

3rd June, 2022

Counsel for the appellant present and contended that vide impugned order dated 06.09.2021 whereby order No. 829-40 dated 24.08.2017 was restored by way of which removal from service of the appellant was ordered against which departmental appeal was filed on 20.09.2021 and after waiting of statutory period of 90 days, the present appeal has been filed. Points raised need consideration. The appeal is admitted to full 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 on 27.07.2022 before S.B.






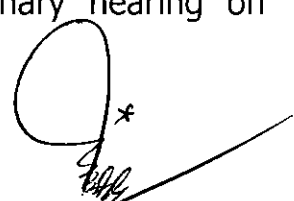
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7951 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	30/12/2021	<p>The appeal of Mr. Abdur Rauf presented today by Mr. Noor Mohammad Khattak Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	21.02.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>21/02/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	17.05.2022	<p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 17.05.2022 for the same as before.</p> <p style="text-align: right;"> Reader.</p>
		<p>Learned counsel for the appellant present and requested for adjournment in order to further prepare the brief. Adjourned. To come up for preliminary hearing on 03.06.2022 before S.B.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER (E)</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR CHECK LIST

Case Title: **ABDUR RAUF**

V/S

EDUCATION DEPTT:

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

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

Name:

NOOR MOHAMMAD KHATTAK

Signature:

Dated:

2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 7951 /2021

ABDUR RAUF

V/S

EDUCATION DEPTT:

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Dated: .12.2021

APPELLANT

Through:

NOOR MOHAMMAD KHATTAK
ADVOCATE
0345-9383141

/

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2021

Mr. Abdur Rauf, EX-PST,
GPS Chapri, District Khyber.

..... **APPELLANT**

VERSUS

- 1- The Secretary, Elementary and Secondary Education Department, Peshawar, Khyber Pakhtunkhwa.
- 2- The Director, Elementary and Secondary Education Department, Peshawar, Khyber Pakhtunkhwa.
- 3- The District Education Officer (M), District Khyber.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED NOTIFICATION DATED
06.09.2021 WHEREBY THE APPELLANT HAS BEEN
DISMISSED FROM SERVICE AND WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT HAS
BEEN REGRETTEED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned Notification dated 06.09.2021 may very kindly be set aside and the appellant may kindly be re-instated into service with all consequential back benefits. Any other remedy which this August Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHWETH:

ON FACTS:

1. That appellant was appointed as PST at GPS Chapri District Khyber in the year 2007 and has served the respondent department up-to the entire satisfaction of his superiors.
2. That the appellant while performing his duty as PST was removed from service vide order dated 24-08-2017 then the appellant filed Service appeal No.931/2018 before Services Tribunal which was accepted by the Hon'ble Tribunal and the Tribunal vide Judgment dated 09-06-2021 re-instated the appellant back into service and gave direction to the respondents for De-Novo Inquiry. Copies of memo of appeal alongwith annexures and judgment dated 09-06-2021 are attached as annexure. **A & B.**

3. That, the respondents without following the codal formalities of denovo inquiry straight away issued the impugned notification dated 06-09-2021 whereby the respondents restored the previous impugned notification of removal from service of the appellant dated 24-08-2017 inspite the fact that the same has been set aside by this august Tribunal. Copy of the Impugned notification dated 06-09-2021 is attached as annexure..... C.
4. That, the appellant feeling aggrieved from the impugned order dated 20.09.2021 filed Departmental appeal before the appellate authority but the same has been regretted on no good grounds. Copy of the Departmental appeal is attached as AnnexureD.
5. That appellant feeling highly aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others.

GROUND:

- A- That impugned dismissal order dated 06-09-2021 issued by the respondents is void in nature against the law, facts and norms of natural justice hence not tenable and is liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the codal formalities required for the DE-NOVO Inquiry has not been fulfilled by the respondents while issuing the impugned order dated 06-09-2021.
- D- That neither notice nor chance of personal hearing/defense has been provided to the appellant before issuing the impugned order.
- E- That the enquiry officer neither recorded any statement of witnesses in the presence of the appellant nor was afforded an opportunity to cross-examine them, the appellant was condemned unheard thus the impugned order is illegal.
- F- That, the respondent Department acted in arbitrary and malafide manner while issuing the impugned dismissal order dated 06-09-2021.

- G- That, no regular inquiry has been conducted in the matter which is pre-requisite as per the judgments of the Apex Supreme Court of Pakistan in punitive matters.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated: 12.2021

APPELLANT


ABDUR RAUF

THROUGH:


NOOR MOHAMMAD KHATTAK


HAIDER ALI
ADVOCATES

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2021

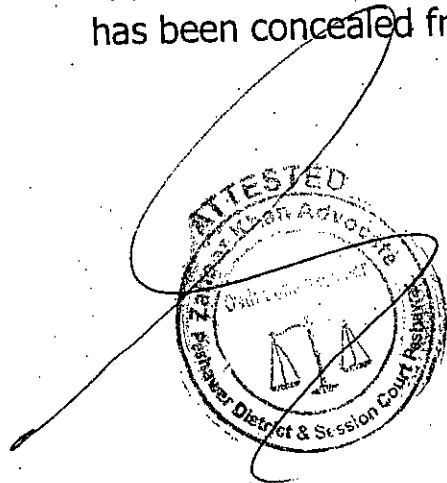
ABDUR RAUF

VS

EDUCATION DEPTT:

AFFIDAVIT

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

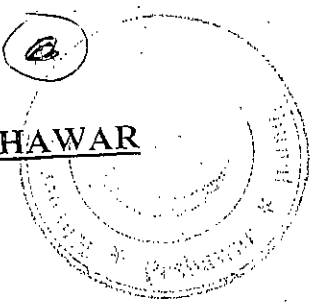


[Signature]
DEPONENT

CERTIFICATE:

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

[Signature]
CERTIFICATION



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 931 /2018.

Khyber Pakhtunkhwa
Service Tribunal

Date: 1185

20/07/2018

Mr. Abdul Rauf Ex-PST S/o Abdul Qadoos
GMS, Chapri Jamrud Khyber Agency.

(Appellant)

VERSUS

1. The Additional Director Establishment, Education Deptt FATA, FATA Directorate Pesh
2. The Deputy Director (Estab), FATA Directorate, Education Deptt FATA, Peshawar
3. The Deputy Director Colleges, FATA Directorate, KD, Peshawar
4. The Assistant Director Litigation, FATA Directorate, Education Deptt FATA Peshawar
5. The Secretary Education FATA Secretariat Peshawar.
6. The Director Education (FATA)secretariat, Warsak Road ,Peshawar.
7. The Agency Education Officer Khyber Agency at Jamrud.

(Respondents)

Filed to day
2017/18
Registrar

Not submitted to day
and filed.

24/2/18

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE ODER DATED 24.08.2017 WHEREBY
THE APPELLANT HAS BEEN REMOVED FROM THE
SERVICE AND AGAINST THE ORDER DATED
30.05.2018, RECEIVED BY APPELLANT THROUGH
APPLICATION ON 12.07.2018 WHEREBY THE
DEPARTMENTAL APPEAL OF THE APPELLANT HAS
BEEN REJECTED FOR NO GOOD GROUNDS.

ATTESTED

Khyber Pakhtunkhwa
Service Tribunal

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 24.08.2017 and 30.05.2018 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

1. That the appellant joined the Education department as PST in year 2007 and 10 year service on his credit. The copy of service book is attached as Annexure-A.
2. That the charge sheet was served upon the appellant. Further it is added that no proper inquiry was conducted if any then the appellant not associated with the inquiry neither any of the statement was recorded nor record examine in presence of the appellant, which is against the law and rules and not provided any inquiry report to the appellant which is also against the law, the same has been handed over to the appellant when he submitted application for the rejection order. Copy of the charge sheet and inquiry report is attached as Annexure-B & C.
3. That thereafter, without show cause and personal hearing the appellant was removed from the service vide order dated 24.08.2017 and against which, the appellant filed departmental appeal, but the same was also rejected on 30.05.2018 and received by appellant through application on 12.07.2018 by getting knowledge for no good grounds. (Copies of impugned order, departmental appeal, Application and rejection order are attached as Annexure-D, E, F & G).
4. That now the appellant come to this august Tribunal on the following grounds amongst others.

GROUND:

- A) That the orders dated 24.08.2017 and 30.05.2018 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.

- B) That the appellant has been condemned unheard and has not been treated according to law and rules.
- C) That no proper regular inquiry was conducted if any then the appellant not associated with the inquiry, neither the statement recorded in presence of appellant nor was the chance of cross examination provided to the appellant and also not provided the inquiry report to the appellant and without final show cause notice the impugned order was passed which is against the law and rules and norms of justice.
- D) That the opportunity of personal hearing and personal defense was not provided to the appellant.
- E) That the appellant has 10 years service on his credit, so the penalty of removal from service is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.
- F) The appellant is well qualified person and all the documents and NIC provided by the appellant is original not fake and never provided any wrong information to the department and it is impossible for the appellant to get job before his birth. Further it is added that the appellant was appointed by the competent authority after scrutiny of the record its mean that the appellant was legally appointed and no fault on the part of the appellant, thus so the appellant cannot be removed from the service in fanciful manner, without any fault on the part of the appellant, so the impugned order is not warrant by the law and liable to be set aside. **Copy of the documentation is attached as annexure-H.**
- G) That the name of the appellant and appellant's father name is similar as to Ex-Chowkidar employee is not the fault of the appellant it can be possible the name and father name be same. Further it is added that ; it is not the fault of the appellant and the appellant has no malafide intention, and double benefits was never received by the appellant.
- H) That the appellant has not been treated according to law and rules.
- I) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

8

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

[Signature]
APPELLANT
ABDUL RAUF

THROUGH:

[Signature]
(SYED NOMAN ALI BUKHARI)

[Signature]
(UZMA SYED)
ADVOCATE, HIGH COURT.

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 931/2018

Date of Institution ... 20.07.2018

Date of Decision ... 09.06.2021

Abdul Rauf Ex-PST S/o Abdul Qadoos
GMS, Chappiri Jamrud Khyber Agency.

(Appellant)

VERSUS

The Additional Director Establishment, Education Department
FATA, FATA Directorate Peshawar and six others.

(Respondents)

Mr. NOOR MUHAMMAD KHATTAK,
Advocate

For appellant.

MR. ASIF MASOOD ALI SHAH,
Deputy District Attorney

For respondents.

MR. SALAH-UD-DIN
MR. ATIQ-UR-REHMAN WAZIR

MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGEMENT:

SALAH-UD-DIN, MEMBER:- The appellant has filed the instant Service Appeal against the impugned order dated 30.05.2018 passed by the appellate Authority, whereby the departmental appeal of the appellant was rejected and the order dated 24.08.2017 of removal of the appellant from service was upheld.

2. Briefly stated the facts are that the appellant joined Education Department as Primary School Teacher in the year 2007. Disciplinary proceedings were initiated against the appellant on the ground that he was receiving pension as Chowkidar as well as salary being posted as Primary School Teacher in Government Middle School Chappiri Jamrud, Khyber Agency. On conclusion of inquiry, the competent

NOTES FILED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

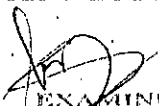
Authority removed the appellant from service vide Notification bearing Endst: No. 829-40 dated 24.08.2017, which was challenged through filing of departmental appeal but the same was also dismissed vide order dated 30.05.2018, copy of which was received by the appellant on 12.07.2018. The appellant has now filed the instant Service Appeal, seeking the setting-aside of the above mentioned orders and his reinstatement in service with all back benefits.

3. Respondents submitted their comments, wherein it was alleged that the appellant has been rightly removed from service after conducting a proper inquiry and affording opportunity of personal hearing to the appellant.

4. Learned counsel for the appellant has argued that the appointment date of Chowkidar was 03.12.1975, while the date of birth of the appellant is admittedly 08.07.1977, therefore, it appears quite strange that the appellant was appointed as Chowkidar even before his birth; that the appellant was serving as Teacher in the Education Department through a regular recruitment process and served as such for a period of about ten years; that neither any opportunity of hearing was provided to the appellant nor the statements of any witnesses were recorded in his presence; that the disciplinary proceedings were conducted in a mechanical way by ignoring the mandatory provisions of Government Servants (Efficiency & Disciplinary) Rules, 2011; that the appellant had categorically denied the receiving of any pensionary benefits as Chowkidar and no evidence was bring on record in support of allegations against the appellant but even then he was wrongly and illegally removed from service; that the impugned orders are liable to be set-aside by reinstating the appellant in service with all back benefits. Reliance was placed on 2008 SCMR 1369, 2000 SCMR 1743, 2003 PLC (C.S) 365, 2013 PLC (C.S) 344 and 2004 PLC (C.S) 1003.

5. On the other hand, Learned Deputy District Attorney for the respondents has argued that the appellant was drawing salary as Teacher as well as pension as retired Chowkidar, therefore, disciplinary action was taken against him and he was rightly removed from service; that the disciplinary proceedings were conducted in

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

accordance with law and the inquiry officer had found the appellant guilty of the allegations leveled against him; that cogent and worth-reliable evidence was collected against the appellant in support of the allegations leveled against him, therefore, the departmental appeal of the appellant was rightly dismissed.

6. Arguments heard and record perused.

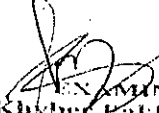
7. A perusal of record would show that the appellant was appointed as Primary School Teacher and his date of birth as entered in his service book is 08.07.1977. The allegations against the appellant are that he was receiving salary as Teacher as well as pension as Chowkidar, however according to the record, the date of his appointment as Chowkidar has been mentioned as 03.12.1975, which is prior to his date of birth as mentioned in his service book maintained regarding his service as Primary School Teacher. The charge sheet bearing Endst:3028-34 dated 13.06.2017, issued by the competent Authority to the appellant would show that it is quite vague in nature. The competent Authority has initiated disciplinary action against the appellant, who was serving as PST at Government Middle School Chappiri Jamrud, however his designation in the charge sheet has been mentioned as *Chowkidar*, serving in Government Girls Primary School Gul Abad Jamrud, Khyber Agency. While going through the contents of the charge sheet, it appears that some of its paras are in the nature of final show-cause notice, while some of the paras are in the nature of charge sheet issued to an accused by the competent Authority at the time of initiation of disciplinary proceedings against an accused. Para-2 of the charge sheet is reproduced as below:-

"2. Due to the wrong information's and D.O.B of the concurred employee, on the recommendation of inquiry officer a major penalty under E&D Rules, 2011 imposed against you i.e "Removal of Service".

Similarly, para-3 of the charge sheet is reproduced as below:-

"3. By reasons of the above you are guilty of acts of omission under section rules-4(b)(iii) of Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules, 2011, under the said rules

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

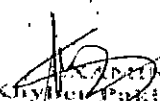
the inquiry officer recommended you for a major penalty i.e "Removal from Service" which can be imposed against you.

8. The above mentioned para 2 & 3 of charge sheet would show that inquiry against the appellant has already been conducted, however paras 4, 5 & 6 of the charge sheet would show that an inquiry committee consisting upon Mr. Gohar Khan, Principal GHS No. 2 Jamrud, Khyber Agency (Chairman) and Mr. Saleem Khan, Principal Government High School Sur Kamar, Khyber Agency (Member) was constituted for inquiry against the appellant. In this back drop, Mr. Gohar Khan Principal Government High School No. 2 Jamrud, Khyber Agency submitted an inquiry report dated 24.07.2017 to the competent Authority, which resulted in the removal of the appellant from service vide Notification bearing Endst: No. 829-40 dated 24.08.2017, issued by competent Authority. Nothing is available on record to show that the inquiry officer Mr. Gohar Khan Principal GHS No. 2 Jamrud, Khyber Agency had in any way associated the appellant with the inquiry proceedings conducted by him. Moreover, in the charge sheet, an inquiry committee consisting of Mr. Gohar Khan, Principal GHS No. 2 Jamrud, Khyber Agency (Chairman) and Mr. Saleem Khan, Principal Government High School Sur Kamar, Khyber Agency (Member) was constituted for inquiry against the appellant, however the inquiry report has been submitted only by Mr. Gohar Khan, Principal GHS No. 2 Jamrud, Khyber Agency. Neither any final show-cause notice was issued to the appellant nor any opportunity of personal hearing was afforded to him.

9. Keeping in view the nature of allegations leveled against the appellant, the department was required to have conducted regular inquiry by complying with the provisions of Government Servants (Efficiency & Discipline) Rules, 2011. The inquiry against the appellant has been conducted in a mechanical and slipshod manner which is tainted with serious legal lapses. The facts and circumstances of the case necessitate the conducting of a proper de-novo inquiry in to the matter.

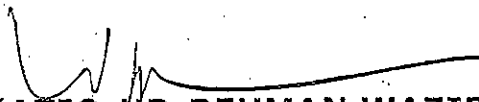
10. Resultantly, the appeal in hand is allowed by setting-aside the penalty imposed upon the appellant. The appellant is reinstated in

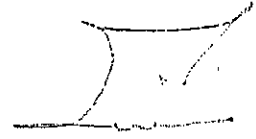
ATTESTED


Khyber Pakhtunkhwa
Service Tribunal
Peshawar


service and respondents are directed to conduct de-novo inquiry into the matter, strictly in accordance with law within a period of ninety days of receipt of copy of this judgment. In case the respondents failed to conduct de-novo inquiry within the time as given by this Tribunal, the appellant will be entitled to all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
09.06.2021


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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

Certified to be true copy


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 11/6/21
Number of Words 2400
Copying Fee 26.00
Urgent —
Total 26.00
Name of Copyist —
Date of Completion of Copy 22/6/21
Date of Delivery of Copy 22/6/21

OFFICE OF THE DISTRICT EDUCATION OFFICER DISTRICT KHYBER.NOTIFICATION.

- 1 Whereas, the appellant namely Abdur Rauf was appointed against the PST post vide order bearing Endst: No. 3748-53 dated 30-05-2007 at GPS Chapari District Khyber issued by the then Agency Education officer Khyber and he was removed from service vide Endst No. 829-40 dated 24-08-2017 issued by the then Agency Education Officer Khyber on account of double beneficiary for receiving pension against the Chowkidar post as well as salary against the PST post for having dual CNICs.
- 2 And whereas, aggrieved from the order dated 24-08-2017, the appellant has filed a Departmental Appeal to the then Director Education (FATA) which was regraded vide Endst No. 8360-63 dated 05-06-2018. He then the service appeal No.931/2018 dated 20-07-2018 before the Honorable Khyber Pakhtunkhwa Service Tribunal.
- 3 And whereas, the service appeal of the appellant was decided vide Judgment dated 09-06-2021 by Honorable Khyber Pakhtunkhwa Service Tribunal. The operative part of the Judgment is re-produced as under:-

"The appeal in hand is allowed by setting aside the penalty imposed upon the appellant. The appellant is reinstated in service and respondent are directed to conduct de-novo inquiry into the matter, strictly in accordance with law within a period of ninety days of receipt of copy of this judgment. In case the respondents failed to conduct inquiry within the time as given by this tribunal, the appellant will be entitled to all back benefits."

- 4 And whereas, in compliance of the Judgment dated 09-06-2021, the appellant has been re-instated against the PST post vide order dated 16-07-2021 for the purpose of DE-NOVO inquiry for which the inquiry committee was constituted by the Respondent No.7/District Education Officer Khyber, to probe into the matter & the inquiry committee has submitted inquiry report to the Respondent Department wherein it was recommended that the "removal order issued vide Endst No. 829-40 dated 24-08-2017 in R/O Mr. Abdur Rauf Ex-PST by the then Agency Education Officer Khyber be maintained".

Now therefore, in compliance of the Judgment dated 09-06-2021 of the Honorable Service Tribunal & having gone through the whole case record along with consulting the relevant provision of E & D Rules 2011 & in Exercise of the Powers conferred upon the undersigned under U/S-21 of General Clauses Act 1897 as amended in 1956 & in a capacity of an competent authority in the instant case, the Order issued vide Endst No.5737-44 dated 16-07-2021 is hereby withdrawn & the impugned removal order issued vide Endst No. 829-40 dated 24-08-2017 by the then Agency Education Officer Khyber is hereby maintained in the interest of public service.

gd
District Education Officer
District Khyber.

Endst: No: 6828-47/DEO Khyber Mr. Abdur Rauf Ex-PST Dated Peshawar the: 26/9/2021

Copy forwarded for information & n/action to the:-

- 1 Registrar Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
- 2 Additional Advocate General Khyber Pakhtunkhwa, Service Tribunal, Peshawar.
- 3 Director E&SE Department Khyber Pakhtunkhwa Peshawar.
- 4 Deputy Director (Legal) E&SE Department Khyber Pakhtunkhwa Peshawar.
- 5 Official concerned.
- 6 Master file.

gd
District Education Officer
District Khyber.

ATTACHED

To

The Director (E&SE) Department,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE REMOVAL ORDER DATED 24/08/2017 AND DENOVO INQUIRY REPORT DATED 6/9/2021 WHEREBY THE APPELLANT WAS ILLEGALLY AND UNLAWFULLY REMOVED FROM THE SERVICE BY THE CONCERNED AUTHORITY

Respected Sir,

With due respect it is stated that appellant was appointed against the post of PST at GPS Chapri District Khyber .After that the appellant was removed from service vide order dated 24/08/2017 on account of double beneficiary for receiving pension against the Chowkidar as well as salary against the PST post of having dual CNIC. Later on the appellant filed departmental appeal vide dated 5/6/2018 to the Director Education(FATA) which was not allowed .He then filed Service Appeal No, 931/2018 Before Service Tribunal of Khyber Pakhtunkhwa which was accepted by the Honorable Service Tribunal vide its judgment dated 09.06.2021, the appellant has been reinstated against the PST post vide order 16/07/2021 for the purpose of DE-NOVO inquiry for which the committee was constituted by the respondent whereby the committee was submitted an inquiry report by the respondent, in which it is recommended and stated that the removal order dated 24/08/2017 be maintained and intact accordingly.

It is therefore, most humbly prayed that on acceptance of this Departmental appeal the removal order dated 24/08/2017 and the De-novo Inquiry report dated 6/9/2021 of the concerned authority may very kindly be set aside and the appellant may be reinstated into service with all back consequential benefit.

Dated: 20.09.2021

Your's Obediently


ABDUR RAUF EX -PST
GPS CHAPRI DISTRICT KHYBER

0335-9567744

ATTESTED

16

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO: _____ OF 2021

Abdur Rauf

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Education Deptt.:

(RESPONDENT)
(DEFENDANT)

I/We Abdur Rauf

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

Dated. ____/____/202



CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK

KAMRAN KHAN

&

UMAR FAROOQ MOHMAND

SAID KHAN

HAIDER ALI
ADVOCATES

KHANZAD GUL
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