.