

Form- A

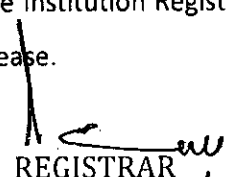

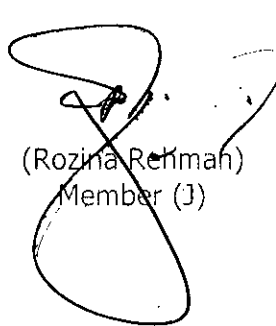
FORM OF ORDER SHEET

Court of

Case No.-

16410

/2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	23/12/2020	<p>The appeal of Mr. Muhammad Noor resubmitted today by Mr. L.Nawab Ali Noor Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/02/21</u></p> <p> CHAIRMAN</p>
	08.02.2021	<p>Appellant present in person. Preliminary arguments heard. File perused.</p> <p>Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 04.05.2021 before S.B.</p> <p> (Rozina Rehman) Member (J)</p>

Appellant Deposited
Security & Process Fee

08/2/21

04.05.2021

Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 22.06.2021 for the same as before.


Reader

22.06.2021


Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

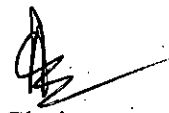
Respondents have not submitted reply/comments. Learned AAG seeks time to contact the respondents and submit reply/comments. Learned AAG is required to contact the respondents for submission of written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 09.11.2021 before the D.B.


Chairman

P.S

05.07.2021

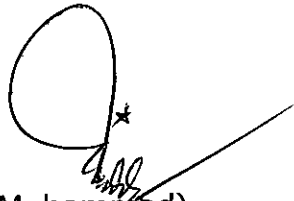

Learned Addl. A.G be reminded about the omission and for submission of Reply/comments within extended time of 10 days.


Chairman

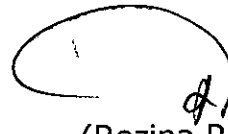
09.11.2021 Appellant in person present.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Reply on behalf of respondents was not submitted. Learned A.A.G made a request for time to submit reply/comments; granted with direction to furnish the same within 10 days in office, positively. If the reply/comments are not submitted within stipulated time, right of respondents for submission of reply shall be deemed as struck off. To come up for arguments on 20.01.2022 before D.B.



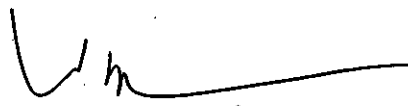
(Mian Muhammad)
Member (E)



(Rozina Rehman)
Member (J)

20.01.2022 Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

Learned Addl. AG sought time for submission of reply/comments. Another last opportunity is granted. Adjourned. To come up for arguments before the D.B on 25.01.2022.



(Atiq-Ur-Rehman Wazir)
Member (E)



Chairman

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 16410/2020

Date of Institution ... 08.12.2020

Date of Decision ... 25.01.2022

Muhammad Noor SPST GPS Kot Pallas Kohistan.

... (Appellant)

VERSUS

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

L. Nawab Ali Noor
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 a Teacher in Education Department, was proceeded against on the charges of absence from duty and was ultimately dismissed from service vide order dated 27-06-2019. Feeling aggrieved, the appellant filed departmental appeal, which was accepted and penalty of dismissal was converted into compulsory retirement from service vide order dated 25-11-2020, hence the instant service appeal with prayers that the impugned orders dated 25-11-2020 may be set aside and the appellant may be re-instated 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 no proper inquiry was conducted nor the appellant was afforded opportunity to defend his cause; that the appellant was found absent for only one day and imposition of major penalty on one day absence is harsh, which does not commensurate with gravity of the guilt.

03. Respondents were repeatedly ordered to submit its written comments but in spite of repeated chances, the respondents failed to submit written comments; hence, their right of defense was struck off. Record would suggest that the appellant was dismissed from service on account of willful absence but was not proceeded against as per law, as in case of willful absence the respondents were required to proceed him under Rule-9 of E&D Rules, 2011, which however was not done in case of the appellant. No regular inquiry was conducted in his case and the appellant was kept deprived of the opportunity of defense and the appellant was dismissed from service only on a show cause notice, which is not enough for imposition of major punishment. The Supreme Court of Pakistan in its judgment reported as 2008 SCMR 1369 has held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice.

04. Upon submission of departmental appeal, the penalty of dismissal from service was converted into compulsory retirement due to the reason that the appellant was not proceeded against as per provisions of law. It was also interesting to note that the inquiry officer in his so called inquiry has recommended that the appellant may be afforded opportunity of personal hearing

and he may be transferred to a nearest school, but the competent authority ignored recommendations of the inquiry officer and acted in an arbitrary manner. We are mindful of the fact that absence does constitute misconduct but imposition of major penalty on the charges of absence appears to be harsh, which needs to be reduced.

05. We are of the considered opinion that the appellant has not been treated in accordance with law and was condemned unheard. The penalty so awarded is harsh, which does not commensurate with gravity of the guilt, hence we are constrained to partially accept the instant appeal. The impugned order dated 25-11-2020 is set aside and the penalty of compulsory retirement is converted into stoppage of increments for three years. The intervening period is treated as leave without pay. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
25.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN



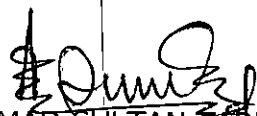
(ATIQU-UR-REHMAN WAZIR)
MEMBER (E)

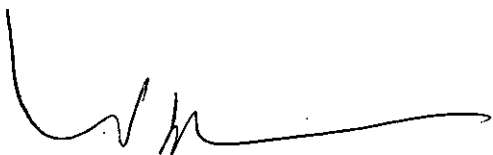
ORDER
25.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondent 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 impugned order dated 25-11-2020 is set aside and the penalty of compulsory retirement is converted into stoppage of increments for three years. The intervening period is treated as leave without pay. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
25.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN



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

The appeal of Mr. Muhammad Noor SPT GPS Kot Pallas Kohistan received today i.e. on 08.12.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓1- Address of respondent no.4 is incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- ✓2- Copy of reply to show cause notice mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
- ✓3- Copies of charge sheet, statement of allegations, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- ✓4- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- ✓5- Copy of impugned appellate order dated 25.11.2020 of the appeal is illegible which may be replaced by legible/better one.
- ✓6- Annexures of the appeal are not in sequence which may be annexed serial as mentioned in the memo of appeal.
- ✓7- Wakalat nama in favour of appellant be placed on file.
- ✓8- Memorandum of appeal may be got signed by the appellant.
- ✓9- Annexures of the appeal may be attested.
- ✓10- Annexures of the appeal may be flagged.
- ✓11- Affidavit may be got attested by the Oath Commissioner.

No. 4017 /S.T;

Dt. 09/12 /2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. L.Nawab Ali Noor Adv. Pesh.

Respectfully submitted.

*Needfull done kindly put before the Court.
may put before the Court along with if any
further obj. as far as
concerned the appeal same may
at amman of, reported
not interested to hand over
Copy of same*


Nawab Ali Noor
11.12.20

PTD

Objections no. 4 and 5 are still stand therefore the present appeal is returned again to the counsel for the appellant for completion and resubmission within 15 days.

No. 4057/S.T.

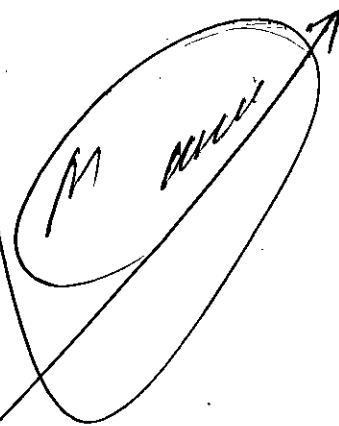
Dt. 15/12/2020


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

L.Nawab Ali Noor Adv. Pesh.

Respectfully submitted,

Needfull done kindly put before the
Court along with if any further objections
Note Sir as per as obj no. 4 same is
specifically mentioned in Annex-I dated
29/9/19 so may please fix
before the Court.



BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.

S. Appeal No. of 2020.

16410

1. Muhammad Noor SPST GPS Kot Pallas Kohistan.

.....Appellant.

VERSUS

1. Govt of K.P.K Through Chief Secretary Civil Secretariat
Peshawar and others.

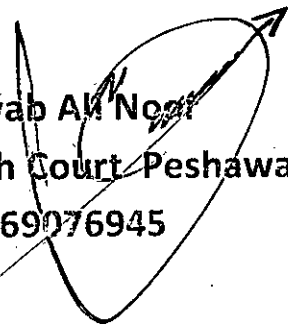
.....Respondents.

Index

S.NO.	Description	Annexure	Pages
1.	Q.P		1-6
2.	Affidavit		6
4.	Copy of the APOINTMENT	A	7
5.	Copy of the TRANSFER order	B	8
6.	Copies of ^{1st} show cause notice 17.4.19	C	9
7.	Copy of 2 nd show cause notice	D	10
8.	Copy of the 3 rd show cause notice	E	11
9.	Copies of the relevant	F and G	12-13
10.	Copy of the order 27.6.19	H	14
11.	Copies of Director's appeal	I	15-16, 17
12.	Copy of order	J	18
13.	Waklat Nama		19


Appellant

Through


L. Nawab Ali Noor
Advocate High Court Peshawar.
03469076945

BEFORE THE SERVICE TRIBUNAL K.P.K PESHAWAR.

S. Appeal No. of 2020.

16410/20

1. Muhammad Noor SPST GPS Kot Pallas Kohistan.

.....Appellant

Khyber Pakhtukhwa Service Tribunal

VERSUS

Diary No. 16288

1. Govt of K.P.K Through Chief Secretary Civil Secretariat Peshawar.

Dated 08/12/2020

2. Director Elementary and Secondary Education Department K.P.K Near No. 1 School at , Peshawar.

3. District Education Officer male Kolai Palas Kohistan.

4. Enquiry officer / S.D.E.O Male Circle Palas, Kohistan.

.....Respondents.

Appeal under section -4 of the N.W.F.P service tribunal Act 1974 against the order dated 25.11.2020, through which appellant Major penalty removal from Govt service convert into compulsory retirement from the Govt service with immediate effect.

Prayer:

On acceptance of this appeal the order dated 25.11.20 of the respondent no.2 may please be set aside and may please restore the service of the appellant with all back benefit.

RESPECTFULLY SUBMITTED,

Filed to-day

Registrar

2/12/2020

1. That appellant was appointed as PST Teacher in education department on 12.8.1992. Copy of the appointment order as annexure A.

Re-submitted to -day and filed.

Registrar

23/12/2020

2. That appellant has tried his level best to perform his duty with full devotion and till date no complaint is there of his misconduct nor any other allegation over the same.
3. That appellant was transferred through order dated 4.12.2018 from GPS Khushal Kot to GPS Najam Kot. **Copy of the transfer order as annexure B.**
4. That very interesting to see by this Honorable tribunal that appellant was first directly served through final show cause notice dated 17.4.19. **Copy of the 1st direct show cause notice as annexure C.**
5. That may kindly see by this Honorable tribunal that appellant was 2nd time served through ~~1st~~ show cause notice dated 16.5.19. **Copy of the 2nd show cause notice as annexure D.**
6. That may see both the mentioned above notices a hill difference between as allegations of the first is almost of the allegation of second.
7. That may be noted the appellant being performed the duty got salaries up to 31.3.19 hence it is clear that no question of the mentioned allegations same is not more than a joke.
8. That as per law appellant properly submitted his reply and matter was finalized same is clear from the second show cause notice dated 16.5.19 as in same just only one day absentee shows of 6.5.19.

9. That may see another and 3rd show cause notice dated 31.5.19 same is different story than the then 1st and 2nd. **Copy of the show cause notice as annexure E.**

10. That as per 3rd show cause notice appellant showed absent from 4.12.18 to 6.5.19 how is it possible because may see the winter vacation were there in same year from 22.12.19 to 20.3.20.

11. That during the inquiry as per inquiry officer appellant provided what was demand from appellant and conclusion over the same. **Copies of relevant as annexure F and G respectively.**

12. That may see inquiry / recommendations same is general and as for as recommendations is day light clear that nothing specifically alleged only personal hearing and nearest posting was recommended.

13. That may see no inquiry, no personal hearing, no cross examination no evidence even all mentioned done under the one roof of office with malafide intention bulldoze the basic constitutional rights of the appellant directly impose the major penalty dismissal from the service through order dated 27.6.19 was against the basic constitutional rights of the appellant. **Copy of the order as annexure H.**

14. That over the same appellant filed appeal before the Director Elementary and secondary education officer K.P.K through which processes were initiated. **Copies of the letters of director as annexure I.**

15. That finally through order dated 25.11.20 appellant order dated 27.6.19 removal from service was converted into compulsory retirement. **Copy of the order dated 25.11.20 as annexure J.**

That having aggrieved from all mentioned entire processes' which is no relevancy with law same time violation of the service rules / constitution of Islamic republic of Pakistan 1973 appellant approach this Honorable tribunal on following amongst others:

GROUND:

- a. That over the political intervention, malafide intention baseless charges appellant under the punishment same is continue is/was against the service rules ,illegal , unlawful, unconstitutional act of the respondents hence need the same to be declare illegal unlawful, unconstitutional liable to be set aside.
- b. That when there is nothing in field no proper inquiry is there nor made responsible the appellant for any specific relevant misconduct , corruption, illegalities' or any specific crime committed or violation of any law, hence question of discrimination before this Honorable court.
- c. That till date no such like action was aver taken nor over the mentioned general allegations any president is present was there for civil servant nor respondents have right to

initiate the same which is also violation of the constitution and service rules on base of the same order in question liable to be set-aside.

- d. That under what law and circumstances punishment of the appellant was awarded when no fault and default on part of appellant reason best known to them.
- e. That under the constitution appellant has the same rights like other but same not extended equally which is injustice.
- f. That act of the respondent to pick and chose is not justified at any cost.
- g. That respondents adopted the policy of pick and chose which is against service rules and basic provision of the constitution.
- h. That action on the part of respondents amount to misuse of power and approach beyond from the jurisdiction under the law mentioned for.
- i. That superior court repeatedly delivered judgment in respect Art.4, 25 etc and present case respondents violate the same also.
- j. That under the law being civil servant same is the negligence of the respondents with malafide intention.

It is therefore most humbly prayed that on acceptance of this appeal this honorable court may graciously be pleased to set aside / declare , null and void all mentioned processes and orders dated 27.6.19 of respondent no.3 and order dated

25.11.20 and appellants service may kindly be restored from the date of removal / compulsory retirement with all back benefit.

Direct the respondents to treat the appellants according to the law.

May please be awarded any other relief for which appellants are entitled not specifically mentioned deemed appropriate may also be awarded.

Mu

Appellant

Through

L.Nawab Ali Noor
Advocate High Court
Peshawar.

Certificate: certified that no such like S. Appeal is before this Honorable tribunal.

AFFIDAVIT.

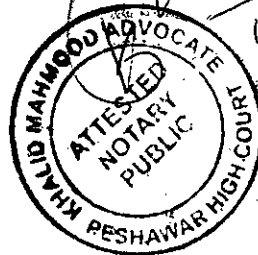
I, Muhammad Noor SPST GPS Kot Pallas Kohistan, do solemnly affirm and declare on oath that the contents of the accompanying S. Appeal are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Honorable Tribunal.

Mu
11-12-20
Mu

Deponent.

Identified by

L.Nawab Ali Noor Advocate
03469076945



Anx. A. G

OFFICE OF THE DISTRICT EDUCATION OFFICER(M) PRIMARY EDUCATION KOHISTAN.

APPOINTMENT.

Mohammad Noor S/O Moli Mehmoob is hereby appointed as a untrained Teacher in M/S Beer Kolai on Merit basis in EPS.07 Rs. 1095/- per month fixed plus usual allowance interest of public w.e.f the date of taking over charge on the following terms and conditions.

CONDITIONS:-

1. Charge report should be submitted to concerned (in duplicated)
2. No TA/DA is allowed to him. 3. Original certificate of the candidate may Pl: be checked by the SDEO(M) Kohistan from the gazette before the handing over charge, if the certificate is found bogus service order will be considered as cancelled.
4. His services is liable to termination at any time w/out assigning any notice/reasons.
5. Age and Health certificate should be produced from DHO Kohistan
6. He should not be allowed to take over charge, if his age is less than 18 years and above 25 years.

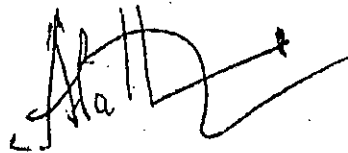


DISTRICT EDUCATION OFFICER(M)
PRIMARY EDUCATION KOHISTAN.

Enclst: NO 1556-60 Dated Kohistan the 12/8/1992.

Copy of the above is forwarded to the:-

1. Director Primary Education NWFP, Hayatabad Peshawar.
2. Sub-Divisional Education Officer (M) Kohistan w/the remarks that the original certificate may Pl: be got verified by the authority board before handing/taking over charge.
3. Candidate concerned.
4. District Account Officer Kohistan.
5. Office Order File.



DISTRICT EDUCATION OFFICER(M)
PRIMARY EDUCATION KOHISTAN.

*Asked to
be done
Copy*

Ann. B-8



OFFICE OF THE DISTRICT EDUCATION OFFICER (M) KOHISTAN

OFFICE ORDER

As Ban Relaxed by Honorable Advisor to Chief Minister for Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

The following transfers of teaching staff are hereby made in the school noted against each on their own pay & grade in the interest of public service with immediate effect.

S#	Name of officials	From	To	Remarks
1	Khan Muhammad PST	GPS Kuz Gaber	GPS Mali Darra	AVP
2	Muhammad Noor SPST	GPS Khushal Kot	GPS Najam Kot	AVP
3	Saifur Rehman TT	GMS Gulab Abad	GMS Bar Sherial	AVP
4	Maroof PST	GPS Kuz Soya	GPS Geel Ranolia	AVP
5	Mir Subhan TT	GMS Domseer	GMS razika	AVP
6	Muqam Khan PST	GPS Jag	GPS Banjo Bari	AVP
7	Ashrafuddin PST	GPS Gaya Dubair	GPS Mana Patty	AVP
8	Muhammad Aman SPET	GHSS Bankad	GHS Harbah	AVP
9	Abdul Basir DM	GMS Bela Jalkot	GMS bazi Sherakot	AVP
10	Abdul Wakeel CT	GMS Dat Sherakot	GMS Bazni Sherakot	AVP
11	Abdul Hanan PST	GPS Dana	GPS Batal Pallas	AVP
12	Mufli PET	GMS Khan Abad	GMS Bazni Sherakot	AVP
13	Noorul Huda TT	GHS Kuz Sherial	GHS Mazo Pattan	AVP
14	Fazal Haq CT	GMS Shokiseer Pallas	G. HS Mazo Pattan	AVP

NOTE

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned.

District Education Officer
(Male) Kohistan

Enclt: No. 8838-44 /Estt: DEO (M) (KH)

Dated 4-12-2018

- Copy of the above is forwarded to the:-
1. Director (E&SE) Khyber Pakhtunkhwa, Peshawar
 2. Deputy District Education Officer (M) Kohistan
 3. Sub Divisional Education Officer (M) Pallas
 4. Principal / Head Masters Concerned.
 5. District Monitoring Officer (IMU) Kohistan
 6. District Accounts Officer Kohistan
 7. Officials concerned

District Education Officer
(Male) Kohistan

Badal sh
~~some show cause~~
 my put up on file
 immediately
 2/4/19

*Attache to be
 True copy*



Ann-C-9

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) KOLAI PALLAS KOHISTAN**

FINAL SHOW CAUSE NOTICE

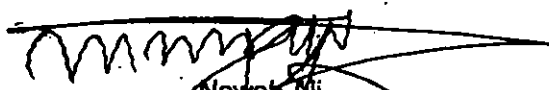
I, Nawab Ali District Education Officer, (Male) Kolai Pallas Kohistan, being as a competent authority under the Khyber Pakhtunkhwa Govt. Servants (E&D) Rules, 2011, do hereby serve you, Mr. Muhammad Noor SPST B-14 GPS Najam Kot Pallas as follows:

That as per report of DCMA/Head Teacher /ASDEO/SDEO (M) Pallas Kohistan you have committed the following acts/omissions specified in rule 3 of the said rules.

- a.) Willful absent from your duty on for the month of 3/2018,5/2018,6/2018.9/2018,10/2018,11/2018. (IMU report)
- b.) Willful absent from PD day training No.4,5,6, and 7-
- c.) Inquiry report willful absent from duty 22/11/2017 to 28/2/2018.
- d.) Inquiry report willful absent from duty 26 April 2018 to till up now ^{ym} he remained absent, Except single date on 15/8/2018 ^{he came} he come to the school.
- e.) Willful absent from duty 04/12/2018. to 9/4/2019 (ASDEO circle Report) -
- f.) Guilty of misconduct.

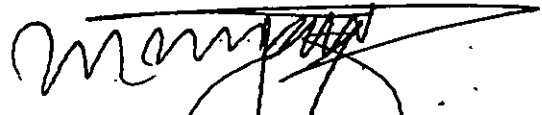
As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of RECOVERY OF SALARY FOR THE ABSENCE PERIOD AND REOMVAL FROM SERVICE. Under rule 4 of the said rule. You are, thereof required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate *whether you desired to be heard in person.*

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 decision shall be taken against you.


Nawab Ali
District Education Officer (Male)
Kolai Pallas Kohistan.

Endstt; No 629-34, dated 17/4/2019.

- Copy forwarded to the:-
- 1- Director Elementary & Secondary Education KPK Peshawar
 - 2- Deputy Commissioner Kolai Pallas Kohistan.
 - 3- DMO (IMU) Kohistan.
 - 4- SDEO (Male) Pallas Kohistan.
 - 5- Teacher concerned.
 - 6- Office Copy.


District Education Officer (Male)
Kolai Pallas Kohistan.

*Asked to be P...
-A*



Ann. D-10

51

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) KOLAI PALLAS KOHISTAN

SHOW CAUSE NOTICE

I, Nawab Ali District Education Officer, (Male) Kolai Pallas Kohistan, being as a competent authority under the Khyber Pakhtunkhwa Govt. Servants (E&D) Rules, 2011, do hereby serve you, Mr, Muhammad Noor SPST Kohi Mada Khail Pallas as follows:

That as per report of DCMA/IMU you have committed the following acts/omissions specified in rule 3 of the said rules.

- a.) Willful absent from your duty on 06/5/2019 (School found closed)
- b.) Guilty of misconduct.

As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of **RECOVERY OF SALARY FOR THE ABSENCE PERIOD AND REOMVAL FROM SERVICE.** Under rule 4 of the said rule. You are, thereof required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate *whether you desired to be heard in person.*

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 decision shall be taken against you.



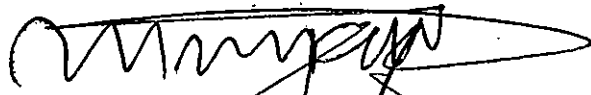
Nawab Ali
District Education Officer (Male)
Kolai Pallas Kohistan.

Endstt; No 154-601 dated 16/5/2019.

Copy forwarded to the:-

- 1- Director Elementary & Secondary Education KPK Peshawar.
- 2- Deputy Commissioner Kolai Pallas Kohistan.
- 3- Assistant Commissioner Pallas Kohistan.
- 4- DMO (IMU) Kohistan.
- 5- SDEO (Male) Pallas Kohistan.
- 6- Teacher concerned.
- 7- Office Copy.

*Attached to
be Trace Copy*



District Education Officer (Male)
Kolai Pallas Kohistan

Ann. E-11

OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) KOLAI PALLAS KOHISTAN

SHOW CAUSE NOTICE

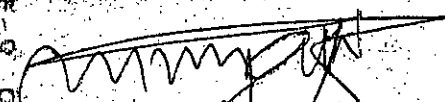
I, Nawab Ali District Education Officer, (Male) Kolai Pallas Kohistan, being as a competent authority under the Khyber Pakhtunkhwa Govt. Servants (E&D) Rules, 2011, do hereby serve you, **Mr, Muhammad Noor SPST GPS Najam Kot Pallas** as follows:

That as per report of ASDEO (M) Circle Pallas you have committed the following acts/omissions specified in rule 3 of the said rules.

- a.) Willful absent from your duty on 04/12/2018 to 06/5/2019
- b.) Guilty of misconduct.

As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of **RECOVERY OF SALARY FOR THE ABSENCE PERIOD AND REOMVAL FROM SERVICE.** Under rule 4 of the said rule. You are, thereof required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate *whether you desired to be heard in person.*

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 decision shall be taken against you.


Nawab Ali
District Education Officer (Male)
Kolai Pallas Kohistan.

Endstt; No 1890-961 dated 31/15/2019.

Copy forwarded to the:-

- 1- Director Elementary & Secondary Education KPK Peshawar.
- 2- Deputy Commissioner Kolai Pallas Kohistan.
- 3- Assistant Commissioner Pallas Kohistan.
- 4- DMO (IMU) Kohistan.
- 5- SDEO (Male) Pallas Kohistan.
- 6- Teacher concerned.
- 7- Office Copy.


District Education Officer (Male)
Kolai Pallas Kohistan

*Attached to
be true copy*

Page. E (12)

To

Mr. Muhammad Noor
EX-SPST RPS Najam Kot
Kolai Palas, Kachhiistan

~~# D/A~~
Pl provide
the requisites as
per R.T.I. rules
30/6/20

Subject: Inquiry

consequent upon your appeal regarding your removal from service, I have been appointed as Inquiry office by The Directorate of EASED, 124/ber Nakhjankhwa, vide NO. 5292-94 dated 18/06/2020. You are required to provide following documents/record to proceed further in the matter: (attested copies)

- ① First appointment letter.
- ② Copy of service Book bearing latest entries
- ③ Copies of Show Cause notices issued by the competent authority along with your replies.
- ④ Statement of ASDSO circles and Head Teacher RPS Najam Kot Kolai Palas Kachhiistan with the remarks that you have been performing your duties regularly till 03/12/2018 because on 04/12/2018 you were reported as absent from duty.
- ⑤ Copy of notification/entry when you were promoted as SPST.
- ⑥ Copy/copies of last three pay slips.
- ⑦ your statement, whether you were provided the opportunity of personal hearing or not.

Your reply with all above mentioned documents should be submitted within 07 days of receipt of this letter. To
Zafar Akhbar 28/6/2020
Principal ASSE n. Tula. Kachhiistan.
28.06.2020

Attached to
be from copy
A

TO

Ann. 9 - (13)

the SDEO (M) Circle Palas

Subject: INQUIRY REPORT AGAINST MR, MUHAMMAD NOOR SPST.



Incompliance with the order of SDEO (M) palas vide letter no 3210 dated 05/12/2018, we were been appointed as inquiry officers, and the inquiry report is as below.

INTRODUCTION/HISTORY: Mr, Muhammad noor spst has been absent from the school duty since long, reported by imu as well as ASDEO circle.

PROCEDURE: To inquire the facts, we approached the school on 08/12/2018, where Mr. Muhammad Bashir PST was fond present, while the Muhammad noor was absent.

We gone through the school record/staff attendance register, where the attendance of the teacher is as,

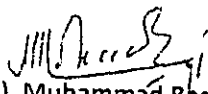
- (1) Mr. Muhammad noor spst took charge in GPS KHUSHAL KOT on 20-09-2017.
- (2) After his posting his attendance is marked in the staff register up to 21-11-2017.
- (3) From 22-11-2017 he remained absent till 28-2-2018. ✓
- (4) From March 1st 2018, till 25 April 2018, he was present in the school.
- (5) From 26 April 2018 till up now, he remained absent, except single date on 15 Aug 2018 he came to the school.


CONCLUSION: We came the conclusion that the teacher remained willful absent .He has no interest in his service.

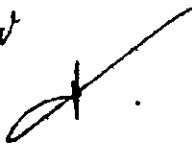
RECOMMENDATION:

- (1) The teacher may be called for personal hearing.
- (2) The teacher may be kept under observation in future; his posting may be made in near approachable school that he may be kept under observation for his duty.

Report submitted to you for further necessary action please


(1) Muhammad Baqi SST
GHS Jabba madakhel


(2) Akhter Pervez SST
GHSS Bataira Kohistan.

Attached to be
True copy.


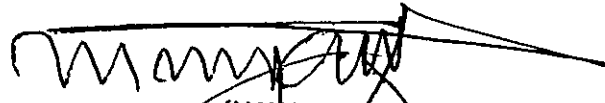


Ans: HQ. (14) (14)

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) KOLAI
PALLAS KOHISTAN.

NOTIFICATION.

1. Whereas Mr. Muhammad Noor SPST GPS Najam Kot Pallas, was proceeded against the Khyber Pakhtunkhwa Government servant (Efficiency & Discipline) Rules 2011 for the charges mentioned in the show cause notice.
- 2- Whereas per DCMA/IMU you have willful absent from duty on 20/3/18, 18/4/18, 16/5/18, 11/6/18, 15/8/18, 22/9/18, 5/10/18, 26/11/18 and 6/5/2019 without proper permission by the competent authority.
- 3- Whereas per ASDEO Report dated 10-4-2019, he has remained absent w.e.f 04-12-2018 to 09-4-2019 without permission from the competent authority.
- 4- Whereas Inquiry report received from the Sub Divisional Education Officer (M) Palas Kohistan vide No. 3413 /SDEO(M) Pallas Kohistan dated 04.1.2019 wherein he has proved the accused as "negligent and irregular"
- 5- Whereas he was issued a show cause notice vide No 629-34 dated 17/4/2019 and No 154-60 dated 16/05/2019.
- 6- Whereas his reply of the Show cause notice was found unsatisfactory and irrelevant.
- 7- Whereas, he was called for personal hearing, but, he failed to comply.
- 8- Whereas the District Education Officer (M) Palas Kohistan being competent authority after having considered the charges and evidences on record against him as proved.
- 9- Now, Therefore I Nawab Ali District Education Officer (M) Palas Kohistan being competent authority under E & D rules 2011 do hereby impose upon him "the major penalty of **"REMOVAL FROM SERVICE"** under 4 (b) (iii) of the ibid rules with effect from the date of absence from duty in the interest of public service.

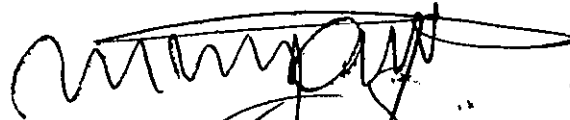

(NAWAB ALI)
COMPETENT AUTHORITY
DISTRICT EDUCATION OFFICER (M) KOLAI
PALLAS KOHISTAN.

Endst: No 2955-61

Dated: 27/6 /2019

- Copy for information and necessary action to: -
- 1- The Director Elementary & Secondary Edu; KPK Peshawar.
 - 2- Deputy Commissioner Kolai Pallas Kohistan,
 - 3- DMO IMU Kohistan
 - 4- The DDEO (M) Palas Kohistan.
 - 5- The SDEO(M) Palas Kohistan.
 - 6- The Official concerned.
 - 7- The PA to local Office.

*Attached to be
True Copy*


DISTRICT EDUCATION OFFICER (M)
KOLAI PALLAS KOHISTAN



Amx. 4 (15) (Signature)

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

No. 3722 / F. No. PST/CT/AT/Appeals.
Dated Peshawar the 26/9 /2019.

To, .

The District Education Officer (M)
Kolai Palas Kohistan.

Subject: - DEPARTMENTAL APPEAL.

Memo:-
I am directed to refer to the enclosed Self-explanatory appeal in respect of Muhammad Noor SPST at GPS Najam Kolai Palas District Kohistan ; and to ask you to submit detail report/comments to this office within a week time.

Deputy Director (Etab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

Endst: No. _____ /

Copy forwarded to the:-

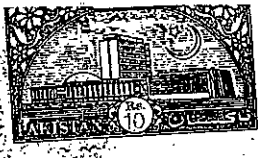
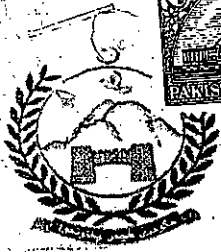
1. P.A to Director, Elementary and Secondary Education local office.

(Signature)
Deputy Director (Etab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

** DIA
Pl. put up
with comments
of the case to
apparent authority
(Signature) 22/9*



*Attested to
copy. (Signature)
be True*



Ann. 9. - 16

**DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**

No. 3722 /F. No. PST/CT/AT/Appeals.
Dated Peshawar the 26/9/2019.

(Handwritten initials)

To,

The District Education Officer (M)
Kolai Palas Kohistan.

Subject: - DEPARTMENTAL APPEAL.

Memo:-
I am directed to refer to the enclosed Self-explanatory appeal in respect of Muhammad Noor SPST at GPS Najam Kolai Palas District Kohistan, and to ask you to submit detail report/comments to this office within a week time.

(Signature)
Deputy 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.

(Signature)
Deputy Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

*P.A
Put up for*

*Badat Khan
Mujib,
FOR COMMENTS please
Mujib 8/10/19*

182
8-10
2019

269

*Attached to be
your copy*

ed. spst at GPS



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

Am. J. 18

OFFICE ORDER

1. WHEREAS, Muhammad Noor Ex-PSHT GPS Najam Kot Kolai Palas was removed from service on charges of willful absence from duty w.e.f. 04-12-2018 to 09-04-2019 by the District Education Officer E&SE Kolai Palas Kohistan vide letter bearing Endorsement No. 2955/G1 dated 27-06-2019.
2. WHEREAS, the appellant concerned submitted appeal before the Director E&SE Khyber Pakhtunkhwa for reinstatement in service into service.
3. WHEREAS, this office directed the District Education Officer (Male) Kolai Palas Kohistan for submission of comments/detailed in r/o the appellant concerned vide letter No. 1561 dated 19/02/2020.
4. WHEREAS, the DEO (M) Kolai Palas Kohistan, submitted his comments/detailed report vide letter No. 1107 dated 03-06-2020.
5. WHEREAS, this office after examining the comments/detailed reports as submitted by the DEO (M) Kolai Palas Kohistan into the subject matter, hence the competent authority decided to conduct inquiry in the said case vide No. 5292/94 dated 18-06-2020.
6. AND WHEREAS, the inquiry officer submitted his report vide Endst No. 1046 dated 26/10/2020.
7. NOW THEREFORE, the Appellate Authority, Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar, after having examined the evidence on record and recommendations of the inquiry officer, has been pleased to convert the "Major Penalty of Removal from service, and Muhammad Noor Ex-PSHT GPS Najam Kot Kolai Palas Kohistan is hereby "Compulsory retired" from service under Rule-17 (2) (C) of the Khyber Pakhtunkhwa Servants (Efficiency & Discipline) Rules 2011, with immediate effect.

(DIRECTOR)

End No. 4-8 /E.No. 100/Vol-17/Appeals

Copy of the above is forwarded to the:-

1. District Education Officer (M) Kolai Palas Kohistan.
2. District Accounts Officer Kolai Palas Kohistan.
3. Teacher concerned.
4. PA to Director E&SE local Directorate.
5. Master File.

Dated Peshawar the:- 25/11/2020.

Deputy DIRECTOR (ESTAB)
E&SE KHYBER PAKHTUNKHWA

*Attached to be
from copy.*