

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1246/2021

Date of Institution ... 09.02.2021

Date of Decision ... 24.01.2022

Mr. Ghulam Yousaf Son of Molvi Khan Wali Ex-Senior Primary School Teacher,
GPS Dood Pathi, R/o Village Mandarwali, P.O Bansair, Union Council Shamlai,
Tehsil & District Battagram. ... (Appellant)

VERSUS

Secretary Education, Government of Khyber Pakhtunkhwa, Civil Secretariat
Peshawar and others. ... (Respondents)

S. Amjad Makhdoom,
Advocate

... For Appellant

Muhammad Adeel Butt,
Additional Advocate General

... For respondents

AHMAD SULTAN TAREEN
ATIQU-UR-REHMAN WAZIR

...
...

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT

ATIQU-UR-REHMAN WAZIR MEMBER (E):- Brief facts of the case are

that the appellant while serving as Senior Primary School Teacher, was proceeded against on the charges of absence from duty and was ultimately dismissed from service vide order dated 23-04-2020. Feeling aggrieved, the appellant filed departmental appeal dated 17-09-2020 which was rejected vide order dated 14-01-2021, hence the instant service appeal with prayers that the impugned orders dated 23-04-2020 and 14-01-2021 may be set aside and the appellant may be reinstated in service with all back benefits.

02. Learned counsel for the appellant has contended that the impugned order is against law, facts and norms of natural justice, therefore, not tenable and liable

to be set aside; that the appellant has not been treated in accordance with law, hence his rights secured under the Constitution has badly been violated; that a fact-finding inquiry was conducted and based on fact-finding inquiry, the appellant was dismissed from service which is illegal and unlawful, hence is liable to be set aside; that it is a well settled legal proposition that regular inquiry is must before imposition of major penalty of dismissal from service, which however was not done in case of the appellant; that the appellant was dismissed from service on the charges of absence of one day from duty, which is harsh and does not commensurate with gravity of the guilt; that the appellant was not afforded opportunity of personal hearing, hence was condemned unheard; that the appellant was not associated with proceedings of the inquiry, hence was deprived of the opportunity to defend his cause.

03. ~~Learned~~ Additional Advocate General for the respondents has contended that the appellant was repeatedly reported absent by the Independent Monitoring Unit (IMU) almost on every visit; that the appellant is a habitual absentee and was proceeded against many a times and was penalized on multiple occasions, but he did not mend his ways; that the appellant was proceeded against under the relevant rules and proper procedure was adopted; that the appellant was dismissed from service after affording him appropriate opportunity of defense, but the appellant failed to prove his innocence; that the appellant is reported absent since 2016 and have hired another teacher in his place, who was attending duty in his place, which is illegal and unlawful; that the appellant is not interested in his job and always remains absent under various pretext, hence his instant appeal being devoid of merit may be dismissed.

04. We have heard learned counsel for the parties and have perused the record.

05. Record reveals that the appellant was proceeded against on the charges of absence from duty and was dismissed from service based on a fact-finding

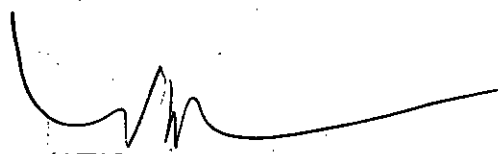
inquiry, whereas it is a well-settled legal proposition that regular inquiry is must before imposition of major penalty.

06. We are of the considered opinion that the appellant has not been treated in accordance with law; hence, we are constrained to partially accept the instant appeal. The appellant is re-instated in service for the purpose of de-novo inquiry with direction to respondents to conduct de-novo inquiry strictly in accordance with law within a period of 60 days and pass an appropriate order. Needless to mention that the appellant shall be afforded appropriate opportunity of defense. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

24.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

ORDER

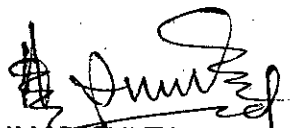
24.01.2022


Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, we are constrained to partially accept the instant appeal. The appellant is reinstated in service for the purpose of de-novo inquiry with direction to respondents to conduct de-novo inquiry strictly in accordance with law within a period of 60 days and pass an appropriate order. Needless to mention that the appellant shall be afforded appropriate opportunity of defense. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

24.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

Stipulated period passed reply not submitted.

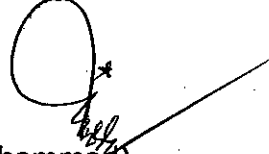
29.07.2021

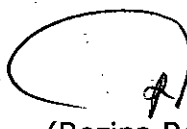
Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.


Chairman

08.11.2021

Clerk of learned counsel for the appellant present.
Mr. Kabirullah Khattak, Addl: AG for respondents present.
Arguments could not be heard due to general strike of the Bar. Adjourned. To come up for arguments on 01.03.2022 before D.B.


(Mian Muhammad)
Member(E)


(Rozina Rehman)
Member(J)

Ghulam Yousaf 1246/21

21.06.2021 Counsel for the appellant and Mr. Muhammad Adeel Butt, Addl. AG alongwith Nasir Ali, ADO (Litigation) for the respondents present. Preliminary arguments heard.

In term of normal procedure, the appeal appears to be time barred but in view of Section 30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law shall remain frozen. This appeal having been filed after promulgation of the said Act, is not affected by bar of limitation. Points raised need consideration. The appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days of the receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 08.11.2021 before the D.B.

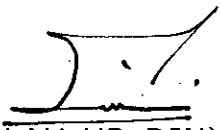
Appellant Deposited
Security & Process Fee
21/6/21


Chairman

22.03.2021

Mr. S. Amjad Makhdoom, Advocate, for the appellant present and heard. Learned counsel for the appellant contends that the impugned notification bearing endorsement No. 2126-30/Estb:Pry dated 23.04.2020 regarding the removal of appellant from service is wrong, illegally and ultra vires, hence, liable to be set-aside.

4. *Reply/Comments* ^{on} 21.06.2021 Let pre-admission notice be issued to the respondents for before S.B. The appeal is accompanied by an application for suspension of impugned notification dated 23.04.2020. Notice of the same also be issued to the respondents for the fixed.

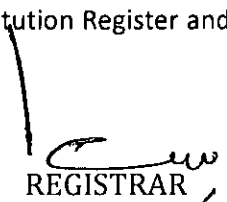


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1246 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/02/2021	<p>The appeal of Mr. Ghulam Yousaf presented today by S. Amjad Makhdoom 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 for preliminary hearing to be put up there on <u>22/03/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

Q

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 12467/2021

Mr. Ghulam Yousaf

Vs.

Secretary Education & Others

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03	Appointment order, Endst: # 7825-31/FB/AF-11.Apptt: Sacked Emp:	15.02.2013	A1-A2	10-11
04	Promotion order, Endst # 745-52/DEO(Estt:) Pry	30.01.2019	B1-B3	12-14
05	ACRs & Synopsis for promotion	2013-3018	C1-C6	15-20
06	Show Cause Notice # 13040 for absence on 13.11.2019	19.12.2019	D	21
07	Show Cause Notice # 999 for absence on 13.11.2019	19.02.2020	E	22
08	Disciplinary order # 159	08.01.2020	F	23
09	Denovo Inquiry Report, Diary # 1203	18.03.2020	G	24
10	Impugned Disciplinary Order # 2126-30/Estb: Pry	23.04.2020	H	25
11	Pay slip for the month of May 2020	May 2020	I	26
12	Pay slip for the month of June 2020	Jun 2020	J	27
13	Pay slip for the month July 2020	July 2020	K	28
14	Departmental Appeal, diary # 892	17.9.2020	L1-L3	29-31
15	Inquiry Report vide letter # MEF/DMD/PF/Vol-1/22/02	26.10.2020	M1-M4	32-35
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S. Amjad Makhdoom

Advocate High Court, Peshawar

Dated: 09.02.2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALService Appeal No. 1246 /2021

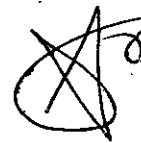
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S. Amjad Makhdoom

Advocate High Court, Peshawar

Dated: 09.02.2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALService Appeal No. 1246 /2021**Khyber Pakhtunkhwa
Service Tribunal**Diary No. 2511Dated 09/2/2021**Mr. Ghulam Yousaf**

Son of Molvi Khan Wali

Ex Senior Primary School Teacher, GPS Dood Pathi, r/o village Mandarwali, PO Bansair, Union Council Shamlai, Tehsil & District Battagram

.....APPELLANT

VERSUS

1. **Secretary Education, Government of KPK, Civil Secretariat Peshawar**
2. **Director, Elementary & Secondary Education Department, Govt of KPK, Peshawar**
3. **District Education officer, Battagram (Male)**
4. **Sub Divisional Education officer, Battagram (Male)**

.....RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL ACT, 1974**

Respectfully sheweth;

1. That vide office order of the District Education Officer, DEO (Male) Battagram bearing Endst: # 7825-31/FB/AF-11.Apptt: Sacked Emp: dated 15.02.2013, the appellant joined the Education department in 2013 as Primary School Teacher (PST) in BPS-12.

(Copy of the Appointment Order dated 15.02.2013 is annexure A)

2. That vide another office order of the DEO (Male) Battagram bearing Endst: #745-52 Dated 30.01.2019 the appellant got promoted to BPS-14 in 2019 as a Senior Primary School Teacher (SPST) GPS Dood Pathi, Tehsil & Dist Battagram on the basis of rendering satisfactory services and earning good ACRs from 2013 to 2018.

(Copies of Promotion Order dated 30.01.2019, ACRs & Synopsis for promotion is annexure B & C1-C6 respectively)

3. That despite satisfactory services and good ACRs leading to the aforesaid promotion the appellant was, however, victimized and subjected to double jeopardy with prejudiced mind and unlawful proceedings under KPK E&D [Efficiency & Disciplinary] Rules, 2011.

Filed to-day
Registrar
9/2/2021

4. That on an absence of a single day, i.e. 13.11.2019, reported by IMU monitoring unit, the appellant was thus put twice on 'Notice' to show cause as follows:

- i) 'Show Cause Notice' vide letter # 13040 dated 19.12.2019 as to why the minor penalties—'Censure' & 'Deduction of one day salary in accordance with rules #4(1)(a)(i) & 4(1)(a)(iii) respectively of the KP E&D Rules 2011 r/w Finance Department Notification # SO/(FR)/FD/5-14/2014 dated 16.12.2014—should not be imposed, and
- ii) In addition, another 'Show Cause Notice' vide letter # 999 dated 19.02.2020 as to why yet another minor penalty—'Withholding of one Increment' for one year under Rule-4(1)(a)(ii) of the Rules *ibid*—should not be imposed.

(Copies of the aforesaid two Show Cause Notices dated 19.12.2019 and dated 19.02.2020 is annexure D & E respectively)

5. That, without grounding on any inquiry-report, the disciplinary proceedings on the aforesaid former 'Show Cause Notice' dated 19.12.2019 resulted into a disciplinary order # 159 dated 08.01.2020 vide which both the aforesaid penalties—Censure and deduction of 1-day salary—were imposed.

(Copy of the aforesaid disciplinary order dated 08.01.2020 is annexure F)

6. That on the other hand, relying on mere one sided notes, though referred as a 'denovo inquiry report' bearing diary # 1203 dated 18.03.2020, the disciplinary proceedings on the aforesaid latter 'Show Cause Notice' dated 19.02.2020 brought rather the major penalty of removal via the impugned 'Removal' notification bearing #2126-30/Estb:Pry dated 23.04.2020.

(Copies of the aforesaid denovo inquiry report dated 18.03.2020 and the impugned disciplinary order dated 23.04.2020 is annexure G & H respectively)

7. That, however, the same was intimated neither to the appellant nor to the Finance department. Resultantly, he was given inadvertently monthly salaries till August 2020, and he came to know only when he did not receive any salary in September 2020.

(Copies of the pay slips for the months of May, June & July 2020 is annexure I, J & K respectively)

8. That vide letter # 892 dated 17.9.2020 the appellant submitted a departmental appeal, whereby Inquiry report vide letter # MEF/DMD/PF/Vol-1/22/02 dated 26.10.2020 has been submitted and consequently vide letter #2455 dated 14.01.2021 the appellant has been informed that his appeal has been rejected, hence the instant appeal on the following grounds:

(Copies of the departmental appeal dated 17.09.2020, inquiry-report dated 26.10.2020, and the appeal rejection letter dated 14.01.2021 is annexure L1-L3, M1-M4 & N respectively)

GROUNDS:

- A. That the two separate disciplinary actions vide the aforesaid two Show cause notices #13040 dated 19.12.2019 and # 999 dated 19.02.2020] on one and the same charge of absence without leave on 13.11.2019 are against the Constitution, the law of the land, the rules and the regulations.
- B. That the charge of earlier absentees—in 2017, 2018 and 2019 that had already been proceeded against independently and separately, admitted in the 3rd and 4th paras in the impugned order—cannot be re-taken for any further proceedings.
- C. That in addition to the aforesaid legal infirmities—initiation of proceedings on the charge of earlier absentees in 2017, 2018 and 2019, and initiation of two disciplinary actions on the same absence without leave on 13.11.2019—both the aforesaid charges, though once taken in support of a ground of habitual absence u/r 3(d) of the ibid Rules in the aforesaid former show cause notice #13040 dated 19.12.2019, have been taken again in support of the same ground in the aforesaid latter show cause notice against the propriety of fair justice. Twice condemnation for the same old reason as a justification even for a new charge, regardless of the aforesaid illegalities, is itself against the norms of justice.
- D. That even otherwise the impugned removal order is in disregard of its own aforesaid 'Show cause notice'# 999. The subsequent imposition of the major penalty of 'Removal' after putting the appellant on the 'Notice' and defence for a mere minor penalty of withholding an Increment rendered the whole disciplinary proceedings *void ab-initio*.
- E. That in addition, the impugned removal order is not only self-contradictory to the aforesaid 'Show cause notice'# 999, but also in violation of the E&D Rules. Removal under r.9 of the ibid Rules is an ex-parte decision, when despite notices for resumption of duties an accused official is not available and proceedings are invoked on his 'willful absence' from duty for seven or more days. In addition to lack of such notices for resumption and/or any such situation on the record warranting issuance of such notices, the impugned ex-parte decision u/r.9 rather itself admits in para 10 of the impugned removal order the undoubted participation of the appellant in the disciplinary proceedings conducted therein, yet the appellant was removed through the impugned ex-parte order u/r.9 of the Rules ibid.
- F. That in addition, in presence of the aforesaid show cause notice#13040 and its disciplinary order dated 08.01.2020 the impugned disciplinary order dated 23.04.2020 and the impugned show cause notice #999 amount to 'Double Jeopardy'.

- G. That even otherwise, imposition of the 1st disciplinary order dated 08.01.2020 on absence without leave on 13.11.2019 had rather rendered the issuance of the aforesaid 2nd show cause notice #999 for the same absence on 13.11.2019 invalid and without any force of law.
- H. That furthermore, there was no justification for issuance during winter vacations (wef 23rd December till 28th February) the impugned Show cause notice # 999 and that's too for the absence on 13.11.2019 that had already been taken up in the former show cause notice # 13040.
- I. That the proceedings invoked u/r 5(1)(a) r/w r.7 of the Rules ibid in the 'Show cause notice' # 999 dated 19.02.2020 for determination of the charge on merits of the case were unlawfully twisted to Ex-parte determination u/r.9 of the Rules ibid.
- J. That the appellant has been deprived of his constitutionally guaranteed right of 'Fair Trial'.
- K. That rather than affording an opportunity of confronting the evidence the impugned order in its para # 11 has relied on the aforesaid one sided *denovo inquiry report*, dated 18.03.2020 and thus upheld the charge without confronting the so called supporting material.
- L. That above all, the impugned order is pregnant with another malady. Miscalculating the facts the impugned removal order, vide its para 9, has wrongly relied upon four complaints of the inhabitants of Jamroz abad, Matta Gada, Union Council [UC] Batta Mori, which have no concern with the appellant, who (while working in the GPS-school at Doodh Pathi, UC Shamlai) had never even remained in the GPS-school of Jamroz abad, Matta Gada. In this context, verification by the SDEO vide his two certificates with even date 06.02.2021 would explain not only that the appellant has never remained at GPS Jamroz Gada, but also that there is another teacher with the same name of Ghulam Yousaf working in the school at Matta Gada Jamroz, UC Batta Mori. Had the facts been simply verified, let alone the right to confront the adverse and supporting material, the one side inquiries would not have been so miscalculated. Conversely however, to aggravated the appellant's case for finding justification for its aforesaid unlawful removal order it unwarrantedly incorporated the aforesaid 04-complaints into appellant's account.
(Copies of 2-Verification-Certificates of SDEO with even date 06.02.2021 is annexure O1 & O2)
- M. That similarly for the absence of yet another teacher with the same name of Ghulam Yousaf, working in yet another school at Buland Pathi, the salary of the appellant [Ghulam Yousaf] had once been deducted mistakenly. The record in this context, if ever consulted, would transpire that the appellant being present in his attendance register in the GPS at Doodh Pathi had even preferred an application for correction of the same.

- N. That in order to fill the lacunae in the invalid, unlawful and *void ab-initio* impugned order, passed without any material inquiry, the aforesaid subsequent inquiry-report bearing letter#MEF/DMD/PF/Vol-1/22/02 dated 26.10.2020 has been incorporated as an improvement in the already conducted E&D proceedings, yet again without confronting any adverse material relied upon therein.
- O. That in addition, the impugned order is also defective for its reliance upon, without confronting, certain other irrelevant dates in forcing its aforesaid conclusion of 'habitual absence' and aggravating its case under the charge of 'habitual absence' u/r.3(d) of the *ibid* Rules.
- P. That the impugned order has so miscalculated in drawing its aforesaid pre-obsessed conclusion that it has even stepped over the casual leave, acknowledged by itself in the 2nd paragraph therein.
- Q. That moreover, to impose penalty over penalty the impugned order has even stepped over the available record. The appellant was taken absent on 14.03.2018 despite the fact on the attendance-register that he was sent on school-duty, vide his sanctioned application, for bringing stationery for school-exam. Had the record ever been consulted, let alone its confrontation by the appellant, it would have been evident that the appellant was on duty at the command of the school authority, explained above.

(Copies of the Attendance Register for 14.03.2018, application & sanction for bringing school stationery is annexure P & Q respectively)

- R. That again, vide order dated 19.03.2018 bearing Endst # 2634-36 dated 26.3.3.2018 a penalty of deduction of one day salary had though been already imposed for bringing the stationery on 14.03.2018, nevertheless further adverse inference was drawn for merely fixing the charge against the appellant. However, imposing penalty over penalty leads nowhere but to double jeopardy.

(Copy of the Salary Deduction Order dated 19.03.2018 is annexure R)

- S. That the impugned removal order has relied upon a baseless complaint lodged by opponents that a proxy teacher was performing duty for the appellant. Ironically, however, the aforesaid reliance was again the result of miscalculation since without establishing the fact as to who allowed the proxy teacher and even without recording any statement of that proxy teacher the aforesaid baseless complaint and the one sided so called inquiry report # 14 dated 19.04.2019 could not establish the allegation, let alone to confront the aforesaid complaint as well as the inquiry report to reach a just and fair determination.

(Copy of the inquiry report dated 19.04.2019 is annexure S)

- T. That even otherwise, long before the impugned show cause notice dated 19.02.2020 the aforesaid allegation/charge regarding proxy teacher had already

been adjudicated upon and penalized. The aforesaid inquiry report dated 19.04.2019 on the alleged allegation has even been already highlighted in a previous show cause notice bearing Endst # 5090-93 dated 09.05.2019, whereafter the aforesaid show cause notice dated 19.12.2019 was also issued and moreover, the aforesaid disciplinary order # 159 dated 08.01.2020 was also already imposed.

(Copy of the show cause notice bearing Endst # 5090-93 dated 09.05.2019 is annexure T)

- U. That the aforesaid disciplinary proceedings invoked in pursuance of the impugned Show cause notice dated 19.02.2020 and the impugned removal order have transgressed the rules in consequences of which the appellant was put on the aforesaid 'Notice' to show cause as to why a minor penalty of withholding increment should not be imposed.
- V. That having said all that, it is more than crystal clear that appellant has not been dealt with in accordance with law. His departmental appeal too has been wrongly decided and relevant considerations to decide the same have been conveniently ignored. The indulgence of this august Tribunal is therefore all the more necessary and indispensable, and the appellant seeks to raise additional grounds, with permission of the *Hon'ble* Tribunal, at the time of arguments.

It is, therefore, humbly prayed that on acceptance of this appeal this august Tribunal may be pleased to;

- A. **Set-aside** and **quash** the impugned 'Removal' notification bearing #2126-30/Estb:Pry dated 23.04.2020 by declaring the same as illegal and *ultra vires*, and
- B. **Grant** any other relief considered just and appropriate in the given circumstances of the case.



Appellant

Through



S. Amjad Makhdoom
Advocate, Peshawar High Court

Dated: 09.02.2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. _____/2021

Mr. Ghulam Yousaf

Vs.

Secretary Education & Others

APPLICATION FOR SUSPENSION OF NOTIFICATION DATED 23.04.2020

Respectfully sheweth;

1. That the subject appeal is being filed along with the instant suspension application before this *Hon'ble* Tribunal. The grounds of the main appeal may please be considered a part and parcel of this application.
2. That appellant has got a *prima facie* case that he not been dealt with in accordance with law and is sanguine about success of his instant appeal.
3. That balance of convenience leans in favour of grant of suspension of the operation of the impugned notification which is neither valid in the eye of law nor does it have any force of law.
4. That in case the same is not granted the appellant will suffer an irreparable loss in terms of his valuable rights that have been miserably crushed by invoking the aforesaid two separate disciplinary actions on the same charge of absence without leave on 13.11.2019.

It is, therefore, humbly prayed that on acceptance of this application the *Hon'ble* Tribunal may very graciously suspend the operation of the impugned notification till final disposal of the instant appeal.


Appellant

Through



S. Amjad Makhdoom

Dated: 09.02.2021

Advocate, Peshawar High Court

Mr. Ghulam Yousaf

Vs.

Secretary Education & Others

ADDRESS OF THE PARTIES

APPELLANT:

Mr. Ghulam Yousaf s/o Molvi Khan Wali, Ex Senior Primary School Teacher, GPS Dood Pathi, r/o village Mandarwali, PO Bansair, Union Council Shamlai, Tehsil & District Battagram

RESPONDENTS:

1. **Secretary Education**, Government of KPK, Civil Secretariat, Peshawar
2. **Director**, Elementary & Secondary Education Department, GT Road, Peshawar
3. **District Education officer**, Battagram (Male), Battagram, ~~Muzaffargarh~~
4. **Sub Divisional Education officer**, Battagram (Male), Battagram, ~~Muzaffargarh~~


Appellant

Through


S. Amjad Makhdoom

Dated: 09.02.2021

Advocate, Peshawar High Court

1

A1

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) BATTAGRAM.

ORDER

Consequent upon the recommendation of the Departmental Selection Committee and approval of the competent authority (Deputy Commissioner) Battagram, in the light of Khyber Pakhtunkhwa Act XVII 2012 and Honorable Court Judgment Peshawar High Court Abbottabad Bench dated 17-01-2013 the following Sacked employee are hereby appointed as PST in BPS-12 (Rs:7000-500-22000) (Non pensionable) plus usual allowances as admissible under the rules against the vacant post at the schools mentioned against each in the interest of public service with effect from the date of their taking over charge

4000
SUB DIVISIONAL EDUCATION OFFICER (MALE) BATTAGRAM

S, No	Name of Candidates	Father's Name	Address	Posted at	Remarks
1	Sardar Mohd: Khan	Hazrat Younas	Thaya Banian BTM	GPS Batkool Sarhadi	Against V/Post
2	Ghulam Haider Shah	Pir Ali Shah	Kuz Madan BTM	GPS Kar Patay Pashto	Against V/Post
3	Bahadar Khan	Ali Gohar Khan	Dharian BTM	GPS Kanai	Against V/Post
4	Ghulam Yousaf	Molvi Khan Wali	Shamlai BTM	GPS Hill Bach	Against V/Post
5	Muhammad Hayat	Muhammad Noor	Trand BTM	GPS Kaloota	Against V/Post
6	Nosherwan	Noor ul Hassan	Gijbori BTM	GPS Malkot	Against V/Post
7	Zeebal Khan	Mubaras Khan	Thakot BTM	GPS Piza Batkool	Against V/Post
8	Duraj Khan	Hukmat Khan	Pokal Allai	GPS Mangri	Against V/Post
9	Pervez Khan	Saif ullah	Ajmera BTM	GPS Beran Gantar	Against V/Post
10	Imdad Ullah	Musa Khan	Gidri Khairabad BTM	GPS Barmai	Against V/Post
11	Shahi Khan	Bai Khan	Peshora BTM	GPS Mala Bateela	Against V/Post
12	Abdul Aziz	Haji Abdullah	Gulibagh BTM	GPS Battagram	Against V/Post
13	Muhammad Miskeen	Abdul Latif Khan	Takia BTM	GPS Thaya	Against V/Post
14	Muhammad Riaz	Ghulam Hussain	Banser Shamlai BTM	GPS Koshgram	Against V/Post
15	Khurshed Khan	M,Arshad Khan	Biari Allai	GPS Chapri Karg	Against V/Post
16	Furhad Khan	Murad	Ajmera BTM	GPS Nathoo.	Against V/Post
17	Momin Khan	Bilal Khan	Kuzabanda BTM	GPS Nehar Qasim.	Against V/Post
18	Islam Shah	Mian Gul Shah	Bandigo BTM	GPS Sar Nasim.	Against V/Post
19	Rustam Khan	Palas Khan	Phagora BTM	GPS Ajlay Shahroom	Against V/Post
20	Rustam Khan	Begrah khan	Thakote BTM	GPS Nehray Thakot	Against V/Post
21	Muhammad Shafiq	Atqullah	Dabri Paimal BTM	GPS Trangar	Against V/Post
22	Anwar Faraz	Abdul Wahab Khan	Banian BTM	GPS Jabba Asharban	Against V/Post

NOTE The Drawing and disbursing officer are directed to verify their Degrees/Certificates from the concerned Board/University/Institutions from the quarter concerned .

TERMS AND Conditions:-

- 1 The appointment is made purely on temporary basis and liable to termination at any time without assigning any reason or notice.
- 2 Theirs service will be on regular basis but not pension able and they will contribute to CP Fund.
- 3 They will be abide by the rules and regulation issued from time to time by the Provincial Govt.
- 4 Their appointment has been made in the Act of Sacked Employees Appointments Act ,No XVII,2012.
- 5 They should obtain Medical fitness Certificate from the Medical Superintendent DHQ Hospital Battagram.
- 6 In case of resignation
- 7 The candidates having less qualification will acquire requisite training and obtain FA qualification within three years failing which their appointment shall stand terminated automatically.
- 8 They should take over charge within in 15 days after the issuance of this appointment order otherwise the order of appointment shall stand cancel after 15 days.

-11-

(A2)

- 9 Charge report should be submitted to all concerned.
- 10 The DDO is directed to obtain an affidavit on stamp paper duly attested by the Ist Class Magistrate that,
 - (a) They will served the Education department for more then five(5) year countinously .
 - (b) They are not served any other Department/Corporation/Agency.
 - (c) Their previous services if any will be treated as EOL.(without Pay).
 - (d) They will not go in the court for their previous service benefits.
- 11 No TA/DA etc is allowed to any one.

**DEPUTY COMMISSIONER
(CHAIRMAN)
BATTAGRAM**

Endst:No 7825-31 /EB/AE-II/ Apptt:Sacked:Emp: DATED 15/02/ /2013

Copy for information and necessary action to the:

- 1 Deputy Commissioner Battagram.
- 2 Registrar Honorable High court Peshawar
- 3 District Accounts Officer Battagram..
- 4 Head Master concerned School..
- 5 D.D.E.O (Male) Battagram.
- 6 Candidates concerned.
- 7 Office file.

[Signature]
Assistant District Education Officer
Litigation Battagram

[Signature]
**Dy: DDO (Male)
Battagram**



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)

BATTAGRAM

Toll: 0997311439 & 539

Email: emisbattagram@yahoo.com

(12)

SPST B-14
2018
(B)

NOTIFICATION

Consequent upon the recommendation of the Departmental Promotion Committee meeting held on 29-01-2019 and in pursuance of the Government of Khyber Pakhtunkhwa Elementary & Secondary Education department Notification issued vide No. So (PE)4-5/SSRC/Meeting/2012/Teaching cadre dated 13.11.2012 and amendment vide No. SO(PE)4-5/SSRC/Meeting/2012/Teaching Cadre/2017 the following 60 Primary School Teachers (PST) are hereby promoted to the post of Senior Primary School Teacher (SPST) BPS-14 (Rs.15180-1170-50280) plus usual allowances as admissible under the rules on regular basis under the existing policy of the Provincial Government, in Teaching Cadre are hereby adjusted at the stations noted against their names with immediate effect on the terms & conditions given below:

S.#	Name of Teacher	P- Desig	Present Place of Posting	Place / School where adjusted	Remarks
1	Muhammad Sadiq	PST	GPS Surgai	GPS Jaba Feroz	A.V.P
2	Bashir Muhammad	PST	GPS Paimal Sharif	GPS Ajlo Rangin Abad	A.V.P
3	Syed Habibullah Shah	PST	GPS Null Pashto	GPS Null Pashto	A.V.P
4	Guhlam Yousif	PST	GPS Doodh Patti	GPS Doodh Patti	A.V.P
5	Muhammad Miskin	PST	GPS Takya	GPS Takya	A.V.P
6	Wali Muhammad	PST	GPS Joze	GPS Joze	A.V.P
7	Muhamma Zarin	PST	GPS Kaith Alamdin	GPS Kaith Alamdin	A.V.P
8	Abdul Basit	PST	GPS Batarkol	GPS Batarkol	A.V.P
9	Nawab Khan	PST	GPS Koshgram	GPS Koshgram	A.V.P
10	Hassan Mohammad	PST	GPS Deri Gagir Khan	GPS Deri Gagir Khan	A.V.P
11	Hazrat Islam	PST	GPS:Jesole	GPS:Jesole	A.V.P
12	Muhammad Abbas	PST	GPS Dabri Paimal	GPS Paimal	A.V.P
13	Syed Rahman	PST	GPS Kalota	GMPS Mana Roopkanore	A.V.P
14	Sajid Ahmad	PST	GMPS Ahal Malkalghali	GPS Rashid Abad	A.V.P
15	Attaullah	PST	GPS Palang	GPS Rashang	A.V.P
16	Aftab Ahmad	PST	GPS Ghuzano Baray	GPS Ghuzano Baray	A.V.P
17	Muhammad Nazif	PST	GPS Dari Juma Khan	GPS Dari Juma Khan	A.V.P
18	Lehaz Khan	PST	GPS Thakot	GPS Thakot	A.V.P
19	Muhammad Saeed	PST	GPS Beran Gantar	GPS Nehar Bala	A.V.P
20	Zahir Ur Rahman	PST	GPS Pashakal Neher	GPS Pashakal Neher	A.V.P
21	Banaras Khan	PST	GMPS Kass Nogram	GMPS Kass Nogram	A.V.P
22	Saifullah	PST	GPS Shparasama	GPS Shparasama	A.V.P
23	Bakht Zada	PST	GPS Thakot	GPS Thakot	A.V.P

[Handwritten Signature]

24	Niaz Ahmad	PST	GPS Kar Patay	GPS Jangri Bala	A.V.P
25	Muhammad Raza Ullah	PST	GPS, Gaarang	GPS, Gaarang	A.V.P
26	Abdul Wahid	PST	GPS Kait Wali Shah	GPS Kait Wali Shah	A.V.P
27	Nadar Khan	PST	GPS Batingi Dawod Khan	GPS Batingi Dawod Khan	A.V.P
28	Ihsanul Haq	PST	GPS Jabar Bateela	GPS Jabar Bateela	A.V.P
29	Shah Khalid	PST	GPS Suchbiar	GPS Haweli Jambura	A.V.P
30	Muhammad Asif	PST	GPS Hanifabad	GPS Hanifabad	A.V.P
31	Fida Muhammad Khan	PST	GPS Kandora	GPS Kandora	A.V.P
32	Shah Khalid	PST	GPS Borha Batkool	GPS Top Kani	A.V.P
33	Husan Muhammad	PST	GPS Deri Jahangir Khan	GPS Deri Jahangir Khan	A.V.P
34	Ghulam Muhammad	PST	GPS Piza Banjar	GPS Jambura	A.V.P
35	Fazal Akbar Khan	PST	GPS Ashotar	GPS Ashotar	A.V.P
36	Abdul Ghafar	PST	GPS Kar Patay	GPS Farid Gari	A.V.P
37	Shoaib Muhammad	PST	GPS Goshra	GPS Batkool Sarhadi	A.V.P
38	Rustam Khan	PST	GPS Bar Tandool	GPS Kareen Sakargah	A.V.P
39	Irshad Ur Rahman	PST	GPS Medan Kanai	GPS Medan Kanai	A.V.P
40	Mustaqeem Shah	PST	GPS Kund	GPS Dir Kad	A.V.P
41	Kaleemullah	PST	GPS Thakot	GPS Thakot	A.V.P
42	Muhammad Abbas	PST	GPS Hotal Batkool	GPS Hotal Batkool	A.V.P
43	Muhammad Ishaq	PST	GMPS Gatkwa	GPS Karg Payen	A.V.P
44	Asghar	PST	GPS Kolay	GPS Kolay	A.V.P
45	Waseem Ahmed	PST	GPS Oghez Banda	GPS Oghaz Banda	A.V.P
46	Pervez Ali Shah	PST	GPS, Meeran	GPS, Meeran	A.V.P
47	Sana Ullah	PST	GPS Chanwali Nilishg	GPS Chanwali Nilishg	A.V.P
48	Inamullah	PST	GMPS Geroli Bazar	GMPS Geroli Bazar	A.V.P
49	Esa Khan	PST	GPS Pazang	GMPS Kas Pazang	A.V.P
50	Niaz Ahmad	PST	GMPS Porana Batkool	GMPS Porana Batkool	A.V.P
51	Muhammad Arif	PST	GMPS Bezo Kass	GMPS Bezo Kass	A.V.P
52	Hafeez Ur Rahman	PST	GPS Kanai	GPS Dabar Batkool	A.V.P
53	Ali Muhammad	PST	GPS Chraqmar	GPS Chraqmar	A.V.P
54	Muhammad Tahir	PST	GPS Pansehra	GMPS Bezo Kass	A.V.P
55	Muhammad Bilal	PST	GPS Jabar Bateela	GPS Jabar Bateela	A.V.P
56	Aziz Ul Haq	PST	GPS Shingli Payeen	GPS Shigli Payen	A.V.P
57	Ikramullah Shah	PST	GPS Pirarhi	GPS Pirarhi	A.V.P
58	Sajid Ullah	PST	GPS Thakot	GPS Thakot	A.V.P
59	Umar Farooq	PST	GPS Mana Gangwai	GPS Banda Yaroo	A.V.P
60	Javed Iqbal	PST	GPS Qilla Shakir Khan	GPS Qilla Shakir Khan	A.V.P

13

B-2

Terms & Conditions:

14

B3

1. On their promotion, the teacher concerned will be on probation for a period of one year in terms of section-6(2) of Khyber Pakhtunkhwa civil servant act 1973 read with rule 15 (1) of civil servant (Appointment, promotion & Transfer) rules 1989.
2. They will be governed by such rules and regulations as may be issued from time to time by the Govt.
3. Their service can be terminated at any time, in case their performance is found unsatisfactory during probationary period. In case of misconduct, they will be proceeded under the rules from time to time.
4. Their inter-se-seniority on lower post will remain intact.
5. They will give an undertaking to be recorded in their service book to the effect that if any over payment is made to them in the light of this order will be recovered and if they are wrongly promoted they will be reversed.
6. They should join their post within 15 days of the issuance of this notification. In case of failure to join their posts within 15 days of the issuance of this notification, their promotion will expire automatically and no subsequent Appeals will be entertained.
7. Necessary entry should be recorded in their original service books.
8. Charge report should be submitted immediately to all concerned.
9. Checking of verification of all the documents shall be ensured by the DDO concerned.
10. No TA/DA is allowed.

MUHAMMAD SHOUKAT
DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM


Endst: No 745-52 /DEO(Estt:) Prry

Dated 30/01/ 2019

Copy is forwarded for information to:

1. PS to Secretary to Govt: of Khyber Pakhtunkhwa, E&SED Peshawar.
2. Director E&SED Khyber Pakhtunkhwa Peshawar.
3. Deputy Commissioner Battagram.
4. District Accounts Officer Battagram.
5. Sub-Divisional Education Officer (Male) Battagram & Allai.
6. Budget & Accounts Officer Local office
7. Officials concerned.
8. M/File.


DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM


SUB-DIVISIONAL EDUCATION
OFFICER (MALE) BATTAGRAM

CONFIDENTIAL REPORT

-15-

(9)

Name: Ghulam Yousuf S/O Mr: M. Y. Khan Wali

Name of Service PST Education Department

Qualification: MBA

Total Service on: 31-12-13 ^m 0-10 ^{day} -16

Scale of Pay: BPS: 12 -

Various posts held during the year with period: PST

✓ Period of Report: 1.1.2013 To, 31-12-2013 ✓

PARTICULARS REMARKS ON

Judgments and sense of proportion: Good

Initiative and drive: Satisfactory

Technical knowledge and application: Good

Supervision and control over students: Good

Integrity: Good

Co-Operation with staff: Co-operative

Relation with Public: Good

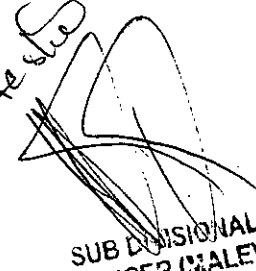
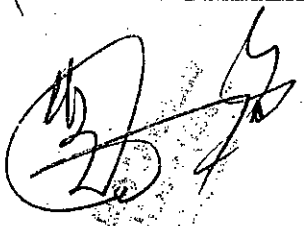
Suitability for promotion: Suitable

Knowledge of language: Urdu - Pushto - English

Whether he lives in his own means or not: lives in his own means

Whether he offers prayers regularly: Prayers regularly

GENERAL REMARKS: fit for promotion

Attest


SUB-DIVISIONAL EDUCATION OFFICER (MALE) BATAGRAM

CONFIDENTIAL REPORT

16-

3

Name: Ghulam Yousuf S/O Mr: Mooli Khan Wali

Name of Service PST. Education Deput

Qualification: MBA

Total Service on: 31-12-2014 - 7 - 10 - 16

Seale of Pay: BPS - 12 -

Various posts held during the year with period: PST

✓ Period of Report: 1-1-2014 To 31-12-2014 ✓

PARTICULARS REMARKS ON

Judgments and sense of proportion: Good

Initiative and drive: Good

Technical knowledge and application: Good

Supervision and control over students: Good

Integrity: Good

Co-Operation with staff: co-operative

Relation with Public: Good

Suitability for promotion: Suitable for promotion

Knowledge of language: Urdu - English - Pushto

Whether he lives in his own means or not: lives in his own means

Whether he offers prayers regularly: prayers regularly

GENERAL REMARKS: Fit for promotion

(Handwritten signatures and stamps)
OFFICER (in-charge) BATTALION

CONFIDENTIAL REPORT

-17- (3)

Name: Ghulam Yousof S/O Mr: Molvi Khanwal

Name of Service PST Education depart

Qualification: MBA

Total Service on: 31/12-2015 2 - 10 - 16 ^{days}

Scale of Pay: OPS-12

Various posts held during the year with period: PST

✓ Period of Report: 1-1-2015 - To - 31-12-2015 ✓

PARTICULARS REMARKS ON

Judgments and sense of proportion: B. Satisfactory

Initiative and drive: Good

Technical knowledge and application: B. Satisfactory

Supervision and control over students: Good

Integrity: Good

Co-Operation with staff: co-operative w/ staff

Relation with Public: B. Satisfactory

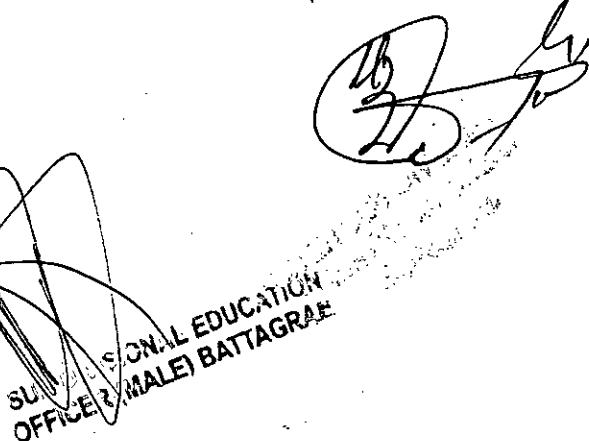
Suitability for promotion: Suitable for promotion

Knowledge of language: Urdu - Pushto English

Whether he lives in his own means or not: lives in his own means

Whether he offers prayers regularly: prayer regularly

GENERAL REMARKS: Fit for promotion

Handwritten signature


CONFIDENTIAL REPORT

18

(C4)

Name: Ghulam Yousof S/O Mr: Masvi Khan wali

Name of Service PST Education Depar

Qualification: MBA

Total Service on: 31-12-2016 3 - 10 - 16

Seale of Pay: BPS-12

Various posts held during the year with period: PST

✓ Period of Report: 1-1-2016 To 31-12-2016 ✓

PARTICULARS REMARKS ON

Judgments and sense of proportion: Good

Initiative and drive: Good

Technical knowledge and application: Good

Supervision and control over students: Satisfactory

Integrity: Good

Co-Operation with staff: Co-operative

Relation with Public: Good

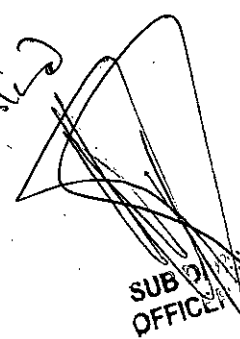
Suitability for promotion: Suitable

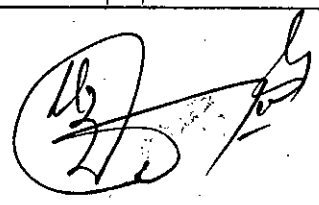
Knowledge of language: English-Urdu-Pushtu

Whether he lives in his ^{own} own means or not: lives in his own means

Whether he offers prayers regularly: prays regularly

GENERAL REMARKS: Fit for promotion

Attested




SUB-DIVISIONAL EDUCATION
OFFICER (MALE) BATTAGRAM

CONFIDENTIAL REPORT

-19-

(5)

Name: Ghulam Yousuf S/O Mr: Muhammad Akhtarwal

Name of Service PST Education Departs

Qualification: MBA

Total Service on: 31-12-2017

Scale of Pay: 4-10-16

Various posts held during the year with period: PST

✓ Period of Report: 1-1-2017 To 31-12-2017

PARTICULARS REMARKS ON

Judgments and sense of proportion: Good

Initiative and drive: Good

Technical knowledge and application: Good

Supervision and control over students: Good

Integrity: Good

Co-Operation with staff: Co-operative

Relation with Public: Good

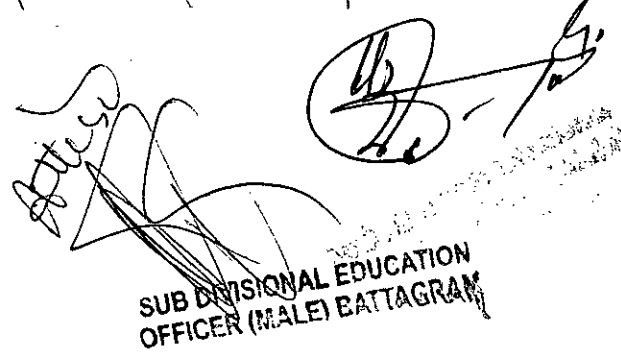
Suitability for promotion: Suitable for promotion

Knowledge of language: Pushto - Urdu - English

Whether he lives in his own means or not: lives in his own means

Whether he offers prayers regularly: Prays regularly

GENERAL REMARKS: Fit for promotion


SUB-DIVISIONAL EDUCATION
OFFICER (MALE) BATTAGRAM

CONFIDENTIAL

-20-

(C₅)

OFFICE OF THE SD EO (M) BATTAGRAM

✓ Synopsis of character role in respect of Mr: Ghulam Yousof
Post PST BPS 12 District Battagram.

Subject:- Promotion from BPS 12 to BPS 14 on the basis of
Khyber Pakhtunkhwa Recommendation.

Date of Birth: 04-04-1963

Year	Nature of Report	Pen Picture/ General Marks	Whether adverse	Converged or not	Expunged or not
2013	Good	95%			
2014	Good	90%			
2015	Good	85%			
2016	Good	90%			
2017	Good	95%			

(Signature)
(Signature)

Alister

(Signature)
SUB DIVISIONAL EDUCATION
OFFICER (MALE) BATTAGRAM
Head Master
Govt:

Executive District Officer
Elementary & Secondary
Education District Battagram.



21-

Government of Khyber Pakhtunkhwa
Office of the District Education Officer, male
BATTAGRAM

(D)

File No: 13040
Dated: (19/12/2019)

Show-cause Notice for Censure and Salary Deduction

I, DEO BATTAGRAM MALE as Competent Authority, under the Khyber Pakhtunkhwa Government Servants Efficiency and Discipline) Rules, 2011 do hereby serve upon you (GHULAM YOUSAF, PST, GPS DOOD PATI(EmisCode:26345)) this show cause as follows.

1. That as per IMU monitoring report you were found absent for the second time from duty on 13-11-2019 without prior permission of the competent authority.
2. That you had also been reported absent previously on 19-10-2019 for which you had already been penalized.
3. That as per the material and other connected papers on record under Rule-5 (i) (a) and to dispense with the inquiry in accordance with Rule-7 of the aforementioned rules, I, the competent authority, am satisfied that you have committed acts/omissions specified in Rule-3 (d) i.e. "guilty of habitually absenting himself from duty without prior approval of leave".
4. Now, therefore, I as the Competent Authority have tentatively decided to impose upon you the Minor penalty of Censure mentioned in Rule-4 (a) (i) of the ibid rules and deduction of one day salary in accordance with Rule-4 (a) (iii) and the Finance Department Notification No. So (FR)/FD/5-14/2014 dated 16-12-2014.
5. You are, therefore, required to show cause as to why the aforementioned penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
6. If no reply to this show cause is received within 7 days of its receipt, it shall be presumed that you have no defense to put in and in that case an Ex-Parte decision shall be taken against you.

-sd-
DEO BATTAGRAM MALE

Endst: Even No. & Date

Copy of the above is forwarded to the: -

- i. Director, Elementary & Secondary Education Department, G T Road, Peshawar
- ii. Deputy Commissioner concerned
- iii. District Monitoring Officer concerned
- iv. Principal/Headmaster/Headmistress/DDEO/SDEO concerned for necessary action under intimation to this office within 7 days.
- v. GHULAM YOUSAF, PST, GPS DOOD PATI(EmisCode:26345), SHAMLAI, BATTAGRAM, BATTAGRAM
- vi. Master File

DEO BATTAGRAM MALE

By do.battagram - Warning Letter

ATTESTED

to be true copy
Advocate

22-

Government of Khyber Pakhtunkhwa
Office of the District Education Officer, Male
BATTAGRAM

(E)

File No: 999

Dated: 17/02/2020

Show-cause Notice for Stoppage of Increment.

I, DEO BATTAGRAM MALE as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, do hereby serve upon you (GHULAM YOUSAF, PST, GPS DOOD PATI(EmisCode:26345)) this show cause as follows.

1. That as per IMU monitoring report you were found absent from duty on {13-11-2019} without prior permission of the competent authority.
2. That you had also been reported absent previously on {17-06-2019} and {19-10-2019} for which you had already been penalized.
3. That as per the material and other connected papers on record under Rule-5 (1) (a) and to dispense with the inquiry in accordance with Rule-7 of the aforementioned rules, I, the competent authority, am satisfied that you have committed acts/omissions specified in Rule-3(d) i.e. "guilty of habitually absenting himself from duty without prior approval of leave".
4. Therefore, I as the Competent Authority have tentatively decided to impose upon you the minor penalty mentioned in Rule-4 (a)(ii) of the ibid rules i.e. "withholding of one increment for one year".
5. You are, therefore, required to show cause as to why the aforementioned penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
6. If no reply to this show cause is received within 7 days of its receipt, it shall be presumed that you have no defense to put in and in that case an Ex-Parte decision shall be taken against you.

-sd
DEO BATTAGRAM MALE

Endst: Even No. & Date

Copy of the above is forwarded to the: -

- i. Director, Elementary & Secondary Education Department, G T Road, Peshawar
- ii. Deputy Commissioner concerned
- iii. District Monitoring Officer concerned
- iv. Principal/Headmaster/Headmistress/DDEO/SDEO concerned for necessary action under intimation to this office within 7 days.
- v. GHULAM YOUSAF, PST, GPS DOOD PATI(EmisCode:26345), SHAMLAI, BATTAGRAM,
- vi. Master File

DEO BATTAGRAM MALE

GHULAM YOUSAF, PST, GPS DOOD PATI(EmisCode:26345)

ole

By do.battagram - Warning Letter

ATTESTED
to be true copy
Advocate



— 23 —

Government of Khyber Pakhtunkhwa
Office of the District Education Officer, male
BATTAGRAM

File No: 159th

Dated: 08/01/2020

Notification

1. Whereas, (GHULAM YOUSAF, PST, GPS DOOD PATI(EmisCode:26345)) was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for the charge of wilful absence from duty.
2. And whereas, a show cause notice was served upon him/her vide No.13040 dated :19-12-2019 for willful absence from duty within the meaning of Rule-3 (d), Rule-4 (a) (i) and Rule-4 (a) (iii).
3. And whereas, one-day pay had been deducted earlier from his/her salary vide No. _____ dated _____.
4. And whereas, the Competent Authority after having considered the charges, evidence on record, his/her reply dated :07-01-2020 and the personal hearing granted to him/her vide No. 51-55 dated: 02-01-2020 is of the view that the charges mentioned in the show cause have been proved against (GHULAM YOUSAF, PST, GPS DOOD PATI(EmisCode:26345)).
5. Now, therefore, in exercise of the powers conferred under Rule-14 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 the Competent Authority is pleased to impose minor penalty of censure and deduction of one day salary upon (GHULAM YOUSAF, PST, GPS DOOD PATI(EmisCode:26345)) in accordance with Rule 4 (a) (i) and Rule-4 (a) (iii) of ibid Rules and his absence period mentioned above is converted into leave without pay with immediate effect.

Note: Necessary entries may be made in his/her service book.

sd
DEO BATTAGRAM MALE

Endst: Even No. & Date

Copy of the above is forwarded to the: -

- i. Director, Elementary & Secondary Education Department, G T, Road, Peshawar
- ii. Deputy Commissioner concerned
- iii. District Monitoring Officer concerned
- iv. SDEO (M) Battagram concerned for necessary action under intimation to this office within 7 days.
- v. GHULAM YOUSAF, PST, GPS DOOD PATI(EmisCode:26345), SHAMLAI, BATTAGRAM, BATTAGRAM
- vi. Master File

W
DEO BATTAGRAM MALE

By do.battagram - Warning Letter

ATTESTED

to 5th copy
Amicus

The District Education Officer
(Male) Battagram

24

67
AEO
6/11/20

Subject: **DENOVO INQUIRY REPORT IN R/O GHULAM YOUSAF SPST GPS DOOD PATHI**

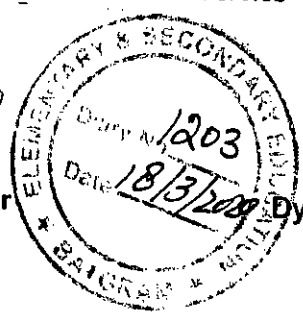
Reference to denovo inquiry Notification No: 13022-26 /Est: Pry/IMU Dated 23-12-2019, we the committee members thoroughly checked proceeding files in r/o Ghulam Yousaf SPST GPS Dood Pathi and the following points were noted:

1. He was found absent on 17-12-2016, 08-06-2017, 13-10-2017, 12-12-2017, 14-03-2018, 19-10-2019, 13-11-2019, and 19-12-2019.
2. As per attendance register he was also absent on 14-03-2019 to 16-03-2019, 25-03-2019, 26-03-2019
3. While on C/Leave on the day of visit of ADEO P&D.
4. He was proceeded and one day salary had been deducted vide Order No: 9030-33 dated 6-7-2017 and showcause notice was served upon him to impose minor penalty of stoppage of two increments vide No: 9029 dated 6-7-2017 and then imposed minor penalty of withholding of two increments for two years vide Notification No: 10142-46 dated 16-08-2017.
5. He was found absent again on 13-10-2017 and one day pay was deducted vide letter No: 15686-88 dated 21-12-2017 and showcause was served to impose major penalty of Removal from Service vide No: 15616 dated 19-12-2017.
6. He was found absent again on 14-03-2018 and one day pay was deducted vide letter No: 2634-36 dated 26-03-2018 and showcause was served to impose minor penalty of stoppage of two increments vide notification No: 2633 dated 26-03-2018.
7. An inquiry committee were constituted to conduct fact finding inquiry vide notification No: 4218-22 dated 02-05-2018.
8. Meanwhile he was found absent again on 12-06-2018 and one day pay deduction letter was issued vide No: 8041-44 dated 07-08-2018 and showcause notice was served to impose major penalty of Removal from Service vide No: 8039-40 dated 07-08-2018.
9. He was called for personal hearing vide letter No: 12096-97 dated 23-10-2018 and 15460-61 dated 24-12-2018 but he failed to appear before the competent authority and then reminder issued to inquiry committee for early submission of inquiry report vide letter No: 2530-33 dated 18-03-2019.
10. Inquiry committee submitted its report vide No: 14 dated 19-04-2019 he was also found absent on the day of the visit of the inquiry committee i.e 26-03-2019. It has been established in the inquiry report that a proxy teacher has been allowed by PTC Committee as a replacement of Mr. Ghulam Yousaf SPST GPS Doodpathi as he was not regular in his duties. It was also revealed that he has been absent from his duties for last two years but proxy teacher is putting attendance of Mr. Ghulam Yousaf. It was also noted by the inquiry committee in its report that students told to them that there were two teachers in the school i.e Mr. Abdur Rasheed and proxy Qari Badar Nawaz and Ghulam Yousaf comes to school off and on. The committee concluded that Mr. Ghulam Yousaf SPST GPS Doodpathi mostly remained absent from duties after 20-10-2016. Committee further recommended that proceeding already initiated against Mr. Ghulam Yousaf SPST GPS Doodpathi may be kept intact.
11. In the light of inquiry report showcause notice was served upon him vide No: 5090-93 dated 9-5-2019 and he submitted reply on Judicial Stamp Paper which was declared unsatisfactory by Worthy DEO.
12. SDEO submitted absent report vide letter No: 942 dated 02-12-2019 and on the day of visit of SDEO/ASDEO on 09-12-2015, 24-09-2016, 14-11-2016 to 18-11-2016, 30-05-2018, 09-11-2018, 17-06-2019, 13-11-2019, 28-11-2019.
13. Inhabitants of village Jamroz Abad Matta Gada submitted four different applications against Mr. Ghulam Yousaf that he is absent from school and may be transferred to any other school.
14. Denovo inquiry committee notification was issued and in the light of that notification, we conducted this inquiry.
15. In another file showcause notice was served vide No: 13040 regarding his absence on 13-11-2019 and 19-10-2019 and then he was summoned for personal hearing vide letter No: 51-55 dated 02-01-2020 and Notification for one day pay deduction was issued vide No: 159 dated 08-01-2020. Another showcause notice was served vide No: 999 dated 19-02-2020 and he was again summoned for personal hearing vide No: 1372 dated 03-03-2020. He was appeared before the competent authority and a questionnaire was handed over to him but he replied wrong answers and showed himself PSHT instead of SPST.

RECOMMENDATIONS:

In the light of above facts it has been established that whenever GPS Doodpathi was inspected by any officer Mr. Ghulam Yousaf was found absent which is confirming / authenticating / seconding the inquiry report and allegation of the inhabitants regarding his absence. He may be proceeded to impose major penalty of "Compulsory Retirement" if he has enough length of qualifying service otherwise major penalty of "Removal from Service" may be imposed upon him.

Akhtar Wahab
Assistant District Education Officer
Estb: (Male) Battagram



Mukhtar Ahmad Khan
Dy. District Education officer (Male)
Battagram

ATTACHED

to be the copy
Advocate

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

EMAIL: emisbattagram@gmail.com BATTAGRAM PHONE NO: 0997543540

OFFICE ORDER

WHEREAS you Mr. Ghulam Yousaf SPST GPS Dood Pathi Tehsil & District Battagram were proceeded for having committed the following gross irregularities which constitute inefficiency and misconduct under rule 3 sub rule a, b & d of the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011.

AND WHEREAS you were found absent on 17-12-2016, 08-06-2017, 13-10-2017, 12-12-2017, 14-03-2018, 19-10-2019, 13-11-2019, and 19-12-2019 and as per attendance register you were also absent on 14-03-2019 to 16-03-2019, 25-03-2019, 26-03-2019 While on C/Leave on the day of visit of ADEO P&D.

AND WHEREAS you were proceeded and one day salary had been deducted vide Order No: 9030-33 dated 6-7-17, showcause notice was served upon you to impose minor penalty of stoppage of two increments vide No: 9029 dated 6-7-2017 and then imposed minor penalty of withholding of two increments for two years vide Notification No: 10142-46 dated 16-08-2017.

AND WHEREAS you were found absent again on 13-10-2017 and one day pay was deducted vide letter No: 15686-88 dated 21-12-2017 and showcause was served to impose major penalty of Removal from Service vide No: 15616 dated 19-12-2017. You were found absent again on 14-03-2018 and one day pay was deducted vide letter No: 2634-36 dated 26-03-2018 and showcause was served to impose minor penalty of stoppage of two increments vide notification No: 2633 dated 26-03-2018.

AND WHEREAS an inquiry committee were constituted to conduct fact finding inquiry vide notification No: 4218-22 dated 02-05-2018. Meanwhile you were found absent again on 12-06-2018 and one day pay deducted vide No: 8041-44 dated 07-08-2018 and showcause notice was served to impose major penalty of Removal from Service vide No: 8039-40 dated 07-08-2018.

AND WHEREAS you were called for personal hearing vide letter No: 12096-97 dated 23-10-2018 and 15460-61 dated 24-12-2018 but your were failed to appear before the competent authority and then reminder issued to inquiry committee for early submission of inquiry report vide letter No: 2530-33 dated 18-03-2019.

AND WHEREAS inquiry committee submitted its report vide No: 14 dated 19-04-2019, you were also found absent on the day of the visit of the inquiry committee i.e 26-03-2019. It has been established in the inquiry report that a proxy teacher has been allowed by PTC Committee as a replacement and you are not regular in duty. It was also revealed that you had been absent from duties for last two years but proxy teacher was putting attendance of you. It was also noted by the inquiry committee in its report that students told to them that there were two teachers in the school i.e Mr. Abdur Rasheed and proxy Qari Badar Nawaz and Ghulam Yousaf comes to school off and on. The committee concluded that Mr. Ghulam Yousaf SPST GPS Doodpathi mostly remained absent from duties after 20-10-2016. The Committee further recommended that proceeding already initiated against Mr. Ghulam Yousaf SPST GPS Doodpathi may be kept intact.

AND WHEREAS In the light of inquiry report, a showcause notice was served upon you vide No: 5090-93 dated 9-5-2019 and you have submitted reply on Judicial Stamp Paper which was declared unsatisfactory by the competent authority.

AND WHEREAS SDEO Battagram submitted your absent report vide letter No: 942 dated 02-12-2019 and on the day of visit of SDEO/ASDEO on 09-12-2015, 24-09-2016, 14-11-2016 to 18-11-2016, 30-05-2018, 09-11-2018, 17-06-2019, 13-11-2019, 28-11-2019. Inhabitants of village Jamroz Abad Matta Gada submitted four different applications against you that you absent from school and you may be transferred to any other school.

AND WHEREAS showcause notice was served vide No: 13040 regarding your absence on 13-11-2019 and 19-10-2019 and then you were summoned for personal hearing vide letter No: 51-55 dated 02-01-2020 and Notification for one day pay deduction was issued vide No: 159 dated 08-01-2020. Another showcause notice was served upon you vide No: 999 dated 19-02-2020 and you were again summoned for personal hearing vide No: 1372 dated 03-03-2020. You appeared before the competent authority and a questionnaire was handed over to you but you replied wrong answers and even designation was wrong.

AND WHEREAS Denovo inquiry committee constituted vide Notification No: 13022-26/Est: Pry/IMU dated 23-12-2019, and the committee submitted its report wherein it has been established that whenever GPS Doodpathi was inspected by any officer you were found absent / on leave which authenticate that you are habitual absent and recommended to impose major penalty of "Removal from service"

NOW THEREFORE the undersigned being competent authority in exercise of power conferred under Rules 4-b (III) and 9 of Khyber Pakhtunkhwa Government (Efficiency & Discipline) Rules 2011 hereby imposes major penalty of "**REMOVAL FROM SERVICE**" upon you Mr. Ghulam Yousaf SPST GPS Dood Pathi Tehsil & District Battagram with immediate effect.

JAFAR MANSOOR ABBASI
DISTRICT EDUCATION OFFICER (MALE)

BATTAGRAM

Dated 23/04/2020

Endstt; No. 2126-30 /Estb: Pry:

Copy for information to the

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Account Officer Battagram
3. District Monitoring Officer (IMU) Battagram.
4. SDEO (M) Battagram with the directions to make entry in the Service Book of the Teacher concerned regarding his "**REMOVAL FROM SERVICE**".
5. Mr. Ghulam Yousaf SPST gps Dood Pathi Tehsil & District Battagram.

Sept. 2020.

ATTESTED

to be true copy
Advocate

DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM

26

Dist. Govt. KP-Provincial
District Accounts Office Batagram
Monthly Salary Statement (May-2020)



I

Personal Information of Mr GHULAM YOUSAF d/w/s of MOLVI KHAN WALI

Personnel Number: 00701713 CNIC: 1320295967449 NTN:
Date of Birth: 04.04.1963 Entry into Govt. Service: 16.02.2013 Length of Service: 07 Years 03 Months 017 Days

Employment Category: Vocational Permanent

Designation: SENIOR PRIMARY SCHOOL TEA 80000698-DISTRICT GOVERNMENT KHYBE
DDO Code: BM6039-DY DISTT OFFICER EDU (M) PRIMARY SC
Payroll Section: 001 GPF Section: 001 Cash Center:
GPF A/C No: Interest Applied: Yes **GPF Balance:** 181,670.00
Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 14 Pay Stage: 6

Wage type		Amount	Wage type		Amount
0001	Basic Pay	22,200.00	1000	House Rent Allowance	2,214.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1923	UAA-OTHER 20%(1-15)	1,000.00	2148	15% Adhoc Relief All-2013	400.00
2199	Adhoc Relief Allow @10%	275.00	2211	Adhoc Relief All 2016 10%	1,434.00
2224	Adhoc Relief All 2017 10%	2,220.00	2247	Adhoc Relief All 2018 10%	2,220.00
2264	Adhoc Relief All 2019 10%	2,220.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-2,620.00	3501	Benevolent Fund	-600.00
3990	Emp.Edu. Fund KPK	-125.00	4004	R. Benefits & Death Comp:	-600.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance
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Deductions - Income Tax

Payable: 0.00 Recovered till MAY-2020: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 38,539.00 Deductions: (Rs.): -3,945.00 Net Pay: (Rs.): 34,594.00

Payee Name: GHULAM YOUSAF
Account Number: 1002937
Bank Details: MCB BANK LIMITED, 240622 BATAGRAM BATAGRAM, BATAGRAM

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: BATTAGRAM

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: g.yousaf1963@gmail.com

ATTESTED

to be true copy
Advocate

Dist. Govt. KP-Provincial
District Accounts Office Batagram
Monthly Salary Statement (June-2020)



Personal Information of Mr GHULAM YOUSAF d/w/s of MOLVI KHAN WALI

Personnel Number: 00701713 CNIC: 1320295967449 NTN:
Date of Birth: 04.04.1963 Entry into Govt. Service: 16.02.2013 Length of Service: 07 Years 04 Months 016 Days

Employment Category: Vocational Permanent

Designation: SENIOR PRIMARY SCHOOL TEA 80000698-DISTRICT GOVERNMENT KHYBE
DDO Code: BM6039-DY DISTT OFFICER EDU (M) PRIMARY SC
Payroll Section: 001 GPF Section: 001 Cash Center:
GPF A/C No: Interest Applied: Yes **GPF Balance:** 184,290.00

Vendor Number: -

Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 14 Pay Stage: 6

Wage type		Amount	Wage type		Amount
0001	Basic Pay	22,200.00	1000	House Rent Allowance	2,214.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1923	UAA-OTHER 20%(1-15)	1,000.00	2148	15% Adhoc Relief All-2013	400.00
2199	Adhoc Relief Allow @10%	275.00	2211	Adhoc Relief All 2016 10%	1,434.00
2224	Adhoc Relief All 2017 10%	2,220.00	2247	Adhoc Relief All 2018 10%	2,220.00
2264	Adhoc Relief All 2019 10%	2,220.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-2,620.00	3501	Benevolent Fund	-600.00
3990	Emp.Edu. Fund KPK	-125.00	4004	R. Benefits & Death Comp:	-600.00
4200	Professional Tax	-1,200.00			0.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till JUN-2020: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 38,539.00 Deductions: (Rs.): -5,145.00 Net Pay: (Rs.): 33,394.00

Payee Name: GHULAM YOUSAF

Account Number: 1002937

Bank Details: MCB BANK LIMITED, 240622 BATAGRAM BATAGRAM, BATAGRAM

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: BATTAGRAM

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: g.yousaf1963@gmail.com

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Advocate

Dist. Govt. KP-Provincial
District Accounts Office Batagram
Monthly Salary Statement (July-2020)

28



Personal Information of Mr GHULAM YOUSAF d/w/s of MOLVI KHAN WALI

Personnel Number: 00701713 CNIC: 1320295967449 NTN:
 Date of Birth: 04.04.1963 Entry into Govt. Service: 16.02.2013 Length of Service: 07 Years 05 Months 017 Days

Employment Category: Vocational Permanent

Designation: SENIOR PRIMARY SCHOOL TEA 80000698-DISTRICT GOVERNMENT KHYBE

DDO Code: BM6039-DY DISTT OFFICER EDU (M) PRIMARY SC

Payroll Section: 001 GPF Section: 001 Cash Center:

GPF A/C No: Interest Applied: Yes **GPF Balance:** 186,910.00

Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 14 Pay Stage: 6

Wage type		Amount	Wage type		Amount
0001	Basic Pay	22,200.00	1000	House Rent Allowance	2,214.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1923	CAA-OTHER 20%(1-15)	1,000.00	2148	15% Adhoc Relief All-2013	400.00
2199	Adhoc Relief Allow @10%	275.00	2211	Adhoc Relief All 2016 10%	1,434.00
2224	Adhoc Relief All 2017 10%	2,220.00	2247	Adhoc Relief All 2018 10%	2,220.00
2264	Adhoc Relief All 2019 10%	2,220.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3014	GPF Subscription	-2,620.00	3501	Benevolent Fund	-600.00
3990	Emp Edu. Fund KPK	-125.00	4004	R. Benefits & Death Comp:	-600.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 0.00 Recovered till JUL-2020: 0.00 Exempted: 0.00 Recoverable: 0.00

Gross Pay (Rs.): 38,539.00 Deductions: (Rs.): -3,945.00 Net Pay: (Rs.): 34,594.00

Payee Name: GHULAM YOUSAF

Account Number: 1002937

Bank Details: MCB BANK LIMITED, 240622 BATAGRAM BATAGRAM, BATAGRAM

Leaves: Opening Balance: Availed: Earned: Balance:

Permanent Address:

City: BATAGRAM

Temp Address:

City:

Domicile: -

Email: g.yousaf1963@gmail.com

Housing Status: No Official

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 Advocate

29-

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To

The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa

Subject: APPEAL AGAINST DEO (MALE) BATTAGRAM OFFICE ORDER NO. 2126-30/Estb:pry: DATED 23.04.2020

Dear Sir,

It is submitted with great reverence that appellant was serving as SPST in Education Department, district Battagram. I've been removed from service vide office order mentioned in the subject (F/A):

An appeal is preferred against the impugned office order with the following facts:

1. That appellant is a civil servant and always abide laws, rules and orders of the provincial government.
2. That impugned order is against the law, rules and norms of justice. A right of fair trial has been denied by the competent authority in the instant case.
3. That several irrelevant dates mentioned in impugned order to draw the conclusion that appellant was habitually absenting himself. Punishment of previous proceedings already faced by the appellant and fresh proceeding is deemed to be double jeopardy which is against 1973 constitution.
4. That an inquiry committee has been constituted vide notification 23.12.2019 (F/B) and no charge sheet and statement of allegation on prescribed format was served upon the appellant.
5. That during the surprise visit of ADEO (P&D), the appellant was on casual leave for three days, w.e.f. 14.03.2019 to 16.03.2019 and codal formalities were observed for casual leave and was entered in the attendance register, but the concerned officer considered the appellant as absent.
6. That, due to above mentioned casual leave the appellant was proceeded and two annual increments were stopped by the department, without any explanation/show cause notice and pay was also deducted.

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to be true copy
Advocate

892
17-9-2020

7. That, a baseless complaint was lodged by opponents, that a proxy teacher is performing duty at my place in the school. The department conducted inquiry on the basis of baseless allegation and resultantly the appellant was removed from service.
8. That similar illegality was done in parallel proceedings by serving void Show Cause Notice dated 19.12.2019 (F/C) which was not in accordance with the format appended to E&D Rules.
9. That DEO Battagram issued a notification dated 08.01.2020 (F/D) wherein a minor penalty of "censure and deduction of one day salary" was imposed upon the appellant.
10. That all of sudden, a majestic office order dated 23.04.2020 was issued by DEO Battagram wherein a severe penalty of "Removal from Service" was imposed upon the appellant.
11. That said order did not communicate to the appellant upto August 2020 which is evident from Pay slip of July, 2020 (F/E).
12. I was informed during the visit to DEO Office regarding the impugned order since I could not draw salary of August, 2020.

Following grounds are added to set aside the impugned office order:

- a) It transpires from notification dated 08.01.2020 that charges of habitual absence was not severe nature, hence minor penalty was imposed and make all these charges as past transaction.
- b) Since, appellant already faced the consequence of all previous acts and impugned order is to be double jeopardy which is prohibited by 1973 constitution.
- c) The notification for constitution of inquiry committee is void being not coherent with E&D Rules, 2011.
- d) No charge sheet and statement of allegation was served which make the whole proceeding illegal.
- e) Without providing findings of inquiry report and issuance of show cause notice as well as personal hearing to the appellant a harsh penalty of removal from service was imposed which is deviation from E&D Rules as well as right of fair trial.
- f) Said penalty was imposed under Rule-4-b (iii) and Rule-9 of the ibid rules and both provisions provides a separate comprehensive procedure before imposing such a harsh penalties. However, said procedure was not adopted by the competent authority.

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to be true copy
Advocates

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(43)

g) The impugned order has not been communicated and appellant has been informed by the DEO (M) Office, Battagram in September, 2020.

Keeping in view the above, it is humbly prayed that impugned office order DEO Battagram may be set aside.


Ghulam Yousaf, Ex-SPST
Education Department
Battagram

ATTESTED

to be true copy
Advocates

M

MERGED AREAS EDUCATION FOUNDATION (MEF)

1st Floor, G-8 Building, Gate No. 03, Khyber Road, Peshawar.

Contact: 091-9211774 Fax: 091-9212347

Ref No. MEF/DMD/PF/Vol-1/22/02

Date: 26-10-2020

To,
The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa Peshawar,

Subject: INQUIRY REPORT

Memo:

Reference your letter No. 7068-70 dated 05/10/2020, the inquiry report is submitted for your perusal and necessary action please.

26/10/20
Muhammad Azam Khan
Deputy Managing Director
Merged Areas Education Foundation

DDC(M)-II
27-10-2020

Attested (M. D. Khan)
27/10/20

6070
29/10

4041
28/10-2020



AD=01
29/10/20

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to be true copy
Advocate

M2

INTRODUCTION:

The undersigned has been nominated as Inquiry officer vide Director Elementary & Secondary Education notification Endst No. 7068-70 dated 05/10/2020 Peshawar being appellate authority to inquire into the appeal submitted by Mr Ghulam Yousaf SPST Government Dood Pati Tehsil & District Battagram (F/A) & (F/B).

FINDINGS:

From perusal of office record and contact with stake holders, Mr Ghulam Yousaf SPST, GHS Dood Pati, District Battagram has been reported absent on multiple dates by IMU and his absentees spreading over past six years i.e 2015 to 2020. It is quite evident that he has been reported absent on the date of visits by DCMA, SEEO & ASDEO which shows that he mostly remained absent with effect from 20/10/2016 as per minutes of school PTC meeting held on 20/10/2016 wherein it was decided to hire a proxy teacher Badar Nawaz in place of Mr. Ghulam Yousaf SPST as alternate arrangement (F/C).

HISTORY OF DISCIPLINARY PROCEEDINGS/ACTIONS TILL DATE.

1. One day pay deducted vide **BOW (M) Battagram order No.903-33** and show cause notice served vide **No. 9029 dated 06/07/2017** followed by minor penalty of withholding two increments for two years vide notification No 10142-16 dated 16/08/2017.
2. As reported absent by IMU on 13/10/2017 one day pay deduction ordered vide letter No. 15686-88 dated 21/12/2017 and show cause for imposing of major penalty of removal from service was served vide letter No. 15616 dated 19/12/2017. Another pay deduction notified vide notification No. 2634-36 dated 26/03/2018 and show cause served to impose minor penalty of withholding two increments vide notification No. 2633 dated 26/03/2018.
3. One day pay deduction ordered vide notification No. 8041-44 dated 07/08/2018 due to his absence on 12/06/2018 and show cause notice served to impose major penalty of removal from service vide No. 8039-40 dated 07/08/2018.

INQUIRIES:

1. First inquiry committee comprising **DDEO (Male) & ASDEO (Male) Battagram** was notified vide Endst No. 13022-26 dated 23/02/2019 which submitted its report on 18/03/2019. The inquiry committee established the fact that Mr. Ghulam Yousaf

ATTESTED

- SPST was found absent whenever GPS Dood patti was visited by an officer of Education Department which confirms that he mostly remains absent from Government duty. The inquiry committee recommended major penalty of compulsory retirement in case of enough length of qualifying service, otherwise major penalty of removal from service (F/D)
2. Second inquiry committee was notified vide notification No. 2530-33 dated 18/03/2019 which recommended that the already initiated disciplinary proceedings may be continued till its logical end in its report submitted vide No. 14. dated 19/04/2019 (F/E).
 3. Consequently, DEO (Male) Battagram imposed major penalty of removal from service upon Mr. Ghulam Yousaf, SPST Dood Patti, Tehsil & District Battagram vide notification No. 2126-30 dated 23/04/2019 (F/F).
 4. Teacher concerned submitted appeal against major penalty of removal from service
 5. DEO (Male) Battagram submitted requisite comments vide letter No. 6230 dated 28/09/2020 in response to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar letter No. 1140/F.NO.Re-instatement dated 17/09/2020 (F/G).

CONCLUSION:

In view of the above facts brought into light by three inquire committees, pay deductions ordered from time to time, multiple show cause notices served, personal hearings held which confirms that Mr. Ghulam Yousaf SPST has been habitually absent and made the Government service not more than a joke.

Major penalty of removal from service was imposed upon Mr. Ghulam Yousaf, SPST instead of compulsory retirement due to insufficient length of service as recommended by inquiry committee.

RECOMMENDATION:

In view of the facts elaborated above, it is recommended that.

1. The major penalty of removal from service imposed upon Mr. Ghulam Yousaf SPST, GPS Dood Patti, Tehsil and District Battagram, by DEO (Male) Battagram vide Endst No. 2136-30 dated 23/04/2020 may be retained.

ATTESTED

to be true copy
ADVISED

No. 1011

Disciplinary proceedings may also be initiated against PSHT/Incharge, GPS Dood Pati, who as secretary school PTC passed ^{One sided} resolution in writing for hiring proxy teacher Mr. Badar Nawaz in PTC meeting dated 20/10/2016

Under the provisions of Section 10 of the Punjab School Education Act, 1973, the PTC has the right to hire proxy teachers. The PTC meeting held on 20/10/2016 was held in the presence of Mr. Badar Nawaz and Mr. ...

[Signature]
20/10/2020

INQUIRY OFFICER
Muhammad Azam Khan
Deputy Managing Director
Merged Areas Education Foundation

ATTESTED

to be true copy
Advocate



OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (M)
DISTRICT BATTAGRAM

(M)

Address: Raja Khail Plaza, Inside Kuza Banda Adda Battagram (0997-310560) Email sdeomalebattgram@gmail.com

No: 2455

Dated: 14/01/2021

To: Mr. Ghulam Yousaf,
Ex SPST GPS Doodh Pati.


Subject: REJECTION OF APPEAL

Memo

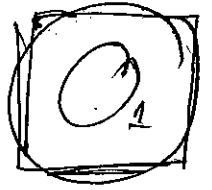
Reference to your application received vide diary No. 486, dated 05-01-2021 regarding appeal against removal from service.

2. The undersigned received a letter from Assistant Director Establishment (M) Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar, forwarded by DEO (M) Battagram vide endstt No. 308-10, dated 13-01-2021, showing that your appeal against DEO (M) Battagram has been rejected under E&D rules 2011 section 17 (1).

3. Therefore, you are kindly informed that please receive you letter form SDEO (M) Office Battagram within 03 days positively.


Sub Divisional Education Officer
Battagram
14/01/2021

-37-



CERTIFICATE

It is certified that Mr. Ghulam Yousaf S/O Molvi Khan Wali R/O, Mandar wali Tehsil and District Battagram SPST had performed his duties from 16-02-2013 at GPS Hill Butch, and Transfer to GPS Sandasary Kakrshang on 31-07-2013, and then transfer to GPS Banda Battangi on 10-09-2013 and then transfer to ^{GPS} Dood Patti on 22-08-2014, and got charge in this school on 23-04-2014 to 23-04-2020.

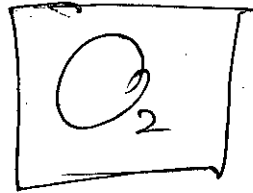
He has removed from service on 23-04-2020. Furthermore the teacher concerned never remained at GPS Jamroz Gada.

**Sub Divisional Education Officer (M)
Battagram**

**SUB DIVISIONAL EDUCATION
OFFICER (MALE) BATTAGRAM**

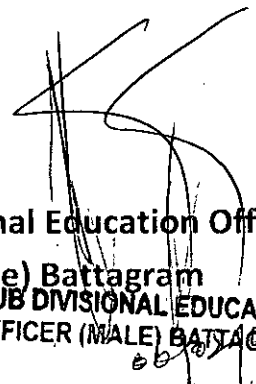
80/0 2/021

38-



CERTIFICATE

Certify that Mr. Ghulam Yousaf S/O Juma Khan PSHT GPS Gada Jamroz has been serving in Education department since 24 -03-1992 up to date without any break. The teacher concerned is working in this school w.e.f 01-03-2013 up to date.


Sub: Divisional Education Officer
(Male) Battagram
SUB DIVISIONAL EDUCATION
OFFICER (MALE) BATTAGRAM

سٹاف حاضری رجسٹر

2018

سال: 3
نمبر: 3

نمبر: 2

بابت ماہ: مارچ

نمبر: 1

15 (A)

سید عبداللہ Chakidav				محمد یوسف PST				عبدالرشید P.S.H.T				
عہدہ:				عہدہ:				عہدہ:				
فون نمبر:				فون نمبر:				فون نمبر:				
قومی شناختی کارڈ نمبر:				قومی شناختی کارڈ نمبر:				قومی شناختی کارڈ نمبر:				
تاریخ	آمد	دستخط (N)	رواگی	دستخط	آمد	دستخط (N)	رواگی	دستخط	آمد	دستخط (N)	رواگی	تاریخ
1	8:30			8:30	11:30			1:30	8:30			1
2	8:30			8:30	12:30			12:30	8:30			2
3	8:30			8:30	11:30			1:30	8:30			3
4	-			S	U	N	D	A	Y			4
5	8:30			8:30	1/30			11:30	8:30			5
6	8:30			8:30	11:30			1:30	8:30			6
7	-			8:30	11:30			on duty	-			7
8	8:30			8:30	11:30			11:30	8:30			8
9	8:30			8:30	12:30			12:30	8:30			9
10	8:30			8:30	12:30			1:30	8:30			10
11	-			S	U	N	D	A	Y			11
12	8:30			8:30	1/30			1:30	8:30			12
13	8:30			8:30	1/30			1:30	8:30			13
14	8:30			8:30	on duty			12:30	8:30			14
15	8:30			8:30	11:30			11:30	8:30			15
16	8:30			8:30	1/30			12:30	8:30			16
17	8:30			8:30	12:30			1:30	8:30			17
18	-			S	U	N	D	A	Y			18
19	8:30			8:30	11:30			11:30	8:30			19
20	8:30			8:30	11:30			1:30	8:30			20
21	8:30			8:30	11:30			1:30	8:30			21
22	8:30			8:30	11:30			1:30	8:30			22
23	-			23	23			23	-			23
24	8:30			8:30	11:30			1:30	8:30			24
25	-			S	U	N	D	A	Y			25
26	8:30			8:30	11:30			1:30	8:30			26
27	8:30			8:30	11:30			11:30	8:30			27
28	8:30			8:30	11:30			11:30	8:30			28
29	8:30			8:30	11:30			11:30	8:30			29
30	8:30			8:30	11:30			12:30	8:30			30
31	8:30			Leave	Leave			-	8:30			31

تفصیل رخصت

میزان	بیماری	استحقاق	انفاق	میزان	بیماری	استحقاق	انفاق	میزان	بیماری	استحقاق	انفاق
ATTESTED											
to be true copy											
Advocate											

دستخط رئیس ادارہ:

تاریخ:

گذشت جناب صدرنا سرور صاحب اور گزشت برائے اسکول دہلی

جو کہ ترائی کے اسکول کے بچوں کے امتحان
کے لیے پندرہ سو روپے کی رقم لے لی گئی۔ مگر فریڈے
کو انے کے لیے رقم جاری ہے۔
اس لیے جو on-duty لکھو رہا ہے
جناب کے ترائی میں ہے۔

الغرض -
محمد یوسف
RST یوسف
گذشت برائے اسکول دہلی

14/3/2018

allowed for one day please
14/3/2018

ATTESTED

to be true copy
Advocate

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.



12-12-17

Government of Khyber Pakhtunkhwa
Office of the District Education Officer Male
BATTAGRAM

(11/1)
R

File No: _____
Dated: 19-Mar-2018

To,
Sub Division Education Officer
BATTAGRAM, BATTAGRAM,

Subject: - Deduction of Salary On Account of Willful Absence from Duty

1. As per the monitoring report of the IMU Monitor, Mr/Ms. Ghulam Yousaf (PST, Personal Number 701713) was found absent from duty without any lawful authority on 14-Mar-2018.
2. In view of the above you are directed to ensure deduction of one-day salary of the above mentioned official immediately and send this office an undertaking that the salary has been deducted. Absence of the above mentioned official may be treated as leave without pay.

District Education Office, Male

Endst: Even No. 2634-36 & Date: 26/3/2018

Copy of the above is forwarded to the: -

- i. Director, Elementary & Secondary Education Department, G T Road, Peshawar
- ii. Headmaster/Headmistress GPS DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM
- iii. Ghulam Yousaf, PST, GPS DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM

District Education Office, Male
26/3

127060-250395

ATTESTED

to be true copy
Advocate

42

SP

OFFICE OF THE PRINCIPAL GOVT; HGER SECONDARY SCHOOL PAIMAL SHARIF.

No. 14

Dated 19/4/2019

To

The District Education Officer
(Male) Battagram.

Subject:- INQUIRY REPORT IN R/O GHULAM YOUSAF PST GPS DOOD PATHI.

Reference to your notification No 2530-33 dated 18.3.2019 the undersigned along with Mr Attaullah SST GHSS Paimal Sharif paid a visit to GPS Dood Pathi on 26.3.2019 in order to conduct inquiry regarding the absence of Mr. Ghulam Yousaf PST GPS Dood Pathi.

PROCEDURE:

Relevant record was thoroughly checked and the statements of the Head Teacher, Chairman PTC and students of the school were sought

FINDINGS:

1. It is a sad fact that no teacher was present at the school, when the inquiry team reached to the school at 10 AM. Mr. Abdur Rasheed Head Teacher who was on Polio Duty was called to come to record his statement. Mr. Ghulam Yousaf PST was absent from his duties even on the day of inquiry without any authorized leave (Annex-I). Later on Mr. Ghulam Yousaf PST produced Medical Certificate (Annex-II) in his defense.
2. Minutes of the meeting of PTC of the school dated 20.10.2016 (Annex-III) reveals that the PTC of the school decided to allow Mr. Ghulam Yousaf PST to arrange a proxy teacher to work in his absence as he was not regular in his duties. *Minutes PTC has such authority no. 1000*
3. The statement of the Head Teacher (Annex IV) and chairman PTC (Annex V) of the school confirms that Mr. Ghulam Yousaf has been absent from his duties for last two years. The proxy teacher arranged by him not only teaches the students but also put signature in attendance column of Mr. Ghulam Yousaf in order to show him present in the record.
4. When the students were asked to tell the names of their teachers, they told that there were two teachers in the school i.e. Mr. Abdur Rasheed and Qari Badar Nawaz (proxy teacher). When they were asked about Mr. Ghulam Yousaf, they replied that he comes to school off and on. *st.*

CONCLUSION:

The above mentioned findings confirms that Mr. Ghulam Yousaf PST GPS Dood Pathi mostly remained absent from his duties after 20.10.2016 up to date.

Show cause may be served to the teacher
 ADEO EST (P)
 In file of
 20/4/19
 DEO BM

1600
 20/4/19

ATTESTED

to be true copy
Advocate

2
-43-

~~43~~
82

RECOMMENDATION:

The disciplinary proceeding already initiated against Mr. Ghulam Yousaf PST GPS Dood Pathi may be kept intact, if agree please.



ATAULLAH SST.

GHSS PAIMAL SHARIF



BAKHTIAR MUHAMMADAD ANJUM

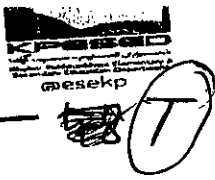
PRINCIPAL

GHSS PAIMAL SHARIF.

ATTESTED
to be true copy
Advocate

44
OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE).
BATTAGRAM

EMAIL: emisbattagram@gmail.com PHONE NO: 0997543540 & 539



SHOW CAUSE NOTICE

I Bakht Zada District Education Officer (Male) Battagram as competent authority under the Khyber Pakhtunkhwa Government servants (Efficiency & Disciplinary) rules, 2011, do hereby serve show cause upon you Mr. Ghulam Yousaf PST GPS Dood Pati Tehsil & District Battagram as follows:

- a) In the light of absent report of IMU Battagram for the second time this office served show cause notice upon you vide Endstt:No.9029 dated: 06-07-2017, but you failed to submit reply within stipulated period. This office imposed minor penalty of withholding of two increments for two years upon you.
- b) IMU Battagram reported you absent for third time, and this office served show cause upon you vide Endstt:No.15616 dated: 19-12-2017 for imposing major penalty of "Removal from service".
- c) You were found absent by IMU Battagram for fourth time and this office served show cause notice upon you vide Endstt:No.2633 dated: 26-03-2018.
- d) You were found absent by IMU Battagram for fifth time and this office served show cause notice for imposing major penalty " Removal from service vide Endstt:No.8039 dated: 07-08-2018, you submitted only one reply of the last show cause through SDEO (M) Battagram this office dairy No.2840 dated: 28-08-2018.
- e) This office issued letter for personal hearing vide No. 12096-97 dated: 23-10-2018.
- f) This office issued another letter for personal hearing vide No. 15460-61 dated: 24-12-2018, but you failed to appear before the competent authority.
- g) This office issued letter to SDEO (M) Battagram for verification of your absent period vide No.837 dated: 02-02-2019 and reminder vide No.1659-62 dated: 26-02-2019, but SDEO failed to submit verification report.
- h) This office constituted inquiry committee vide Notification No.2530-33 dated: 18-03-2019, inquiry committee submitted report vide No.14 dated: 19-04-2019.
- i) Inquiry committee confirmed that you remained mostly absent w.e.f. 20-10-2016 till date, students recognized Mr. Qari Badar Nawaz (Proxy) who was arranged by you PTC of the school recorded minutes of the meeting which revealed recorded that PTC of the school decided to allow you to arrange a proxy teacher to work in your absence. PTC chairman and PSHT statement confirmed that you were absent for last two years.
- j) In exercise of the power conferred by the Khyber Pakhtunkhwa, Govt: servant (Efficiency & Discipline) rules, 2011, the Competent Authority is hereby pleased to serve you with the instant show cause notice regarding your misconduct and guilty of absenting with the direction to submit your defense in writing within 7 (Seven) days of the issuance of this notice as to be heard in person.
- k) In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and ex-parte decision will be taken against you.

-Sd-

Competent Authority

Mr. Ghulam Yousaf PST GPS Dood Pati
Tehsil & District Battagram

Endstt: No: 5090-93 /Dated Battagram, the: 9/15/2019.

Copy for information to the:

1. PA to Director E&SE KP Peshawar.
2. SDEO(Male) Battagram with the direction to serve the show cause notice upon the concerned official.
3. Mr. Ghulam Yousaf PST GPS Dood Pati.
4. Office copy.

ATTESTED

to be true copy
Advocate

District Education Officer
(Male) Battagram

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. _____/2021

Mr. Ghulam Yousaf

Vs.

Secretary Education & Others

NOTICE

To

RESPONDENTS:

1. Secretary Education, Government of KPK, Civil Secretariat, Peshawar *Reg. receipt # RGL/531/3522 dt. 9.02.21*
2. Director, Elementary & Secondary Education Department, GT Road, Peshawar *Reg. receipt # RGL/531/3522 dt. 9.02.21*
3. District Education officer, Battagram (Male), Battagram, ~~Manshera~~ *cc RGL/531/3520 dt. 9.2.21*
4. Sub Divisional Education officer, Battagram (Male), Battagram, ~~Manshera~~ *Reg. receipt # RGL/531/3521 dt. 9.2.21*

Please take notice of the Registered A/D post to the effect that today I am filing before the *Hon'ble* Service Tribunal KPK at Peshawar the Service Appeal on behalf of the appellant, against the impugned notification dated 23-04-2020 passed by the learned DEO, Battagram (Male).

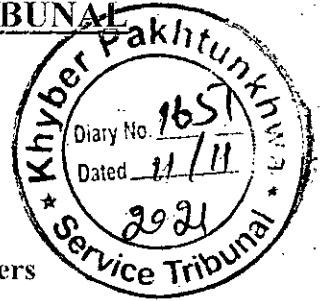
Dated: 09.02.2021



(S. AMJAD MAKHDOOM)
Advocate, Peshawar High Court.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 1246 /2021



Mr. Ghulam Yousaf

Vs.

Secretary Education & Others

*Recd up to 1st Dec
along with respondents
[Signature]
11/11/2021*

APPLICATION FOR EARLY HEARING

Respectfully sheweth;

1. That the subject case has been fixed for respondents' comments on 1st March 2022, ~~but March 2022 is the quarterly inspection date~~

2. That on the other hand, respondents' comments are reportedly ready for submission in the *hon'ble* Tribunal.

It is, therefore, humbly prayed that a short date in November may kindly be fixed for submission of respdts' comments.

Appellant

Through

S. Amjad Makhdoom
Advocate, Peshawar High Court

Dated: 11.11.2021

*Ready
Fix it in
month of
January, 2021.
1.2.24-1.22
[Signature]*

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service Appeal No. 1246 /2021

Mr. Ghulam Yousaf

Vs.

Secretary Education & Others

AFFIDAVIT

I, Mr. Amjad Makhdoom, appellant's Counsel do solemnly affirm and declare on oath that the contents of this application are true and correct according to the instructions of my client, Mr Ghulam Yousaf, appellant and that nothing has been concealed from this Hon'ble Tribunal.

Sworn in at Peshawar on this 11th day of November, 2021



Appellant-Counsel

Advocate Mr. Amjad Makhdoom

CNIC # 17301-1917636-1

Amjad
[Signature]
11/11/2021
SR. ADVOCATE HAT ULLAH SHAH
Sr. Advocate Oath Commissioner
Notary Public High Court
Peshawar

01/03/22 08/01/21

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

SERVICE APPEAL No. 1246 of 2021

Ghulam Yousaf S/O Molvi Khan Wali.....Appellant

VERSUS

**Government of Khyber Pakhtunkhwa through Secretary E&SE KPK
Peshawar and others.....Respondents**

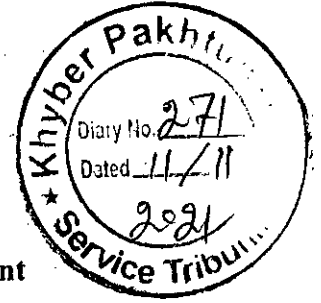
Index

*Next date
01-03-22*

S. No	Description /Documents	Annexure	Pages
1	Comments		1 to 8
2	Affidavit		9
3	Copies of showcause notices	A	
4	Copy of SDEO report	B	
5	Copy of PTC chairman report	C	
6	Copy on application of chairman PTC	D	
7	Copy of head teacher report	E	
8	Notifications of minor penalty	F	
9	Copy of inquiry report	G	
10	Copy of policy IMU	H	
11	Copy of notification of the appellant removal from service notification	I	
12	Copy of deduction notification	J	
13	Copy of denove inquiry	K	
14	Copy of appeal to Director E & SE Peshawar of the appellant	L	
15	Copy of Reply of respondent No.3	M	
16	Copy of Letter of rejection of appeal by the Director E & SE Peshawar	N	

Respondent

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR
SERVICE APPEAL No. 1246 of 2021



Ghulam Yousaf S/O Molvi Khan Wali.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa through Secretary E&SE KPK
Peshawar and others.....Respondents

Joint Para-wise comments /Reply on behalf of
Respondents NO. 1 to 4

Respectfully Sheweth:

Preliminary Objections

1. That the appellant has no cause of action/locus standi to file the present appeal.
2. That the appellant has concealed the material facts from this Hon'ble Tribunal.
3. That the appellant has not come to this Hon'ble Tribunal with clean hands.
4. That the appellant has filed the instant appeal on mala fide grounds, just to put pressure on the respondent Department.
5. That the appellant's appeal is against the prevailing rules and law.
6. That the appellant is stopped by his own conduct to file the instant appeal.
7. That the instant appeal is not maintainable in its present form and also in the present circumstances of the issue.
8. Respondents have followed the procedure and rules/laws of the department and appellant proceeded with it rightly/ justly and according to the rules and regulations. Moreover petitioner is a habitual absenter and was reported absent on every visit of the monitoring team (IMU) and reports of the ASDEO and SDEO concerned conforming it.

9. The appeal is time barred, hence is liable to be dismissed without any further proceeding.

ON FACTS

1. Para No. 1 of the appeal needs no comments pertaining to the appointment of the appellant.
2. Para No. 2 needs no comments as relates to the promotion of the appellant, rest of the para denied. Appellant was repeatedly reported absent from his duties by Independent Monitoring Unit (IMU) Battagram almost on every visit and also reported by the ASDEO/ SDEO concerned and statements of the Chairman PTC head Teacher concerned conforming that the appellant is habitually absenting himself from his duties and was proceeded against with minor penalties, before proceeded against with the major penalty of removal from service, after following the proper procedure under E& D rules. Hence his claim of satisfactory service record is false and misleading. (Copies of the Show cause Notices, Copy of SDEO Report, Copy of PTC chairman Report, Copy of Application of chairman PTC, Copy of Head Teacher Report, Notification of Minor Penalties: A,B,C,D,E,F ”.)
3. Para No. 3 of the appeal as composed is incorrect hence denied. Appellant was proceeded against according to the rules procedure and laws of the department no double jeopardy with prejudiced mind and unlawful proceedings under KPK Efficiency and Disciplinary Rules 2011 were initiated against the appellant. Moreover appellant was a habitual absenter remained/found absent from his duties from 26-10-2016 for more than 2 years according to the inquiry report of fact finding committee in this regard. (Copy of the report is annexed Annex ‘G’).
4. Para No. 3 of the appeal as composed is incorrect and denied. Appellant is habitually absenting himself from his duties since 26-10-2016 till removal from service as per IMU, ASDEO, SDEO reports, statements of Head Teacher concerned and chairman PTC committee of GPS Doodh Patti. Moreover appellant was found absent on every official's/ Officers, (IMU, ADEO/SDEO) visit of the school. As per reports of IMU, ADEO and SDEO concerned the appellant remained/found absent without sanctioned leave from the competent authority from duty on 17-12-2016, 08-

06-2017, 13-10-2017, 12-12-2017, 14-03-2018, 19-10-2019, 16-06-19, 19-10-2019, 13-11-2019, and 19-12-2019 as per attendance register of the school. Also remained/found absent on 14-03-2019 to 16-03-2019, 25-03-2019, 26-03-2019 while on Casual leave on the day of visit of ADEO P & D. Moreover SDEO Battagram also submitted appellant's absent report vide letter No. 942 dated 02-12-2019 and on the day of visit of SDEO/ASDEO on 19-12-2015, 24-09-2016, 14-11-2016, to 18-11-2016, 30-05-2018, 17,06,2019, 13-11-2019 and 28-11-2019. The appellant was served upon show cause notices for his willful absence from duty and imposed minor penalties of deductions of one day salaries and withholding/stoppage of increments of one and two years through different showcases/notifications and orders. Moreover appellant was called for personal hearing vide different letters but he failed to appear before the competent authority or satisfy him. Moreover these show cause notices were auto system generated on the basis of IMU online absent reports and record connected to it and the competent authority has to sign it accordingly according to the department/IMU policy. (Copy of the Policy of IMU and office order of removal of appellant from service are annexed as *Annex: "H & I"*).

5. Para No. 5 of the appeal is incorrect and denied. Appellant was dealt with under the E&D rules and the competent authority after having considered the charges, evidence on record, appellant reply dated 07-01-2020 and the personal hearing granted to the appellant vide No. 51-55 dated 02-01-2020 the competent authority was of the view that the charges mentioned in the show cause notice have been proved against appellant and hence the appellant was proceeded against with the minor penalty of censure and deduction of one day salary. (Copy of Personal hearing and notification of deduction is attached at *Annex: "J"*).
6. Para No. 6 of the appeal as composed is incorrect hence denied. On the submission of an appeal by the appellant before the competent authority against absentees a Denovo inquiry committee was constituted vide notification No. 13022-26/Est: Pry/IMU dated 23-12-2019 which submitted its report on dated 18-03-2020 and on the result of that report appellant has been found guilty of habitually absenting himself from his duties which further resulted into his removal from service. Appellant's stance of mere one sided notes and only on a denovo inquiry report the disciplinary proceedings was initiated against him is incorrect

and misleading because a fact finding inquiry committee was already constituted which submitted its report as stated in para no. 5. (Copy of the Denovo inquiry report is attached as Annex: K).

7. Para No. 7 of the appeal is incorrect and misleading hence denied. The removal from service order was sent to the appellant, to the District Account Officer Battagram, District Monitoring Officer (IMU) Battagram and SDEO (M) Battagram to make entry in the service book of the appellant regarding his removal from service. And as evident from the source submitted to the District Account Office Battagram for stoppage of appellant's salary.
8. Para No. 8 of the appeal is correct to the extent that appellant has filed an appeal to the respondent No. 2, who directed respondent No. 3 vide letter No. 1140/F.No Re-Instatement dated 17-09-2020 to submit detail report/comments in respect of appellant's case. Comments were submitted vide No. 6230 dated 28-09-2020 and appeal of the appellant was rejected by respondent No. 2 vide No. 2705/F. Re-instatement in service District Battagram dated: 08-12-2020. (Copies of the appeal, letter of Directorate Elementary and Secondary Education, comments of the respondent No. 3 and letter of rejection of appeal from the Directorat E &SE are attached as *Annex: "J,K, L & M"*).

ON GROUNDS:

- A. Ground "A" of the appeal is incorrect misleading and trying to divert the case to other issues, which can be clerical errors/mistakes, this shows the malafide intention of the appellant. Show causedated 19-12-2019 and 19-02-2020 weresystem generated on the connected record of the appellant by the IMU issued on the basis of IMU report. However the appellant's removal from service was not in the result of just these two show cause notices the major penalty of removal form service was result of his habitual absenting his self form his duties from 26-10-2016 as reported by ADEO/ SDEO, Head Teacher concerned, Chairman PTC Committee of School concerned and inquiry reports conducted in this regard. Detailed reply is given in the preceding paras.
- B. Ground "B" of the appeal is incorrect. The appellant was a habitual absenter and many complaints against him as stated by the Head teacher concerned and Chairman PTC in their statements

submitted to the fact finding inquiry committee conducted in respect of appellant's absentees. And in the Denovo inquiry report it is reported that whenever GPS Dood Patti was inspected by any officer the appellant was found absent from his duties which is conforming/ authenticating the inquiry report and allegations regarding his absence from duty. Moreover the proceedings (imposition of minor penalties) taken against the appellant for his earlier absentees was a warning to him to perform his duties regularly and do not remain absent without sanctioned leave from his duties but when he found habitually absenting himself from his duties he was proceeded against with the major penalty of removal from service which is well in accordance with law rules and constitution and natural justice.

- C. Ground "C" of the appeal is incorrect and Misleading. Appellant was penalized not for a single day. But the appellant was habitual absent as reported in preceding Paras.
- D. Ground "D" of the appeal is incorrect. The appellant's removal order was not a result of show cause notice No.999 but it was in the result of denovo inquiry report and its recommendations that "in the light of above facts it has been established that whenever GPS Dood Patti was inspected by any officer Mr. GhulamYousaf was found absent which is conforming/authenticating/seconding the inquiry report and allegations of the inhabitants regarding his absence. He may be proceeded to impose major penalty of "**Compulsory Retirement**" if he has enough length of qualifying service otherwise major penalty of "**Removal from Service**" may be imposed upon him.
- E. Ground "E" of the appeal is incorrect and misleading. Appellant was not proceeded against only under rule 9 of the E&D rules but he was proceeded and removed from service under rules 4-b (iii) which conferred/empowered the competent authority to impose major penalty of Removal from Service. Moreover appellant was given/provided fair chance of defense in his self which he failed to satisfy the competent authority.
- F. Ground "F" of the appeal is incorrect hence denied. Detailed reply is given in the preceding paras.
- G. Ground "G" of the appeal is incorrect and Misleading hence denied. Detailed reply is given in the preceding paras.

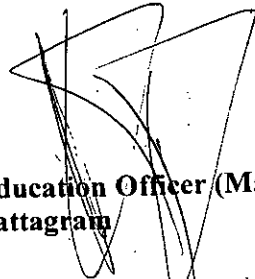
- H.** Ground "H" of the appeal is incorrect hence denied show causes generally issued after the receiving of the absent report from the IMU and moreover offices are working during winter having no vacations.
- I.** Ground "I" of the appeal is incorrect hence denied. Respondents followed the procedure and acted upon and no unlawful twist to Ex.parte determination of the charge on merits of the case were invoked. As replied in preceding paras.
- J.** The appellant has no cause of action.
- K.** Ground "K" of the appeal is incorrect hence denied. Appellant was afforded a fair opportunity of confronting the evidence but he failed to prove himself innocent. Detailed reply is given in preceding paras.
- L.** That, the Para is Misleading it can be clerical mistake/Error which is not justify the stance of the innocence of the appellant. However appellant was misleading the court from the actual ground of the case. Detail reply is given in preceding Paras.
- M.** Ground "M" of the appellant is incorrect hence denied, detail reply given in above Para.
- N.** Ground "N" of the appellant is incorrect hence denied, detail reply given in above Para.
- O.** Para "O" of the appeal is incorrect, hence denied. Action taken against appellant was not relied upon without confronting but appellant was given proper and fair chances of replying/ confronting/ personal hearings but he failed to satisfy the competent authority. Detailed reply is given in the above paras.
- P.** Para "P" of the appeal is incorrect. Appellant was reported absent by the IMU Battagram which is an independent monitoring unit.
- Q.** Para "Q" of the appeal as composed is incorrect, hence denied. The impugned order was not drawn upon pre-obsessed conclusion but appellant had been proven/conformed as habitual absenting himself from his duties in the inquiries conducted in this regard and reports of the Head Teacher, Chairman PTC Committee and SDEO/ASDEO concerned. Detailed reply is given in preceding paras.

- R. Para "R" of the appeal is incorrect and misleading. Appellant was dealt with rules and laws of the department and penalized for his absence on 14-03-2018 and notification was issued on 26-03-2018 which is part of the procedure.
- S. Para "S" of the appeal as composed is incorrect and misleading. Inquiry committee conformed in its report that appellant was remained mostly absent and students recognized Mr. Qari Badar Nawaz (proxy) who was arranged by appellant and PTC committee of the school recorded minutes of the meeting which revealed/recorded that PTC committee of the school decided to allow the appellant to arrange a proxy teacher to work in the appellant absence. (Copy of the minutes of the PTC meeting is attached as *Annex: "N"*).
- T. Para "T" of the appeal is incorrect and misleading and just a diversion from the main point of appellants habitual absence from his duties. Hence denied. The disciplinary proceeding taken against the appellant is well within the four corners of law and E&D rules of the department.
- U. Ground "U" of the appeal is incorrect. Appellant was removed from service in the result of a de novo inquiry proceeding which was conducted in response to an appeal of the appellant regarding his absence not on the show cause notice which referred to by the appellant in this para; hence the para is denied.
- V. The appellant has no cause of action. Appellant dealt and proceeded against him in accordance with the rules and laws of the department and according to the KPK E&D rules 2011. Respondents seek permission of this Honorable Tribunal to raise other factual and legal points and relevant evidences during the course of arguments before this Honorable Service Tribunal.

It is therefore most humbly prayed that on acceptance of above Para-wise comments, the appeal of the appellant may graciously be dismissed with cost.

RESPONDENT NO. 4

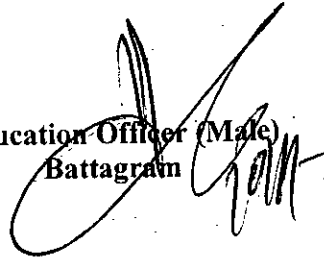
**Sub Divisional Education Officer (Male)
Battagram**



10/4/09

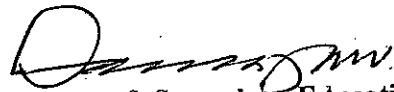
RESPONDENT NO. 3

**District Education Officer (Male)
Battagram**



RESPONDENT NO. 2

**Director Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**



RESPONDENT NO. 1

**Secretary Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar**



BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

SERVICE APPEAL No. 1246 of 2021

Ghulam Yousaf S/O Molvi Khan

Wali.....Appellant

VERSUS

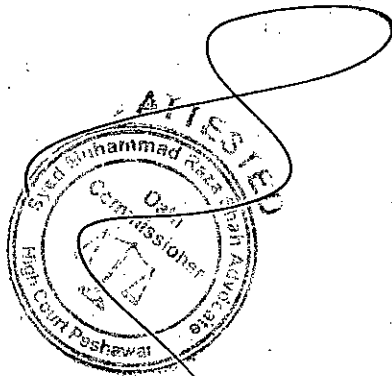
Government of Khyber Pakhtunkhwa through Secretary E&SE KPK

Peshawar and

others.....Respondents

AFFIDAVIT

I Ashfaq Ahmad Khan Jadoon District Education officer (M) Battagram do hereby affirm and declare on oath that contents of accompanying **Joint Para-wise comments** on behalf of respondent NO.1 to 4 are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Tribunal.



DEPENDENT
CNIC: 13101-09342495

2020



Annex - A

Government of Khyber Pakhtunkhwa
Office of the District Education Officer, Male
BATTAGRAM

File No: 999

Dated: 17/02/2020

Show-cause Notice for Stoppage of Increment

I, DEO BATTAGRAM MALE as Competent Authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, do hereby serve upon you (GHULAM YOUSAF, PST, GPS DOOD PATI(EmisCode:26345)) this show cause as follows.

1. That as per IMU monitoring report you were found absent from duty on {13-11-2019} without prior permission of the competent authority.
2. That you had also been reported absent previously on {17-06-2019} and {19-10-2019} for which you had already been penalized.
3. That as per the material and other connected papers on record under Rule-5 (i) (a) and to dispense with the inquiry in accordance with Rule-7 of the aforementioned rules, I, the competent authority, am satisfied that you have committed acts/omissions specified in Rule-3 (d) i.e. "guilty of habitually absents himself from duty without prior approval of leave".
4. Therefore, I as the Competent Authority have tentatively decided to impose upon you the minor penalty mentioned in Rule-4 (a)(ii) of the ibid rules i.e. "withholding of one increment for one year".
5. You are, therefore, required to show cause as to why the aforementioned penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
6. If no reply to this show cause is received within 7 days of its receipt, it shall be presumed that you have no defense to put in and in that case an Ex-Parte decision shall be taken against you.

-sd
DEO BATTAGRAM MALE

Endst: Even No. & Date

Copy of the above is forwarded to the: -

- i. Director, Elementary & Secondary Education Department, G T Road, Peshawar
- ii. Deputy Commissioner concerned
- iii. District Monitoring Officer concerned
- iv. Principal/Headmaster/Headmistress/DDEO/SDEO concerned for necessary action under intimation to this office within 7 days.
- v. GHULAM YOUSAF, PST, GPS DOOD PATI(EmisCode:26345), SHAMLAI, BATTAGRAM, BATTAGRAM
- vi. Master File

DEO BATTAGRAM MALE
ole *JA*

GHULAM YOUSAF, PST, GPS DOOD PATI(EmisCode:26345)

Battagram - Warning Letter

2/2019



Government of Khyber Pakhtunkhwa
Office of the District Education Officer, male
BATTAGRAM

File No: 13040
Dated: 19/12/2019

how-cause Notice for Censure and Salary Deduction

DEO BATTAGRAM MALE as Competent Authority, under the Khyber Pakhtunkhwa Government Servants Efficiency and Discipline) Rules, 2011 do hereby serve upon you (GHULAM YOUSAF, PST, GPS DOOD. ATI(EmisCode:26345)) this show cause as follows.

1. That as per IMU monitoring report you were found absent for the second time from duty on {13-11-2019} without prior permission of the competent authority.
2. That you had also been reported absent previously on {19-10-2019} for which you had already been penalized.
3. That as per the material and other connected papers on record under Rule-5 (i) (a) and to dispense with the inquiry in accordance with Rule-7 of the aforementioned rules, I, the competent authority, am satisfied that you have committed acts/omissions specified in Rule-3 (d) i.e. "guilty of habitually absenting himself from duty without prior approval of leave".
4. Now, therefore, I as the Competent Authority have tentatively decided to impose upon you the Minor penalty of Censure mentioned in Rule-4 (a) (i) of the ibid rules and deduction of one day salary in accordance with Rule-4 (a) (iii) and the Finance Department Notification No. So (FR)/FD/5-14/2014 dated 16-12-2014.
5. You are, therefore, required to show cause as to why the aforementioned penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
6. If no reply to this show cause is received within 7 days of its receipt, it shall be presumed that you have no defense to put in and in that case an Ex-Parte decision shall be taken against you.

sd
DEO BATTAGRAM MALE

Endst: Even No. & Date

Copy of the above is forwarded to the:-

- i. Director, Elementary & Secondary Education Department, G T Road, Peshawar
- ii. Deputy Commissioner concerned
- iii. District Monitoring Officer concerned
- iv. Principal/Headmaster/Headmistress/DDEO/SDEO concerned for necessary action under intimation to this office within 7 days.
- v. GHULAM YOUSAF, PST, GPS DOOD PATI(EmisCode:26345), SHAMLAI, BATTAGRAM, BATTAGRAM
- vi. Master File

de
DEO BATTAGRAM MALE

By do.battagram - Warning Letter

A.

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

EMAIL: emisbattagram@gmail.com **BATTAGRAM** PHONE NO: 0997543540 & 539



SHOW CAUSE NOTICE

I Bakht Zada District Education Officer (Male) Battagram as competent authority under the Khyber Pakhtunkhwa Government servants (Efficiency & Disciplinary) rules, 2011, do hereby serve show cause upon you Mr. Ghulam Yousaf PST GPS Dood Pati Tehsil & District Battagram as follows:

- a) In the light of absent report of IMU Battagram for the second time this office served showcause notice upon you vide Endstt:No.9029 dated: 06-07-2017, but you failed to submit reply within stipulated period. This office imposed minor penalty of withholding of two increments for two years upon you.
- b) IMU Battagram reported you absent for third time, and this office served showcause upon you vide Endstt:No.15616 dated: 19-12-2017 for imposing major penalty of "Removal from service".
- c) You were found absent by IMU Battagram for fourth time and this office served showcause notice upon you vide Endstt:No.2633 dated: 26-03-2018.
- d) You were found absent by IMU Battagram for fifth time and this office served showcause notice for imposing major penalty " Removal from service vide Endstt:No.8039 dated: 07-08-2018, you submitted only one reply of the last showcause through SDEO (M) Battagram this office dairy No.2840 dated: 28-08-2018.
- e) This office issued letter for personal hearing vide No. 12096-97 dated: 23-10-2018.
- f) This office issued another letter for personal hearing vide No. 15460-61 dated: 24-12-2018, but you failed to appear before the competent authority.
- g) This office issued letter to SDEO (M) Battagram for verification of your absent period vide No.837 dated: 02-02-2019 and reminder vide No.1659-62 dated: 26-02-2019, but SDEO failed to submit verification report.
- h) This office constituted inquiry committee vide Notification No.2530-33 dated: 18-03-2019, inquiry committee submitted report vide No.14 dated: 19-04-2019.
- i) Inquiry committee confirmed that you remained mostly absent w.e.f. 20-10-2016 till date, students recognized Mr. Qari Badar Nawaz (Proxy) who was arranged by you PTC of the school recorded minutes of the meeting which revealed recorded that PTC of the school decided to allow you to arrange a proxy teacher to work in your absence. PTC chairman and PSHT statement confirmed that you were absent for last two years.
- j) In exercise of the power conferred by the Khyber Pakhtunkhwa, Govt: servant (Efficiency & Discipline) rules, 2011, the Competent Authority is hereby pleased to serve you with the instant show cause notice regarding your misconduct and guilty of absenting with the direction to submit your defense in writing within 7 (Seven) days of the issuance of this notice as to be heard in person.
- k) In case you failed to submit your reply within the stipulated period, it will be presumed that you have no defense to offer and ex-parte decision will be taken against you.

-Sd-
Competent Authority

Mr. Ghulam Yousaf PST GPS Dood Pati
Tehsil & District Battagram

Endstt: No: 5098-93 /Dated Battagram, the: 9/15/2019.

Copy for information to the:

- 1. PA to Director E&SE KP Peshawar.
- 2. SDEO(Male) Battagram with the direction to serve the show cause notice upon the concerned official.
- 3. Mr. Ghulam Yousaf PST GPS Dood Pati.
- 4. Office copy.

oh
District Education Officer
(Male) Battagram *hw*



Government of Khyber Pakhtunkhwa
Office of the District Education Officer Male
BATTAGRAM

File No: _____
Dated: 02-Aug-2018

To,
Ghulam Yousaf, (PST)
GPS DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM

Subject: - SHOW CAUSE NOTICE

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority District Education Officer, Male, BATTAGRAM, Khyber Pakhtunkhwa has tentatively decided to impose upon you the major penalty of "Removal from service" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

2. You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

3. Your reply should reach to this Department within Seven (07) days of the delivery of this letter otherwise action under the Rules shall be taken against you.

District Education Office, Male

Encl: As Above

Endst: Even No. 8039-40 & Date: 07/08/2018

Copy of the above is forwarded to the: -

- i. Copy to all concerned

District Education Office, Male

8/2/2018, 12:21 PM

Dated: 4/5/2021.

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http://175.107.63.44/Actionmanagement/ActionDetail.aspx

23

SHOW CAUSE NOTICE

District Education Officer, Male, BATTAGRAM, Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Ghulam Yousaf (PST) as follows:

- i. That as confirmed by the IMU monitoring report you were found absent from duty on 12-Jun-2018, 14-Mar-2018 and 12-Dec-2017 without lawful authority in sheer violation of the rules, the material on record and other connected papers under Rule-5 (i) (a) read with Rule-7 of the said Rules,

I am satisfied that you have committed the following acts/omissions specified in Rule-3 of the rules ibid:

- a. Inefficient
- b. Misconduct

1. Therefore, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from service under rule 4 of the said rules.
2. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
3. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

District Education Office, Male
COMPETENT AUTHORITY

127060-271752

8/2/2018, 12:21 P

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Government of Khyber Pakhtunkhwa
Office of the District Education Officer Male
BATTAGRAM

File No: _____

Dated: 19-Mar-2018

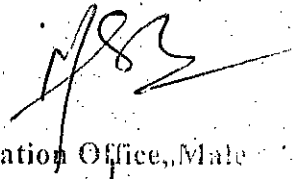
To,
Mehgulam Yousaf, (PST)
IPS DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM

Subject: - SHOW CAUSE NOTICE

You are directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority, District Education Officer, Male, BATTAGRAM has tentatively decided to impose upon you the minor penalty of "Stoppage of two increments" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

Your reply should reach to this Office within Seven (07) days of receipt of this letter otherwise action under the rules shall be taken against you.


District Education Officer, Male

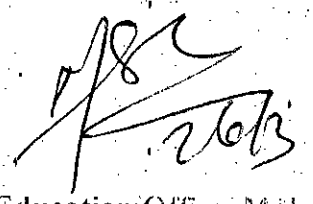
Encl: As Above

Encl: Even No. 2633 & Date: 26/3/2018

Copy of the above is forwarded to the: -

- i. Copy to all concerned

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District Education Officer, Male

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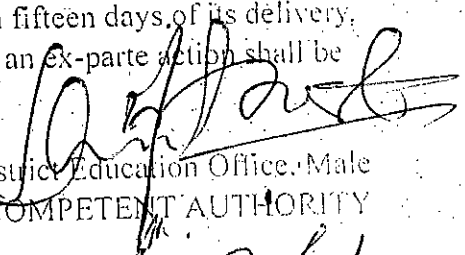
SHOW CAUSE NOTICE

District Education Officer, Male, BATTAGRAM, Khyber Pakhtunkhwa, as competent authority under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby advise you, Mr. Ghulam Yousaf PST) as follows:

i. That as confirmed by the IMU monitoring report you were found absent from duty on 14-Mar-2018 and 12-Dec-2017 without lawful authority in sheer violation of the rules. The material on record and other connected papers under Rule-5 (i) (a) read with Rule-7 of the said Rules. I am satisfied that you have committed the following acts/omissions specified in Rule-3 of the rules *ibid*:

- a. Inefficient
- b. Misconduct

1. Therefore, I, as competent authority, have tentatively decided to impose upon you the penalty of Stoppage of Two Increments under rule 4 of the said rules.
2. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
3. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.


District Education Officer, Male
COMPETENT AUTHORITY

2/6/18

27060-250396

13



Government of Khyber Pakhtunkhwa
Office of the District Education Officer Male
BATTAGRAM

File No: _____

Dated: 19-Mar-2018

ulam Yousaf, (PST)
S.DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM

Subject: - SHOW CAUSE NOTICE

You are directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice, wherein the Competent Authority, District Education Officer, Male, BATTAGRAM has tentatively decided to impose upon you the minor penalty of "Stoppage of two increments" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

Your reply should reach to this Office within Seven (07) days of receipt of this letter otherwise action under the rules shall be taken against you.

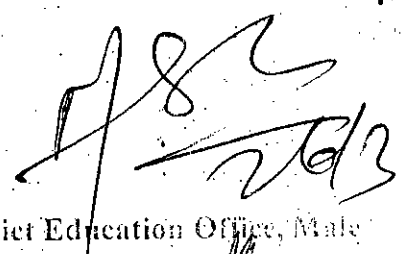

District Education Office, Male

Incl: As Above

Indst: Even No. 2633 & Date: 26/3/2018

Copy of the above is forwarded to the: -

- i. Copy to all concerned


o/c District Education Office, Male

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(12)

SHOW CAUSE NOTICE

I, District Education Officer, Male, BATTAGRAM, Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Ghulam Yousaf PST) as follows:

i. That as confirmed by the IMU monitoring report you were found absent from duty on 14-Mar-2018 and 12-Dec-2017 without lawful authority in sheer violation of the rules; the material on record and other connected papers under Rule-5 (i) (a) read with Rule-7 of the said Rules, I am satisfied that you have committed the following acts/omissions specified in Rule-3 of the rules
ibid:

- a. Inefficient
- b. Misconduct

1. Therefore, I, as competent authority, have tentatively decided to impose upon you the penalty of Stoppage of Two Increments under rule 4 of the said rules.
2. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
3. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

de
District Education Officer, Male
COMPETENT AUTHORITY

127060-250396

AM

Dated: 7/3/2021.

http://175.107.63.44/Actionmanagement/ActionDetail.aspx

10



Government of Khyber Pakhtunkhwa
Office of the District Education Officer Male
BATTAGRAM

File No: _____
Dated: 25-Nov-2017

To,
GHULAM YOUSAF, (PST)
GPS DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM

Subject: - SHOW CAUSE NOTICE

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority District Education Officer, Male, BATTAGRAM, Khyber Pakhtunkhwa has tentatively decided to impose upon you the major penalty of "Removal from service" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

2. You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

3. Your reply should reach to this Department within Seven (07) days of the delivery of this letter otherwise action under the Rules shall be taken against you.



District Education Office, Male

Encl: As Above

Endst: Even No. 15616 & Date 13/12/2017

Copy of the above is forwarded to the: -

i. Copy to all concerned


District Education Office, Male

SHOW CAUSE NOTICE

District Education Officer, Male, BATTAGRAM, Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. GHULAM YOUSAF (PST) as follows:

i. That as confirmed by the IMU monitoring report you were found absent from duty on 13-Oct-2017, 08-Jun-2017 and 17-Dec-2016 without lawful authority in sheer violation of the rules, the material on record and other connected papers under Rule-5 (i) (a) read with Rule-7 of the said Rules,

I am satisfied that you have committed the following acts/omissions specified in Rule-3 of the rules ibid:

- a. Inefficient
- b. Misconduct

1. Therefore, I, as competent authority, have tentatively decided to impose upon you the penalty of Removal from service under rule 4 of the said rules.
2. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
3. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

dc
District Education Office, Male
COMPETENT AUTHORITY
M

73007-218398



Government of Khyber Pakhtunkhwa
DEPARTMENT

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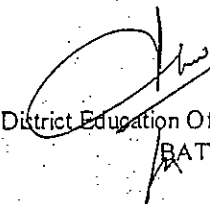
NOTIFICATION

File No: WHEREAS

GHULAM YOUSAF, (PST), was proceeded against under the Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules, 2011, for the charge of willful absence from duty.

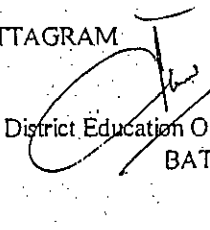
2. AND WHEREAS a show cause notice was served upon GHULAM YOUSAF, (PST GPS DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM) dated 06-02-2017.
3. AND WHEREAS the Competent Authority District Education Officer, Male after having considered the charges and evidence on record, explanation of the accused officer in response to the Show Cause Notice and personal hearing granted to him/her on 29-08-2017, is of the view that the charges against the accused officer have been proved.
4. THEREFORE, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (District Education Officer, Male, BATTAGRAM, Khyber Pakhtunkhwa) is pleased to impose minor penalty of "Withholding of two increments for two years" upon GHULAM YOUSAF, (PST) with immediate effect.

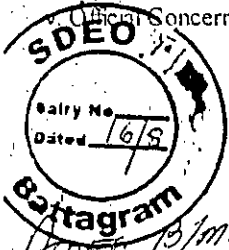
Encl: of Even No. 10147-46 & Date: 16/8/2017

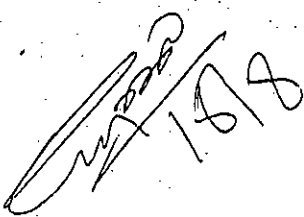

District Education Office, Male
BATTAGRAM

Copy forwarded to the:-

- i. District Accounts Officer, BATTAGRAM
- ii. Concerned DDO
- iii. Director ESED, Peshawar
- iv. Headmaster/Headmistress GPS DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM
- v. Official Concerned


District Education Office, Male
BATTAGRAM



Supervisor
PT n/a

16/8

Entry of 1/11 & 2 increments may be made before the teaching before end of this month


16/8

Government of Khyber Pakhtunkhwa
DEPARTMENT

NOTIFICATION

File No: WHEREAS

GHULAM YOUSAF, (PST), was proceeded against under the Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules, 2011, for the charge of willful absence from duty.

2. AND WHEREAS a show cause notice was served upon GHULAM YOUSAF, (PST GPS DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM) dated 06-07-2017.
3. AND WHEREAS the Competent Authority District Education Officer, Male after having considered the charges and evidence on record, explanation of the accused officer in response to the Show Cause Notice and personal hearing granted to him/her on 22-08-2017, is of the view that the charges against the accused officer have been proved.
4. THEREFORE, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (District Education Officer, Male, BATTAGRAM, Khyber Pakhtunkhwa) is pleased to impose minor penalty of "Withholding of two increments for two years" upon GHULAM YOUSAF, (PST) with immediate effect.

Endst: of Even No. 10142-46 & Date: 16/8/2017

District Education Office, Male
BATTAGRAM

Copy forwarded to the:-

- i. District Accounts Officer, BATTAGRAM
- ii. Concerned DDO
- iii. Director ESED, Peshawar
- iv. Headmaster/Headmistress GPS DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM
- v. Official Concerned

District Education Office, Male
BATTAGRAM

OFFICE ORDER

BATTAGRAM

OFFICER (MALE)
PHONE NO: 0997543540 & 539

WHEREAS you Mr. Ghulam Yousaf PST
proceeded for having committed
misconduct under

AC

Government of Khyber Pakhtunkhwa
DEPARTMENT

NOTIFICATION

No: WHEREAS

GHULAM YOUSAF , (PST), was proceeded against under the Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline) Rules, 2011, for the charge of willful absence from duty.

2. AND WHEREAS a show cause notice was served upon GHULAM YOUSAF , (PST GPS DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM) dated 06-07-2017.

3. AND WHEREAS the Competent Authority District Education Officer , Male after having considered the charges and evidence on record, explanation of the accused officer in response to the Show Cause Notice and personal hearing granted to him/her on 02-08-2017 , is of the view that the charges against the accused officer have been proved.

4. THEREFORE, in exercise of the powers conferred under section 14 of Khyber Pakhtunkhwa Govt: Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (District Education Officer , Male, BATTAGRAM, Khyber Pakhtunkhwa) is pleased to impose minor penalty of "Withholding of two increments for two years" upon GHULAM YOUSAF ; (PST) with immediate effect.

Dist: of Even No. _____ & Date: _____

District Education Office , Male
BATTAGRAM

Copy forwarded to the:-

- i. District Accounts Officer, BATTAGRAM
- ii. Concerned DDO
- iii. Director ESED, Peshawar
- iv. Headmaster/Headmistress GPS DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM
- v. Official Concerned

[Signature]
District Education Office , Male
BATTAGRAM

2A

SHOW CAUSE NOTICE

District Education Officer, Male, BATTAGRAM, Khyber Pakhtunkhwa, as competent authority,
for the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby
inform you, Mr. GHULAM YOUSAF PST) as follows:

1. That as confirmed by the IMU monitoring report you were found absent from duty on 08-Jun-2017
and 17-Dec-2016 without lawful authority in sheer violation of the rules, the material on record and
other connected papers under Rule-5 (i) (a) read with Rule-7 of the said Rules, I am satisfied that you
have committed the following acts/omissions specified in Rule-3 of the rules ibid:

- a. Inefficient
- b. Misconduct

1. Therefore, I, as competent authority, have tentatively decided to impose upon you the penalty of
Stoppage of Two Increments under rule 4 of the said rules.
2. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon
you and also intimate whether you desire to be heard in person.
3. If no reply to this notice is received within seven days or not more than fifteen days of its delivery, it
shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken
against you.

[Signature]
District Education Office, Male
COMPETENT AUTHORITY
[Initials]

007-184185

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@gmail.c

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Annex-B

OFFICE OF THE SDEO MALE BATTAGRAM

No. 942

Dated. 02-12-2019

(61)

To The Respectable DEO Male,
Battagram.

Subject: ABSENT REPORT IN R/O Mr. Ghulam Yousof
SPST OF GPS DOODH PALI

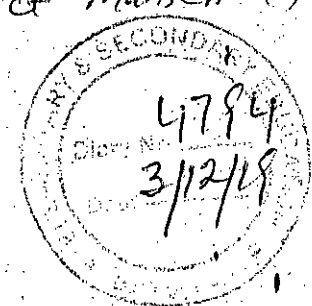
R/sir,

It is submitted that Mr. Ghulam Yousof SPST
of GPS Doodh Pali has been remained absent many
times by MU report as well as during the visits
of SDEOs & ASDEOs, but his report was not properly
submitted.

BRIEF HISTORY:-

1. GPS ~~Doodh~~ Doodh Pali having two teachers and Chowkidar,
there are nearly 51 students enrolled. In the past
there were four teachers and the enrollment of the
students was better than by today.
2. Mr. Ghulam Yousof is living (District Mansehra) so many
years along with family.

PTO



ASDEO
Visit (pm)
Date 20/12/19
1/12/19
02/12/19

He did not attend the school regularly, and found absent during the visit of M.A. ASDEO and SDEO, as per Attendance Register Record. (60)

He was found not present during SDEO visit on 09-12-2015.

He was found absent during SDEO visit on 24-09-2016.

He also remained absent w.e.f 14-11-2016 to 18-11-2016.

He remained absent on 30-05-2018 during ASDEO visit.

He also remained absent on 09-11-2018.

He also remained absent during DCMA visit on 17-06-2019.

He also remained absent during DCMA visit on 13-11-2019.

He was also found absent during the undersigned visit on 28-11-2019.

Head Teacher of GPS Doodh Pati Mr.

Abdur Rasheed showed him present in the Attendance Register, but actually the concerned teacher not performing his duties regularly, and attend the school two or three time in a month or not.

PTO

(89)

So, the absent report in No. Mr. Ghulam Yousof
SPST of GPS, Doodh Pali is submitted for further process,
and further necessary action please.

MC
72

SOED.
02/12
2019

Annex - III 37

Annex - R

تاریخی اہلیان

3 جنوری 2016

20-10-2016

اجنڈا

1 طلبہ کی حاضری کو اپنی کتاب پر لکھنا

2 طلبہ کی فزیکل ایسٹیمینٹ اور حال پر لکھنا

3 (متعلقہ نیکرنگ) یوسف پست PST کی تمام سوجاؤں کی حاضری پر

یوسف پست کی لگانے پر لکھنا

اجنڈا نمبر	فیصلہ	ذمہ داریاں
1	طلبہ کی حاضری کو اپنی کتاب پر لکھنا	
2	طلبہ کی فزیکل ایسٹیمینٹ اور حال پر لکھنا	
3	(متعلقہ نیکرنگ) یوسف پست PST کی تمام سوجاؤں کی حاضری پر یوسف پست کی لگانے پر لکھنا	

Handwritten signature

دستخط جنرل سیکرٹری

دستخط چیئر پرسن صدر

(تمام نمبر ان کے ملحوظ رہے)

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36 خدمت جناب انگریز آفسران صاحبان
(Annex-VI)

جناب عالی

Annex D

کریضی پبلک سکول بازار استاد غلام یوسف کوئی سال یہ
میں تہنات ہے لیکن اس نے آجین جگم ایک ~~بندہ~~ دیکھا ہوا
جو حاضری رجسٹر میں اسکی حاضری لگاتا ہے جبکہ غلام
استاد سکول کے صاحبزادے دن یا دوسرے کس کوئی دن یہ
آتا ہے اس کے علاوہ زیادہ تر غیر حاضر دیتا ہے
جبکہ دوسرے سے بھارت بچوں کا مستقبل فریب ہوا

Handwritten signature

کوئی شاہ So برکت

جرمیں

دودھ پین

26-3-019

i.D-1322-8220723-5

(Annex-IV)
Annex-38

جناب صاحب انکوائری افسر ہا۔

جناب عالی :

معرض ہے کہ جسٹیس علیہ پوسٹ SPST، GPS دودھ لہجے میں لکھے
میں بائیس سال سے لقیات ہیں۔

یہ کہ مذکورہ پتہ صحیح طریقے سے اپنے ذرا لکھنے کے ساتھ ساتھ ہر انجام میں
میں رہے۔ جس سے وہ اس سے P.T.C لکھنے کے ساتھ ساتھ 2016 میں منسلک کیا
مذکورہ پتہ اپنی جگہ رکھوں کو پتہ ہاٹے کیلئے کوئی دوسرا پتہ
رکھوں۔ لہذا 2016 کے بعد دوسرا پتہ (جسکی حکم سکول

پتہ ہاٹا رہا۔ اور عارضی رہسیر میں اسی حکم عارضی لگانا رہا۔
یہ کہ مختلف S.D.Os میں اور مانیٹرنگ مراکز وقتاً فوقتاً کو

آجی وزٹ کرتے رہے اور مذکورہ بالا صورت حال ان کے علم میں لایا۔
رہا۔ زبردستی مفرد بار اس صورت حال کو S.D.Os کو عا

میں بھی لایا گیا ہے۔ میں مذکورہ پتہ پتہ کو اس سلسلے میں بھی بار خیر
کہ گیا ہوں کہ وہ اپنی عارضی لقیات بنا رہے۔ لیکن اس کے طرز عمل میں
کوئی تبدیلی نہیں آئی۔

یہ کہ مذکورہ دورانیہ میں اس کی طرف سے حیدرآباد جمعہ کی کسی بھی ضلع کی درجہ
موصول نہیں ہوئی۔ درجہ ملاحظہ کیجئے۔

TEACHER
S. D. O. Badli
Distt. Battagram

اول مدرسہ عبدالرشید PSHT

28/3/19 13202-6154203-3

ted: 913

Ameen - F 3

Government of Khyber Pakhtunkhwa
Office of the District Education Officer Male
BATTAGRAM

File No: _____
Dated: 16-Jun-2017

1 YOUSAF, (PST)
D PATI, SHAMLAI, BATTAGRAM, BATTAGRAM

SHOW CAUSE NOTICE

Refer to the subject noted above and to enclose herewith a copy of Show Cause Notice
The Competent Authority, District Education Officer, Male, BATTAGRAM has tentatively decided
upon you the minor penalty of "Stoppage of two increments" under Rule-4 of the Khyber
Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges
against you.

You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty
should be imposed upon you and also intimate whether you desire to be heard in person.

Your reply should reach to this Office within Seven (07) days of receipt of this letter otherwise action
under the rules shall be taken against you.

District Education Office, Male

As Above

Even No. 89029 & Date 6/17/2017

The above is forwarded to the:-

Copy to all concerned

District Education Office, Male

EDUCATION
BATTAGRAM

Pati Tehsil
District Education Officer
Bhatta Servant

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PST

File No. 216/21/17

http://175.107.63.44/Actionmanagement/ActionDetail.aspx

Annex - F 2

Government of Khyber Pakhtunkhwa
Office of the District Education Officer Male
BATTAGRAM


File No: _____
Dated: 25-Nov-2017

To,
Sub Division Education Officer
BATTAGRAM, BATTAGRAM,

Subject: - Deduction of Salary On Account of Willful Absence from Duty

1. As per the monitoring report of the IMU Monitor, Mr/Ms. GHULAM YOUSAF (PST, Personal Number 701713) was found absent from duty without any lawful authority on 13-Oct-2017.

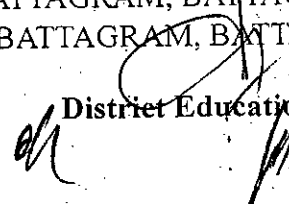
2. In view of the above you are directed to ensure deduction of one-day salary of the above mentioned official immediately and send this office an undertaking that the salary has been deducted. Absence of the above mentioned official may be treated as leave without pay.


District Education Office, Male

Endst: Even No. 15686-88 & Date 21/12/017

Copy of the above is forwarded to the: -

- i. Director, Elementary & Secondary Education Department, G T Road, Peshawar
- ii. Headmaster/Headmistress GPS DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM
- iii. GHULAM YOUSAF, PST, GPS DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM


District Education Office, Male

73007-218397

11/25/2017, 11:09 AM



Government of Khyber Pakhtunkhwa
Office of the District Education Officer Male
BATTAGRAM


File No: _____
Dated: 19-Mar-2018

To,
Sub Division Education Officer
BATTAGRAM, BATTAGRAM,

Subject: - Deduction of Salary On Account of Willful Absence from Duty

1. As per the monitoring report of the IMU Monitor, Mr/Ms. Ghulam Yousaf (PST, Personal Number 701713) was found absent from duty without any lawful authority on 14-Mar-2018.

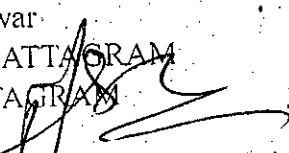
2. In view of the above you are directed to ensure deduction of one-day salary of the above mentioned official immediately and send this office an undertaking that the salary has been deducted. Absence of the above mentioned official may be treated as leave without pay.


District Education Office, Male

Endst: Even No. 2634-36 & Date: 26/3/2018

Copy of the above is forwarded to the: -

- i. Director, Elementary & Secondary Education Department, G T Road, Peshawar
- ii. Headmaster/Headmistress GPS DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM
- iii. Ghulam Yousaf, PST, GPS DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM

etc

District Education Office, Male
26/3

127060-250395

Dated: 9 / 3 / 2021.

OFFICE OF THE DISTRICT

<http://175.107.63.44/Actionmanagement/ActionDetail.aspx>

(22)

Government of Khyber Pakhtunkhwa
Office of the District Education Officer Male
BATTAGRAM




File No: _____
Dated: 02-Aug-2018

To,
Sub Division Education Officer
BATTAGRAM, BATTAGRAM,

Subject: - Deduction of Salary On Account of Willful Absence from Duty

1. As per the monitoring report of the IMU Monitor, Mr/Ms. Ghulam Yousaf (PST, Personal Number 701713) was found absent from duty without any lawful authority on 12-Jun-2018.

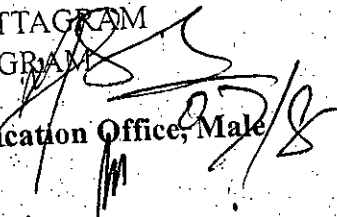
2. In view of the above you are directed to ensure deduction of one-day salary of the above mentioned official immediately and send this office an source that the salary has been deducted. Absence of the above mentioned official may be treated as leave without pay.


District Education Office, Male

Endst: Even No. 8041-44 & Date: 07/08/2018

Copy of the above is forwarded to the: -

- i. Director, Elementary & Secondary Education Department, G T Road, Peshawar
- ii. Headmaster/Headmistress GPS DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM
- iii. Ghulam Yousaf, PST, GPS DOOD PATI, SHAMLAI, BATTAGRAM, BATTAGRAM


District Education Office, Male

127060-271750

8/2/2018, 12:20 PM



Government of Khyber Pakhtunkhwa
Office of the District Education Officer, male
BATTAGRAM

A (3)

File No: 159
Dated: 08/01/2020

Notification

Whereas, (GHULAM YOUSAF, PST, GPS DOOD PATI(EmisCode:26345)) was proceeded against under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 for the charge of wilful absence from duty.

And whereas, a show cause notice was served upon him/her vide No.13040 dated :19-12-2019 for willful absence from duty within the meaning of Rule-3 (d), Rule-4 (a) (i) and Rule-4 (a) (iii).

And whereas, one-day pay had been deducted earlier from his/her salary vide No. _____ dated _____

And whereas, the Competent Authority after having considered the charges, evidence on record, his/her reply dated :07-01-2020 and the personal hearing granted to him/her vide No. 51-55 dated: 02-01-2020 is of the view that the charges mentioned in the show cause have been proved against (GHULAM YOUSAF, PST, GPS DOOD PATI(EmisCode:26345)).

Now, therefore, in exercise of the powers conferred under Rule-14 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 the Competent Authority is pleased to impose minor penalty of censure and deduction of one day salary upon (GHULAM YOUSAF, PST, GPS DOOD PATI(EmisCode:26345)) in accordance with Rule 4 (a) (i) and Rule-4 (a) (iii) of ibid Rules and his absence period mentioned above is converted into leave without pay with immediate effect.

Notes: Necessary entries may be made in his/her service book.

sd
DEO BATTAGRAM MALE

List of Recipients

Copy of the above is forwarded to the:-

- i. Director, Elementary & Secondary Education Department, G T Road, Peshawar
- ii. Deputy Commissioner concerned
- iii. District Monitoring Officer concerned
- iv. SDEO (M) Battagram concerned for necessary action under intimation to this office within 7 days.
- v. GHULAM YOUSAF, PST, GPS DOOD PATI(EmisCode:26345), SHAMLAI, BATTAGRAM, BATTAGRAM
- vi. Master File

W
DEO BATTAGRAM MALE

do.battagram - Warning Letter

Annex - E

46

OFFICE OF THE PRINCIPAL GOVT; HGER SECONDARY SCHOOL PAIMAL SHARIF.

No 14

Dated 19/4/2019

To

The District Education Officer
(Male) Battagram.

Subject:- INQUIRY REPORT IN R/O GHULAM YOUSAF PST GPS DOOD PATHI.

Reference to your notification No 2530-33 dated 18.3.2019 the undersigned along with Mr Attaullah SST GHSS Paimal Sharif paid a visit to GPS Dood Pathi on 26.3.2019 in order to conduct inquiry regarding the absence of Mr. Ghulam Yousaf PST GPS Dood Pathi.

PROCEDURE:

Relevant record was thoroughly checked and the statements of the Head Teacher, Chairman PTC and students of the school were sought

FINDINGS:

1. It is a sad fact that no teacher was present at the school, when the inquiry team reached to the school at 10 AM. Mr. Abdur Rasheed Head Teacher who was on Polio Duty was called to come to record his statement. Mr. Ghulam Yousaf PST was absent from his duties even on the day of inquiry without any authorized leave (Annex-I). Later on Mr. Ghulam Yousaf PST produced Medical Certificate (Annex-II) in his defense.
2. Minutes of the meeting of PTC of the school dated 20.10.2016 (Annex-III) reveals that the PTC of the school decided to allow Mr. Ghulam Yousaf PST to arrange a proxy teacher to work in his absence as he was not regular in his duties.
3. The statement of the Head Teacher (Annex IV) and chairman PTC (Annex V) of the school confirms that Mr. Ghulam Yousaf has been absent from his duties for last two years. The proxy teacher arranged by him not only teaches the students but also put signature in attendance column of Mr. Ghulam Yousaf in order to show him present in the record.
4. When the students were asked to tell the names of their teachers, they told that there were two teachers in the school i.e. Mr. Abdur Rasheed and Qari Badar Nawaz (proxy teacher). When they were asked about Mr. Ghulam Yousaf, they replied that he comes to school off and on.

CONCLUSION:

The above mentioned findings confirms that Mr. Ghulam Yousaf PST GPS Dood Pathi mostly remained absent from his duties after 20.10.2016 up to date.

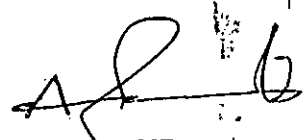
show cause may be
 referred to the teacher
 concerned
 ADEO
 EST- (P)
 In file pl
 M
 20/4/19
 DEO



[Handwritten signature]
 PRINCIPAL
 GHSS PAIMAL SHARIF
 20/4/19

RECOMMENDATION:

The disciplinary proceeding already initiated against Mr. Ghulam Yousaf PST GPS Dood Pathi may be kept intact, if agree please.



ATAULLAH SST

GHSS PAIMAL SHARIF



BAKHTIAR MUHAMMADAD ANJUM,

PRINCIPAL

GHSS PAIMAL SHARIF.

Annex H

New Disciplinary Actions For Teaching & Non Staff

- An OAMS Review Committee was formed in September 2017 to review and suggest improvements in the OAMS. Members of the committee included
- While previously the disciplinary actions were limited to three time occurrences leading to removal from service. New disciplinary actions were formulated in line with E&D Rules (2011) by the committee. The new actions are as follows:
 1. First absenteeism: Show-cause notice for one-day salary deduction
 2. Second absenteeism: Show cause notice for one day salary deduction and show cause for censure
 3. Third absenteeism: Show cause notice for stoppage of one increment for one year
 4. Fourth absenteeism: Show cause notice for stoppage of two increment for three years
 5. Fifth absenteeism: Show cause notice for any of the major penalties mentioned in the E&D rules.

Actions to be taken DEO Office on Second Absenteeism

First Step: For the purpose of salary deduction, please follow the steps mentioned above in a (1) and a (2).

Second Step: Please generate the show cause notice for censure for the teacher, given in the system, after checking the content carefully. Once a reply is received from the teacher on the show cause notice, the DEO office must mention the teacher's response in the 'comment section' or upload a scanned copy of the response.

Third Step: If the teacher is found guilty then generate the notification for imposing censure and attach scanned and signed copy of the notification for imposing the minor penalty of censure.

In case of exoneration, generate the notification for exoneration given in the system and upload a scanned signed copy of the notification. After which, please attach evidence for exonerating the teacher. Valid evidences include letter leave application indicating teacher's absenteeism on the date of monitoring why he/she was absent along with medical proofs or other proofs and signature of the authority i.e. head teachers or DEO

Actions to be taken DEO Office on Third Absenteeism

First step: Generate show cause notice for stoppage of one increment for one year from the system after checking the content of the letter template given in the system and editing information as needed. Once a reply is received from the teacher on the show cause notice, the DEO office must mention the teacher's response in the 'comment section' or upload a scanned copy of the response.

Second Step: If the teacher is found guilty then generate the notification for this penalty and attach scanned, signed notification for imposing the penalty of stoppage of one increment for an year.

In case of exoneration, generate the notification for exoneration given in the system and upload a scanned signed copy of the notification. After which, please attach evidence for exonerating the teacher. Follow the same procedure as mentioned earlier.

Actions to be taken DEO Office on Fourth Absenteeism

First step: Generate show cause notice for stoppage of two increments for three years from the system after checking the content of the letter template given in the system and editing information as needed. Once a reply is received from the teacher on the show cause notice, the DEO office must mention the teacher's response in the 'comment section' or upload a scanned copy of the response.

Second Step: If the teacher is found guilty then generate the notification for this penalty and attach scanned, signed notification for imposing the penalty of stoppage of two increments for three years.

In case of exoneration, generate the notification for exoneration given in the system. After which, please attach evidence for exonerating the teacher. Follow the same procedure as mentioned earlier.

Actions to be taken DEO Office on First Absenteeism

1. **First step:** Generate show cause notice for salary deduction from the system after checking the content of the letter template given in the system and editing information as needed. Once a reply is received from the teacher on the show cause notice, the DEO office must mention the teacher's response in the 'comment section' or upload a scanned copy of the response
2. **Second Step:** If the teacher is found guilty then attach notification for imposing the action as mentioned above and other evidences for the salary deduction. The evidence would include
 - Payroll system form
 - Challan form
 - Document that shows deduction made at source
3. In case of exoneration, generate the notification for exoneration given in the system. After which, please attach evidence for exonerating the teacher. Exonerations can only be given in extreme cases such as accidents, extreme health conditions, official duties with letters not available at the time of monitoring etc. with relevant evidences.

Note: The evidences on exonerations will be strictly monitored by IMU along with other documentations. Backdated leave applications that were not available in the school at the time of monitoring will not be accepted. Do not misuse the authority of Exoneration.

OLD DISCIPLINARY

ACTIONS:(DEC 2016-March 2018)

- First time absenteeism: Warning letter and one day salary deduction
- Second time absenteeism: Increment Stoppage and one day salary deduction
- Third time: Removal from Service and one day salary deduction

ISSUES WITH OLD DISCIPLINARY ACTIONS:

- Deco's complains about the actions not in line with efficiency and disciplinary rules.
- No proper chance of explanation given to teacher
- No time span defined for the tenure of absence count

Actions to be taken DEO Office on Fifth Absenteeism

First step: Generate show cause notice for any of the major penalties mentioned in E&D Rules. The letter templates for each are given in the system.

- It is the responsibility of the DEO to choose any of the penalties. The letter should be generated from the system after checking the content of the letter and editing information as needed.
- Once a reply is received from the teacher on the show cause notice, the DEO office must mention the teacher's response in the 'comment section' or upload a scanned copy of the response.

Second Step: If the teacher is found guilty then generate notification for imposing the major penalty and attach a scanned signed copy of the notification.

In case of exoneration, generate the notification and upload scanned, signed copy of the exoneration notification. After which, please attach evidence for exonerating the teacher. Follow the same procedure as mentioned earlier.

NOTE: Every action taken for every action has to be complete for it to be considered. If any action is not complete, the system's evidence would be considered as a default and will be reported to the DME.

BATTAGRAM

ANNEX (I)



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

EMAIL: emisbattagram@gmail.com BATTAGRAM PHONE NO: 0997543540

JP
TU

OFFICE ORDER

WHEREAS you Mr. Ghulam Yousaf SPST GPS Dood Pathi Tehsil & District Battagram were proceeded for having committed the following gross irregularities which constitute inefficiency and misconduct under rule 3 sub rule a, b & d of the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules, 2011.

AND WHEREAS you were found absent on 17-12-2016, 08-06-2017, 13-10-2017, 12-12-2017, 14-03-2018, 19-10-2019, 13-11-2019, and 19-12-2019 and as per attendance register you were also absent on 14-03-2019 to 16-03-2019, 25-03-2019, 26-03-2019 While on C/Leave on the day of visit of ADEO P&D.

AND WHEREAS you were proceeded and one day salary had been deducted vide Order No: 9030-33 dated 6-7-17, showcause notice was served upon you to impose minor penalty of stoppage of two increments vide No: 9029 dated 6-7-2017 and then imposed minor penalty of withholding of two increments for two years vide Notification No: 10142-46 dated 16-08-2017.

AND WHEREAS you were found absent again on 13-10-2017 and one day pay was deducted vide letter No: 15686-88 dated 21-12-2017 and showcause was served to impose major penalty of Removal from Service vide No: 15616 dated 19-12-2017. You were found absent again on 14-03-2018 and one day pay was deducted vide letter No: 2634-36 dated 26-03-2018 and showcause was served to impose minor penalty of stoppage of two increments vide notification No: 2633 dated 26-03-2018.

AND WHEREAS an inquiry committee were constituted to conduct fact finding inquiry vide notification No: 4218-22 dated 02-05-2018. Meanwhile you were found absent again on 12-06-2018 and one day pay deducted vide No: 8041-44 dated 07-08-2018 and showcause notice was served to impose major penalty of Removal from Service vide No: 8039-40 dated 07-08-2018.

AND WHEREAS you were called for personal hearing vide letter No: 12096-97 dated 23-10-2018 and 15460-61 dated 24-12-2018 but your were failed to appear before the competent authority and then reminder issued to inquiry committee for early submission of inquiry report vide letter No: 2530-33 dated 18-03-2019.

AND WHEREAS inquiry committee submitted its report vide No: 14 dated 19-04-2019, you were also found absent on the day of the visit of the inquiry committee i.e 26-03-2019. It has been established in the inquiry report that a proxy teacher has been allowed by PTC Committee as a replacement and you are not regular in duty. It was also revealed that you had been absent from duties for last two years but proxy teacher was putting attendance of you. It was also noted by the inquiry committee in its report that students told to them that there were two teachers in the school i.e Mr. Abdur Rasheed and proxy Qari Badar Nawaz and Ghulam Yousaf comes to school off and on. The committee concluded that Mr. Ghulam Yousaf SPST GPS Doodpathi mostly remained absent from duties after 20-10-2016. The Committee further recommended that proceeding already initiated against Mr. Ghulam Yousaf SPST GPS Doodpathi may be kept intact.

AND WHEREAS In the light of inquiry report, a showcause notice was served upon you vide No: 5090-93 dated 9-5-2019 and you have submitted reply on Judicial Stamp Paper which was declared unsatisfactory by the competent authority.

AND WHEREAS SDEO Battagram submitted your absent report vide letter No: 942 dated 02-12-2019 and on the day of visit of SDEO/ASDEO on 09-12-2015, 24-09-2016, 14-11-2016 to 18-11-2016, 30-05-2018, 09-11-2018, 17-06-2019, 13-11-2019, 28-11-2019. Inhabitants of village Jamroz Abad Matta Gada submitted four different applications against you that you absent from school and you may be transferred to any other school.

AND WHEREAS showcause notice was served vide No: 13040 regarding your absence on 13-11-2019 and 19-10-2019 and then you were summoned for personal hearing vide letter No: 51-55 dated 02-01-2020 and Notification for one day pay deduction was issued vide No: 159 dated 08-01-2020. Another showcause notice was served upon you vide No: 999 dated 19-02-2020 and you were again summoned for personal hearing vide No: 1372 dated 03-03-2020. You appeared before the competent authority and a questionnaire was handed over to you but you replied wrong answers and even designation was wrong.

AND WHEREAS Denovo inquiry committee constituted vide Notification No: 13022-26/Est: Pry/IMU dated 23-12-2019 and the committee submitted its report wherein it has been established that whenever GPS Doodpathi was inspected by any officer you were found absent / on leave which authenticate that you are habitual absent and recommended to impose major penalty of "Removal from service"

NOW THEREFORE the undersigned being competent authority in exercise of power conferred under Rules 4-b (III) and 9 of Khyber Pakhtunkhwa Government (Efficiency & Discipline) Rules 2011 hereby imposes major penalty of "**REMOVAL FROM SERVICE**" upon you Mr. Ghulam Yousaf SPST GPS Dood Pathi Tehsil & District Battagram with immediate effect.

JAFAR MANSOOR ABBASI
DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM
Dated, ___/04/2020

Endstt;No. _____/Estb: Pry:

Copy for information to the

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Account Officer Battagram.
3. District Monitoring Officer (IMU) Battagram.
4. SDEO (M) Battagram with the directions to make entry in the Service Book of the Teacher concerned regarding his "**REMOVAL FROM SERVICE**".
5. Mr. Ghulam Yousaf SPST gps Dood Pathi Tehsil & District Battagram.

DISTRICT EDUCATION OFFICER (MALE)
BATTAGRAM

November 2019

CU

PAYROLL SYSTEM
 AMENDMENT FORM
 SINGLE EMPLOYEE ENTRY
 OFFICE OF THE SUB DIVISIONAL EDUCATION OFFICER (MALE) DISTRICT BATTAGRAM
 FOR THE MONTH OF 02/2020

GS 2-PD-RWFP 559...S-3000 Pads of 100 L-1G,12,2002...(23)
 Form Pay 02
 Date

Page No

DDO CODE (Cost Center) B M 6 0 3 9 Description n GPS (Male)

SDEO (M) Battagram

Personal Number As Notes Below Employee Name As Noted Below

National ID Card No.

Grade (Pay Scale) As Noted Below

Salary Status

Start Stop

GENERAL DATA CHANGE CHANGE IN PAYMENTS/DEDUCTIONS

GENERAL DATA CHANGE		CHANGE IN PAYMENTS/DEDUCTIONS				Remarks
Detail of Employees						
S.No	Name of Employee	Name of School	Design	Personal No	One day	
1	Syed Sadam-Ali-Shah ✓	GPS Jagdesh	PST	742039	1049	Deduction made on accout IMU report for the month of November 2019, vide DEO office order No.293-96 Dated 24.01.2020
2	Pervez Ali Shah ✓	GPS Amir Shah Abad	PST	701812	1234	
3	Shamsuzamzn ✓	GPS Shamlai	SPST	324870	2008	
4	Ghulam Yousaf ✓	GPS Dood Pati	PST	Pay Already Stopped		
5	Muhammad Haroon ✓	GPS Malkal Gali	PHST	324624	1624	
6	Furhad ✓	GPS Gijbori	SPST	325174	1502	
7						
8						
9						
Total					7417	

Annex - D

Ali Rehman Prepared by

Checked By

Sub Divisional Education Officer Battagram
 2019

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

BATTAGRAM Email: emisbattagram@yahoo.com Phone # 0997311439 & 0997310670

No _____/IMU

Dated Battagram ___/10/2018.


To

Mr. Ghulam Yousaf PST GPS Dood Pati
Battagram.

Subject: PERSONAL HEARING

Memo;

You are directed to appear in person before the competent authority for personal hearing on 30-10-2018 at the office DEO (Male) Battagram.


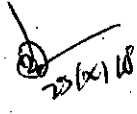
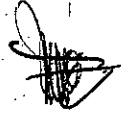

Deputy District Education Officer (M)
Battagram


Endstt: No: 12096-97 / _____

Dated: 23/10/2018.

Copy for information & N/A to the:

1. SDEO (M) Battagram with the direction to serve this notice upon the above mentioned official.
2. Office Copy

Deputy District Education Officer (M)
Battagram 

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

BATTAGRAM PHONE NO: 0997543540 & 539

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OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

32

Email: emisbattagram@yahoo.com BATTAGRAM Phone # 0997311439 & 0997310670

No. 15459 /IMU:

Dated Battagram 24/12/2018


To

Mr. Ghulam Yousaf PST GPS Dood Pati
Allai Battagram.

Subject: PERSONAL HEARING

Memo;

You are directed to appear in person before the competent authority for personal hearing on 26-12-2018 at the office DEO (Male) Battagram.

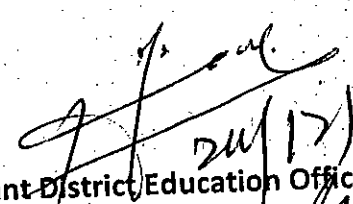

Assistant District Education Officer (M)
Battagram

Endstt: No: 15460-61 /

Dated: 24/12/2018.

Copy for information & N/A to the:

1. SDEO (M) Allai & Battagram with the direction to serve this notice upon the above mentioned official.
2. Office Copy.

0/1 
Assistant District Education Officer (M)
Battagram

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

MAIL: emisbattagram@gmail.com BATTAGRAM PHONE NO: 0997543540 & 539

No: _____

Dated: _____/_____/2019

To

Mr. Ghulam Yousaf, PST
GPS Dood Pati, Shamlai, Battagram

Subject: PERSONAL HEARING
Memo;

You are directed to appear in person before the competent authority for personal hearing on 04/01/2019 at the office DEO (Male) Battagram.

ed
District Education Officer
(M) Battagram

Endstt: No: 51-55 /IMU/Est/Pry/Dated: 2/01/2019: 2020

Copy for information & n/a to the:

1. Director of E&SE Khyber Pakhtunkhwa Peshawar.
2. Deputy Commissioner Battagram.
3. DMO(IMU) Battagram.
4. SDEO (Male) Battagram with the direction to serve this notice upon the above mentioned official.
5. Office Copy.

ole
District Education Officer
(M) Battagram

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

EMAIL: emisbattagram@gmail.com **BATTAGRAM** PHONE NO: 0997543540 & 539

(66)

Amjad - R

NOTIFICATION

Subject: **INQUIRY:**

It is stated that Mr. Ghulam Yousaf PST GPS Dood Pathi Shamlai Battagram has been reported absent by DCMAs on 17-12-2016, 08-06-2017, 13-10-2017, 12-12-2017 & 14-03-2018, on the other hand, District Education Office has been signed his removal from service order under Endost No. 15616 dated: 19-12-2017, but the official has been submitted appeal against his absentees and he is patient of the Jointness.

bach An inquiry committee comprising of the following officers is hereby constituted to conduct *to* find denovo enquiry and submit report within week time for further proceeding please.

1. Mr. Mukhtar Ahmad Khan DDEO(M) Local office (Chairman)
2. Mr. Akhtar Wahaab ADEO(Estb:Sec: Branch Local Office (Member)

W

District Education Officer (M)
Battagram

Endstt: No: 13022-26 /Est:Pry/IMU/Dated: 23/12/2019.

Copy for information & n/a to the:

1. Deputy Commissioner Battagram.
2. All Committee members.
3. SDEOs (Male) Battagram.
4. Ghulam Yousaf PST GPS Dood Pathi Shamlai Battagram.
5. Office Copy.

N

District Education Officer (M)
Battagram

o/c

The District Education Officer
(Male) Battagram

Subject: DENOVO INQUIRY REPORT IN R/O GHULAM YUSAF SPST GPS DOOD PATHI

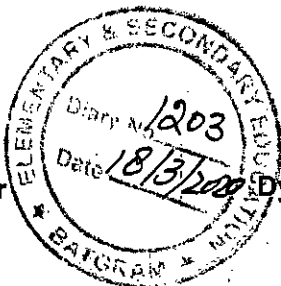
Reference to denovo inquiry Notification No: 13022-26 /Est: Pry/IMU Dated 23-12-2019, we the committee members roughly checked proceeding files in r/o Ghulam Yousaf SPST GPS Dood Pathi and the following points were noted:

1. He was found absent on 17-12-2016, 08-06-2017, 13-10-2017, 12-12-2017, 14-03-2018, 19-10-2019, 13-11-2019, and 19-12-2019.
2. As per attendance register he was also absent on 14-03-2019 to 16-03-2019, 25-03-2019, 26-03-2019
3. While on C/Leave on the day of visit of ADEO P&D.
4. He was proceeded and one day salary had been deducted vide Order No: 9030-33 dated 6-7-2017 and showcause notice was served upon him to impose minor penalty of stoppage of two increments vide No: 9029 dated 6-7-2017 and then imposed minor penalty of withholding of two increments for two years vide Notification No: 10142-46 dated 16-08-2017.
5. He was found absent again on 13-10-2017 and one day pay was deducted vide letter No: 15686-88 dated 21-12-2017 and showcause was served to impose major penalty of Removal from Service vide No: 15616 dated 19-12-2017.
6. He was found absent again on 14-03-2018 and one day pay was deducted vide letter No: 2634-36 dated 26-03-2018 and showcause was served to impose minor penalty of stoppage of two increments vide notification No: 2633 dated 26-03-2018.
7. An inquiry committee were constituted to conduct fact finding inquiry vide notification No: 4218-22 dated 02-05-2018.
8. Meanwhile he was found absent again on 12-06-2018 and one day pay deduction letter was issued vide No: 8041-44 dated 07-08-2018 and showcause notice was served to impose major penalty of Removal from Service vide No: 8039-40 dated 07-08-2018.
9. He was called for personal hearing vide letter No: 12096-97 dated 23-10-2018 and 15460-61 dated 24-12-2018 but he failed to appear before the competent authority and then reminder issued to inquiry committee for early submission of inquiry report vide letter No: 2530-33 dated 18-03-2019.
10. Inquiry committee submitted its report vide No: 14 dated 19-04-2019 he was also found absent on the day of the visit of the inquiry committee i.e 26-03-2019. It has been established in the inquiry report that a proxy teacher has been allowed by PTC Committee as a replacement of Mr. Ghulam Yousaf SPST GPS Doodpathi as he was not regular in his duties. It was also revealed that he has been absent from his duties for last two years but proxy teacher is putting attendance of Mr. Ghulam Yousaf. It was also noted by the inquiry committee in its report that students told to them that there were two teachers in the school i.e Mr. Abdur Rasheed and proxy Qari Badar Nawaz and Ghulam Yousaf comes to school off and on. The committee concluded that Mr. Ghulam Yousaf SPST GPS Doodpathi mostly remained absent from duties after 20-10-2016. Committee further recommended that proceeding already initiated against Mr. Ghulam Yousaf SPST GPS Doodpathi may be kept intact.
11. In the light of inquiry report showcause notice was served upon him vide No: 5090-93 dated 9-5-2019 and he submitted reply on Judicial Stamp Paper which was declared unsatisfactory by Worthy DEO.
12. SDEO submitted absent report vide letter No: 942 dated 02-12-2019 and on the day of visit of SDEO/ASDEO on 09-12-2015, 24-09-2016, 14-11-2016 to 18-11-2016, 30-05-2018, 09-11-2018, 17-06-2019, 13-11-2019, 28-11-2019.
13. Inhabitants of village Jamroz Abad Matta Gada submitted four different applications against Mr. Ghulam Yousaf that he is absent from school and may be transferred to any other school.
14. Denovo inquiry committee notification was issued and in the light of that notification, we conducted this inquiry.
15. In another file showcause notice was served vide No: 13040 regarding his absence on 13-11-2019 and 19-10-2019 and then he was summoned for personal hearing vide letter No: 51-55 dated 02-01-2020 and Notification for one day pay deduction was issued vide No: 159 dated 08-01-2020. Another showcause notice was served vide No: 999 dated 19-02-2020 and he was again summoned for personal hearing vide No: 1372 dated 03-03-2020. He was appeared before the competent authority and a questionnaire was handed over to him but he replied wrong answers and showed himself PSHT instead of SPST.

RECOMMENDATIONS:

In the light of above facts it has been established that whenever GPS Doodpathi was inspected by any officer Mr. Ghulam Yousaf was found absent which is confirming / authenticating / seconding the inquiry report and allegation of the inhabitants regarding his absence. He may be proceeded to impose major penalty of "Compulsory Retirement" if he has enough length of qualifying service otherwise major penalty of "Removal from Service" may be imposed upon him.

Akhtar Wahab
Assistant District Education Officer
Estb: (Male) Battagram



Mukhtar Ahmad Khan
Dy: District Education officer (Male)
Battagram



DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA,
PESHAWAR

77

No. 2705 / F.No. Re-Instatement in service District Battagram.
Dated: 8/12 /2020.

To

Armed

The District Education Officer
(Male) Battagram.

Subject: - APPEAL AGAINST DEO (M) BATTAGRAM OFFICE ORDER No.2126-30 DATED
23.04.2020.

I am directed to refer to your letter No. 6230 Dated 28.09.2020, on the subject
cited above and to ask you that appeal in respect of Mr. Ghulam Yousaf Ex: PSHT GPS Dood
Patti Tehsil District Battagram, has been rejected under E&D Rules 2011 section 17(I).

I am further directed to ask you to inform the appellant concerned
accordingly under intimation to this office.

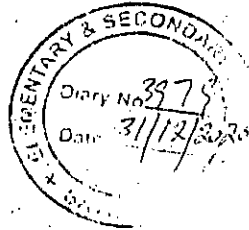
Assistant Director Estab (Male)
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Endst No. _____

Copy of the above is forwarded to: -

1. Mr. Ghulam Yousaf Ex: PSHT GPS Dood Patti Tehsil District Battagram.
2. PA to Director E&SE local Office.
3. Master File.

Assistant Director Estab (Male) |
Elementary & Secondary Education.
Khyber Pakhtunkhwa Peshawar



ADEC(EIP)

12/01/2021



OFFICE OF THE DISTRICT EDUCATION OFFICER MALE)

EMAIL: emisbattagram@gmail.com **BATTAGRAM** PHONE NO: 0997543540 & 539



Endstt: No: 308-10 /Estb/Pry/Dated: 13/01/2021.

Copy for information to the:

1. Director E&SE Khyber Pakhtunkhwa Peshawar.
2. SDEO(M) Battagram for information.
3. Office Copy.

12/01/2021
District Education Officer
(Male) Battagram

12/01/2021
District Education Officer
(Male) Battagram

71

To

The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa

Subject: APPEAL AGAINST DEO (MALE) BATTAGRAM OFFICE ORDER NO. 2126-30/Estb:pry: DATED 23.04.2020

Dear Sir,

It is submitted with great reverence that appellant was serving as SPST in Education Department, district Battagram. I've been removed from service vide office order mentioned in the subject (F/A):

An appeal is preferred against the impugned office order with the following facts:

1. That appellant is a civil servant and always abide laws, rules and orders of the provincial government.
2. That impugned order is against the law, rules and norms of justice. A right of fair trial has been denied by the competent authority in the instant case.
3. That several irrelevant dates mentioned in impugned order to draw the conclusion that appellant was habitually absenting himself. Punishment of previous proceedings already faced by the appellant and fresh proceeding is deemed to be double jeopardy which is against 1973 constitution.
4. That an inquiry committee has been constituted vide notification 23.12.2019 (F/B) and no charge sheet and statement of allegation on prescribed format was served upon the appellant.
5. That during the surprise visit of ADEO (P&D), the appellant was on casual leave for three days, w.e.f. 14.03.2019 to 16.03.2019 and codal formalities were observed for casual leave and was entered in the attendance register, but the concerned officer considered the appellant as absent.
6. That, due to above mentioned casual leave the appellant was proceeded and two annual increments were stopped by the department, without any explanation/show cause notice and pay was also deducted.

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17-9-2020

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7. That, a baseless complaint was lodged by opponents, that a proxy teacher is performing duty at my place in the school. The department conducted inquiry on the basis of baseless allegation and resultantly the appellatant was removed from service.
 8. That similar illegality was done in parallel proceedings by serving void Show Cause Notice dated 19.12.2019 (F/C) which was not in accordance with the format appended to E&D Rules.
 9. That DEO Battagram issued a notification dated 08.01.2020 (F/D) wherein a minor penalty of "*censure and deduction of one day salary*" was imposed upon the appellatant.
 10. That all of sudden, a majestic office order dated 23.04.2020 was issued by DEO Battagram wherein a severe penalty of "*Removal from Service*" was imposed upon the appellatant.
 11. That said order did not communicate to the appellatant upto August 2020 which is evident from Pay slip of July, 2020 (F/E).
 12. I was informed during the visit to DEO Office regarding the impugned order since I could not draw salary of August, 2020.

Following grounds are added to set aside the impugned office order:


- a) It transpires from notification dated 08.01.2020 that charges of habitual absence was not severe nature, hence minor penalty was imposed and make all these charges as past transaction.
- b) Since, appellatant already faced the consequence of all previous acts and impugned order is to be double jeopardy which is prohibited by 1973 constitution.
- c) The notification for constitution of inquiry committee is void being not coherent with E&D Rules, 2011.
- d) No charge sheet and statement of allegation was served which make the whole proceeding illegal.
- e) Without providing findings of inquiry report and issuance of show cause notice as well as personal hearing to the appellatant a harsh penalty of removal from service was imposed which is deviation from E&D Rules as well as right of fair trial.
- f) Said penalty was imposed under Rule-4-b (iii) and Rule-9 of the ibid rules and both provisions provides a separate comprehensive procedure before imposing such a harsh penalties. However, said procedure was not adopted by the competent authority.

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g) The impugned order has not been communicated and appellant has been informed by the DEO (M) Office, Battagram in September, 2020.

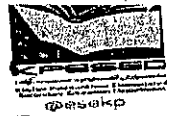
Keeping in view the above, it is humbly prayed that impugned office order DEO Battagram may be set aside.


Ghulam Yousof Ex-SPST
Education Department
Battagram

ing
the

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)

EMAIL: emisbattagram@gmail.com BATTAGRAM PHONE NO: 0997543540 & 539



No: 6230 / 1
Dated: 28/09/2020.

Armen - M

To
The Director
E&SE Khyber Pakhtunkhwa Peshawar

Subject: APPEAL AGAINST DEO (MALE) BATTAGRAM OFFICE ORDER NO. 2126-30
DATED 23/04/2020

Memo,

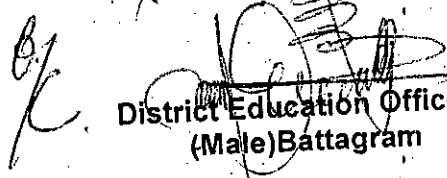
Reference to the Assistant Director (Estab) Directorate of E&SE Khyber Pakhtunkhwa, Peshawar letter No. 1140/F. No. Re-Instatement dated 17/09/2020, on the subject cited above and to submit the requisite comments regarding above subject as follow.

1. The teacher concerned was proceeded under the Govt of Khyber Pakhtunkhwa Civil Servant Efficiency & Disciplinary Rules 2011 on account of his willful absence from duty on 17/12/2016, 08/08/2017, 13/10/2017, 12/12/2017, 14/03/2018, 19/10/2019 and 19/12/2019.
2. As per report of ADEO P&D local office, the teacher concerned was reported absent on 17/12/2016, 08/08/2017, 13/10/2017, 12/12/2017 and accordingly he was proceeded under E&D Rules 2011 and minor penalty as stoppage of two increments was imposed upon him vide this office Notification No. 10142-4616/08/2017.
3. The teacher concerned was habitual and was not interested in his job, he was again reported absent on 13/10/2017, and his one day pay was deducted. Moreover, he was again reported absent on 14/03/2018 and an Inquiry Committee was constituted to conduct fact finding vide No. 4218-22 dated 02/05/2018 and show cause notice was served vide letter No. 8039-40 dated 07/08/2018.
4. The Inquiry Committee has submitted report that the teacher concerned remained absent most of the time from duty and recommended that proceeding already initiated may be kept intact.
5. During the process of disciplinary proceeding, the teacher concerned was again reported absent on 19/10/2019 and 13/11/2019. He was called for personal hearing vide letter No. 1372 dated 03/03/2020 and accordingly he was appeared before the competent authority.
6. Keeping in view the willful absence of the concerned teacher as well as recommendations of the inquiry committee, major penalty as "Removal from Service" was imposed upon the teacher concerned vide Notification No. 2126-30 dated 23/04/2019.

Note.

Since the posting station of Ex-Teacher was located in a far flung area of District Battagram and was not easily accessible. Taking advantage of the situation explained the Ex-Teacher was found absent on each visit which revealed that he was infect absent on regular basis but reported absent only on the school visited date.

Report is submitted for your perusal and further necessary action please.


District Education Officer
(Male) Battagram



DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. 1140 /F. No. Re-Instatement
Dated Peshawar the 17/9 /2020.

To,

The District Education Officer (M)
Battagram.

Subject: - **APPEAL AGAINST DEO (MALE) BATTAGRAM OFFICE ORDER**
NO.2126-30 DATED 23.04.2020.

Memo:-

I am directed to refer to the subject noted above and to enclose herewith a copy of appeal in respect of Mr. Ghulam Yousaf Ex: SPST GPS Dood Pathi District Battagram, and to ask you to submit detail report/comments to this office within a week time.

17/9/2020
Assistant Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

Endst: No. _____

Copy forwarded to the:-

1. P.A to Director Elementary and Secondary Education local office.

S
Assistant Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.