

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No.693/2014

Date of Institution ... 14.05.2014

Date of Decision ... 13.02.2018

Din Muhammad son of Khair Muhammad Workshop Attendant R/O Mina Khel,
District & Tehsil Lakki Marwat. ... (Appellant)

VERSUS

1. Secretary Education Khyber Pakhtunkhwa Peshawar and 4 others.
...(Respondents)

ARBAB SAIFUL KAMAL, ... For appellant
Advocate

MR. KABIRULLAH KHATTAK, ... For respondents.
Addl. Advocate General

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. GUL ZEB KHAN, ... MEMBER

JUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- Arguments of the learned
counsel for the parties heard and record perused.

FACTS

2. The appellant was terminated from service on 20.09.2012 and on appeal he was reinstated on 31.12.2012 but till now he has not been adjusted against any post nor any salary is paid to him. The appellant then filed an application before the DEO (Male) Lakki Marwat on 20.02.2013 for adjustment and payment of back

benefits but that application was not responded to and thereafter he filed the present service appeal on 14.5.2014.

ARGUMENTS.

3. The learned counsel for the appellant argued that though on departmental appeal the appellant was reinstated but non-implementation of the said order by DEO (respondent No. 3) would give the appellant a new cause of action and the appellant became aggrieved due to non-implementation of the order of the appellate authority. That he filed an application/representation on 20.2.2013 which was not responded to and thereafter the present service appeal. He further argued that the issue pertained to the terms and conditions of service of the appellant (civil servant) and that this Tribunal has the jurisdiction to adjudicate upon the issue.

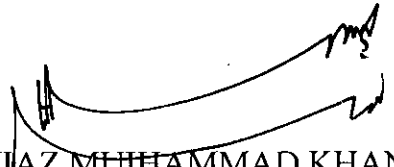
4. On the other hand, the learned Addl. Advocate General argued that the present appeal was not maintainable for the reason that there was no original, or appellate order wherefrom the present appellant was aggrieved. That at the most the appellant could have filed another departmental appeal before the higher authority but could not approach this Tribunal.

CONCLUSION.

5. Admittedly the matter is one of the terms and conditions of the civil servant. Though there is no written order wherefrom the appellant is aggrieved but non-honoring of the order of reinstatement passed by the appellate authority would amount to an order wherefrom the appellant is aggrieved. The appellant then submitted application/representation before the DEO for implementation of the said order but the DEO has not honored the appellate order nor has decided the said application. This Tribunal is, therefore, of the view that the matter may be referred to DEO (Male) Lakki Marat for deciding the application dated 20.02.2013 through a

speaking order within a period of 60 days from the date of receipt of this judgment, failing which the appellant shall be deemed to have been reinstated in service from the date when he was reinstated by the appellate authority with back benefits. Parties are left to bear their own costs. File be consigned to the record room.


(GUL ZEB KHAN)
MEMBER


(NIAZ MUHAMMAD KHAN)
CHAIRMAN

ANNOUNCED
13.02.2018

25.01.2018

None present on behalf of appellant. Mr. Muhammad Jan, DDA for the respondent present. To come up for arguments on 02.04.2018 before D.B.

Member

Chairman

13.02.2018

Counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Muhammad Akram Marwat, Superintendent for the respondents present. Arguments heard and record also perused.

This appeal is accepted as per our detailed judgment. Parties are left to bear their own costs. File be consigned to the record room.

MEMBER

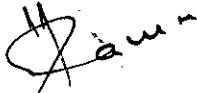
CHAIRMAN

ANNOUNCED
13.02.2018

21. 06.07.2017


Clerk of the counsel for appellant and Mr. Kabir Ullah Khattak, Assistant AG for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for reply and arguments on 01.11.2017 before D.B.


(Gul Zeb Khan)
Member


(Muhammad Hamid Mughal)
Member

01.11.2017

Appellant in person and Addl:AG alongwith Mr. Muhammad Akram, Supdt for respondents present. Arguments could not be heard due to general strike of the Bar. To come up for arguments on 30.11.2017 before D.B.


Member
Executive


Member
Judicial

30.11.2017

Counsel for the appellant and Addl: AG alongwith Mr. Muhammad Akram, Supdt for respondents present. Counsel for the appellant seeks adjournment Adjourned. Last opportunity is granted to the appellant. To come up for arguments on 25.01.2018 before D.B.


Member


Chairman

07.03.2017

Counsel for the appellant and Addl. AG for respondents present. Written reply not submitted despite another last opportunity. Another last opportunity is further extended subject to payment of cost of Rs. 2000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments on 05.04.2017 before S.B.

(MUHAMMAD AMIR NAZIR)
MEMBER

05.04.2017

Counsel for the appellant and Addl. AG alongwith Mr. Sharifullah, ADO for the respondents present. Written reply not submitted despite numerous chances cost of Rs. 2000/- paid and receipt thereof obtained from the counsel. Another last opportunity is further extended subject to payment of cost of Rs. 2000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost on 10.05.2017 before S.B.

Chairman

10.05.2017

Counsel for the appellant and Addl. AG alongwith Mr. Sharifullah, ADO for the respondents present. Written reply not submitted despite numerous opportunities including last opportunity which was further extended subject to payment of cost of Rs. 4000/-. No further opportunity is granted to the respondents. The appeal is assigned to D.B for final hearing for 06.07.2017.

Chairman

24.11.2016

Appellant with counsel and Mr. Sharifullah, ADO alongwith Addl: AG for respondents present. Written reply by respondents not submitted despite extension of last opportunity subject to payment of cost of Rs. 2000/-. Request for adjournment was further made on behalf of the respondents. Last opportunity is further extended. To come up for written reply/comments and cost of Rs. 2000/- on 29.12.2016 before S.B.


(PIR BAKI SHAH)
MEMBER

29.12.2016

Counsel for the appellant and Addl, AG for the respondents present. Addl. AG informed the Tribunal that representative of the respondents met an accident while coming from Lakki Marwat. As such proceedings are adjourned for written statement and cost of Rs. 2000/- to 01.02.2017 before S.B.


Chairman

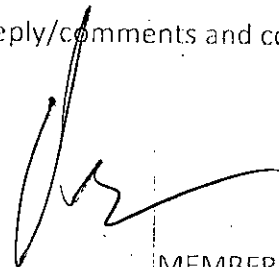
01.02.2017

Counsel for the appellant and Addl. AG alongwith Sharifullah, ADO for the respondents present. Written reply not submitted. On the request of learned Addl. AG another last chance is given. To come up for written reply/comments and cost of Rs. 2000/- on 07.03.2017 before S.B.


Chairman

09.06.2016

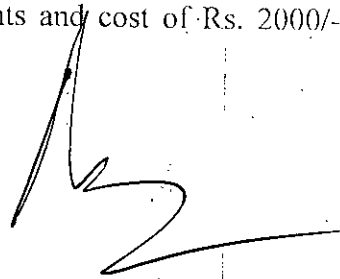
Appellant in person, M/S Khurshid Khan, SO for respondent No. 1 and Hameed-ur-Rehman, AD (lit.) for respondent No. 2 alongwith Addl: AG for respondents present. Written reply by respondents not submitted despite extension of last opportunity subject to payment of cost of Rs. 2000/-. Request for adjournment was further made on behalf of learned Addl: AG. Last opportunity is further extended. To come up for written reply/comments and cost of Rs. 2000/- on 22.08.2016 before S.B.



MEMBER

22.08.2016

Agent to counsel for the appellant, M/S Khurshid Khan, SO and Hameed-ur-Rehman, AD (lit.) alongwith Additional AG for respondents present. Written reply by respondents not submitted despite extension of last opportunity subject to payment of cost of Rs. 2000/-. Request for adjournment was further made on behalf of learned Additional AG. Last opportunity is further extended. To come up for written reply/comments and cost of Rs. 2000/- on 24.11.2016 before S.B.



Member


22.02.2016

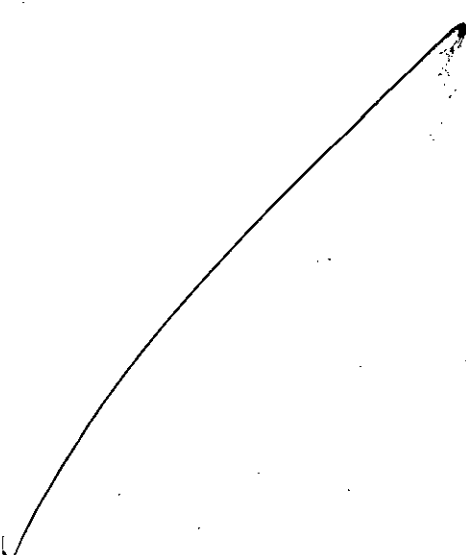
Appellant with counsel, M/S Khurshid Khan, SO, Hameed-ur-Rehman, AD (lit.), Sharifullah, ADO and Farmanullah, Supdt. alongwith Addl: A.G for respondents present. Cost of Rs. 1000/- paid and receipt thereof obtained. However, written reply not submitted. Requested for further adjournment. Last opportunity is extended subject of payment of further cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost of Rs. 1000/- on 27.4.2016 before S.B.


Chairman

27.4.2016

Appellant in person and Mr. Sharifullah, ADO alongwith Addl: A.G for respondents present. Written reply not submitted despite extension of last opportunity and cost of Rs. 1000/-. Another last opportunity is extended subject to payment of further cost of Rs. 1000/- which shall be borne by the respondents from their own pockets. To come up for written reply/comments and cost of Rs. 2000/- on 09.06.2016 before S.B.


Chairman



9 29.06.2015

Appellant in person, M/S Khurshid Khan, SO for respondent No. 1, Javed Ahmed, Supdt. for respondent No. 2, Sharifullah, ADO for respondent No. 3, Farmanullah, Supdt. for respondent No. 4 and Mahabit Khan, AAO for respondent No. 5 alongwith Addl: A.G present. Requested for adjournment. To come up for written reply/comments on 1.10.2015 before S.B.


Chairman

10 01.10.2015

Counsel for the appellant, M/S Khurshid Khan, SO and Muhammad Akram, Supdt. alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 3.12.2015 before S.B.


Chairman

03.12.2015

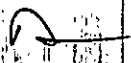
Appellant with counsel, M/S Khurshid Khan, SO, Hameed-ur-Rehman, AD (lit.) and Farmanullah, Supdt. alongwith Addl: A.G for respondents present. Written reply not submitted despite last opportunity. Requested for further adjournment. Last opportunity is extended subject to payment of cost of Rs. 1000/- which shall be borne by the respondents from their own ^{pockets}. To come up for written reply/comments and cost on 22.2.2016 before S.B.


Chairman


7

02.02.2015

Counsel for the appellant present. Preliminary arguments partly heard. Since the matter required further elucidation, therefore, pre-admission notice be issued to the learned AAG with the direction to contact the respondents for submission of complete record of the appellant. To come up for preliminary hearing on 12.03.2015.


Member

12.03.2015

*Appellant deposited
process fee & security.*


Counsel for the appellant and Asst. AG for the respondents present. Learned counsel for the appellant argued that the termination order of the appellant dated 20.09.2012 was annulled by the competent authority in departmental appeal dated 01.10.2012 as the appellant was reinstated in service on 31.12.2012 but till date the appellant is neither reinstated in service nor the financial benefits are given to him .


Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 29.06.2015 before S.B.


Chairman

3.
04.07.2014

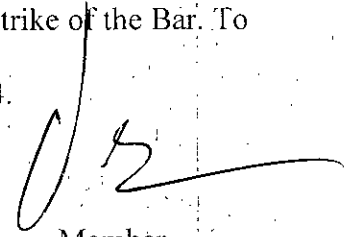
Appellant in person present and requested for adjournment.

Request accepted. To come up for preliminary hearing on 21.08.2014.


Member

4.
21.08.2014

Assistant to counsel for the appellant present. Preliminary arguments could not be heard due to General Strike of the Bar. To come up for preliminary hearing on 11.09.2014.


Member

5.
Reader Note.

11.09.2014

Appellant in person present. The learned Member (Judicial) is not working due to a recent order of the Hon'ble Peshawar High Court, Peshawar effecting his status as District and Session Judge. To come up for preliminary hearing on 17.11.2014.


Reader

6.
Reader Note:

17.11.2014



Nobody is present on behalf of the appellant. Since the Tribunal is incomplete, therefore, case is adjourned to 02.02.2015 for the same.


Reader

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 693/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	14/05/2014	<p>The appeal of Mr. Din Muhammad presented today by Mr. Muhammad Tariq Qureshi Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	14-5-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>4-7-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 693/2014

Din Muhammad S/O Khair Muhammad Workshop Attendant, R/O Mina
Khel, District & Tehsil Lakki Marwat. (Appellant)

VERSUS

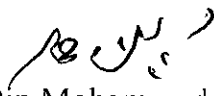
Secretary Education Khyber Pakhtunkhwa and Others. (Respondents)


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S. No	Particular Of Documents	Annexure	Page
1	Appeal alongwith affidavit & memo of addresses	-	1 to 5
2	Appointment Order	A	6
3	Order Dated 28-04-2009, Service Book. Order No.7422	B, C & D	7 to 18
4	Appeal, Order No.1324-25	E & F	19 to 22
5	Application, Suit No.75/1, Civil Appeal No.26/13	G, H & I	23-32
6	Letter No.1-21, Letter No.328	J & K	33-34

Dated: 08/05/2014.

Appellant


Din Mohammad
Through Counsel


Muhammad Tariq Qureshi,
Shakirullah Khan,
Advocate High Court
Lakki Marwat

BEFORE THE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR

Appeal No 693/2014

Din Muhammad S/O Khair Muhammad Workshop Attendant, R/O Mina
Khel. District & Tehsil Lakki Marwat..... (Appellant)

Versus

1. Secretary Education Khyber Pakhtunkhwa, Peshawar.
2. Director Education (E&S) Khyber Pakhtunkhwa, Peshawar.
3. EDO/DEO (E&S) Education, District Lakki Marwat.
4. DCO/DC, District Lakki Marwat.
5. District Account Officer, District Lakki Marwat. (Respondents)

707
14-5-2014

APPEAL UNDER SECTION 4 OF NWFP SERVICE TRIBUNAL
ACT 1974 FOR THE IMPLEMENTATION OF OFFICE ORDER NO.
PS/DCO LAKKI/1324-25 DATED: 31-12-2012.

PRAYER:-

On acceptance of the appeal in hand, to comply/implement the office order no. 1324-25 dated: 31-12-2012 as related to the reinstatement of the petitioner / appellant at his original post as workshop attendant at Govt. Centennial Model High School No. 1 Lakki city District Lakki Marawat with effect from the date of termination dated: 20-09-2012 along with full back benefits. Also the salary / monthly pay along with back salaries of the appellant from 31-12-2012 up to date and month-wise salary in future to be released.

S. Khan

Respectfully Sheweth:-

1. That, the petitioner / appellant is a permanent resident of Lakki city District Lakki Marwat. He was appointed as a workshop attendant BPS-I at G.H.S.No.1 Lakki city in District Lakki Marwat on 01-06-1998. Copies are enclosed as annexure A;

620
14/5/14

2. That, the petitioner / appellant served about 12 year spotless service at the mentioned post and place. The petitioner / appellant was then illegally transferred not only from the parent place but also from the

post to G.H.S.S Sarai Nawrang district Lakki Marwat as water carrier on 28-04-2009 and from Serai Nawrang to Multan Mangiwala district Lakki Marwat as Naib Qasid in 2010, respectively. The discriminative and unlawful acts of respondent No.3 continued against the petitioner / appellant and then by the office order No.7422-26 dated 20-09-2012 terminated, without legal justification and just cause, the service of the petitioner. Copies are enclosed as annexure B, C, D;

3. That, the petitioner / appellant then filed the departmental appeal before the concerned appellant authority respondent No.4 within due course against the order No.7422-26. The respondent No.4 heard and decided the appeal on merit by making order No.1324-25 dated 31-12-2012, according to which the appeal is accepted as per prayed. Copies are enclosed as annexure E, F;
4. That, the petitioner / appellant afterward made an application to the respondent No. 4 for the implementation of the order No.1324-25, but all in vain. Therefore, the petitioner / appellant filed a civil suit of Injunction No.75/1 against the respondents in the court of Civil Judge No. 2 District Lakki Marwat in this regard on 12-03-2013. But learnt civil judge return the plaint by making order no. 13 dated 06-09-2013. The petitioner / appellant file civil appeal no. 26/13 against the order No. 13 to the District Judge District Lakki Marwat on 28-09-2013, but the same was dismissed in limine on 24-01-2014. Copies are enclosed as annexure G, H, I;
5. That, the petitioner / appellant then made an application to the respondent No. 1 for the compliance and implementation of order No. 1324-25. In this regard, a letter No. 1-21 dated: 24-02-2014 was issued to respondent No. 3 for the compliance report, but the same was not concluded yet. Thereafter, the petitioner / appellant again made an application to the respondent No. 4 in regard of order No. 1324-25 and respondent No. 4 formally issued letter No. 328 dated: 09-04-2014 to the respondent No. 3 for the implementation and compliance of the order No.1324-25, but all such are fruitless. Copies are enclosed as annexure J, K ;

6. That, from the above mentioned facts and figures, it is very much cleared now that the petitioner / appellant has left no other remedy except to invoke the jurisdiction of this forum through the instant appeal under the following grounds:

Grounds:-

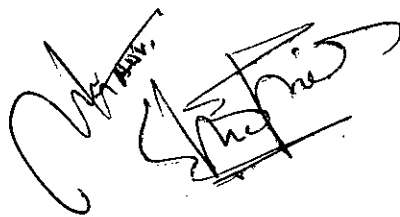
- A. That, delaying tactics in order to avoiding the implementation and compliance of the order No. 1324-25 on the part of Respondents is against Law and Equity.
- B. That, the relief was sought in regard of order No. 1324-25 through the civil court but the same was returned and directed to invoke the jurisdiction of this honorable court, so the instant appeal is also competent in this context under the principles of Law and Equity.
- C. That, the petitioner / appellant knocked at the doors of respondents several times but neither negating nor implementing the concerned order with real spirit which made the petitioner / appellant still aggrieved, so it is malafide on the part of Respondents and is against Law and Policy.
- D. That, the petitioner / appellant has not been treated in accordance with law and not treated equally before the eye of law. In other words, the petitioner / appellant has been discriminated before Law.
- E. That, the counsel for petitioner / appellant also seeks leave of this Honorable Court to argue further Points if rise during the course of arguments.

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

Dated: 08-05-2014



Petitioner / Appellant



Din Muhammad
Through Counsel
Mohammad Tariq Qureshi,
Shakir Ullah Khan
Advocates High Court
Lakki Marwat

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No _____


Din Muhammad S/O Khair Muhammad Workshop Attendant, R/O Mina
Khel, District & Tehsil Lakki Marwat. (Appellant)

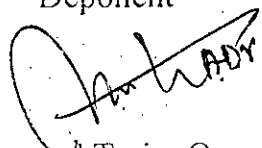
VERSUS

Secretary Education Khyber Pakhtunkhwa and Others:
(Respondents)

AFFIDAVIT

Din
I, Muhammad ~~(Appellant/Petitioner)~~ hereby solemnly affirm and declare
on oath that the contents of instant appeal are true and correct to the best of
my knowledge and belief. Nothing has been concealed from this Honorable
Court.


Din Muhammad.
Deponent


Muhammad Tariq Qureshi
Advocate



BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Appeal No _____

Din Muhammad S/O Khair Muhammad Workshop Attendant, R/O Mina
Khel, District & Tehsil Lakki Marwat. **(Appellant)**

VERSUS

Secretary Education Khyber Pakhtunkhwa and Others.

(Respondents)

MEMO OF ADDRESSES

Din Muhammad S/O Khair Muhammad Workshop Attendant, R/O Mina
Khel, District & Tehsil Lakki Marwat..... **(Appellant)**

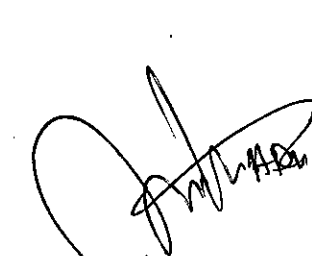
VERSUS

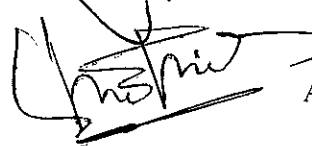
- 1-Secretary Education Khyber Pakhtunkhwa, Peshawar.
- 2-Director Education (E&S) Khyber Pakhtunkhwa, Peshawar.
- 3-EDO/DEO (E&S) Education, District Lakki Marwat.
- 4-DCO/DC, District Lakki Marwat.
- 5-District Account Officer, District Lakki Marwat.

(Respondents)

Dated: 08-05-2014

Petitioner/Appellant


Din Muhammad


Through Counsel
M. Tariq Qureshi.
Shakir Ullah Khan
Advocates High Court
Lakki Marwat.

APPOINTMENT/ADJUSTMENT

As per ordered received from the Hon:able Minister for Education NWFP Peshawar, Mr Din Muhammad S/O Kher, Muhammad resident of Mina Khel Lakki Marwat is hereby adjusted against the vacant post of workshop attendant at G.H.S No. I. Lakki Marwat in relaxation of ban & in BPS 1 (Rs, 1245-35-1770) plus usual allowances as admissible to him under the rules with immediate effect from the date of taking over charge in the best intrest of public and institution.

TERMS & CONDITIONS.

- 1) Charge report should be submitted to all concerned.
- 2) If the candidate ~~is~~ failed to take over charge with in 15 days after the issue of this order his appointment will be stand cancelled automatically.
- 3) The candidate should produced his health & age certificate from the Medical supdt: concerned.
- 4) The age of the candidae should not axceed than 45 years and not below than 18 years.
- 5) The appointment of the candidate ~~is~~ is purely temporary and liable to termination at any time with out assigning any reason.
- 6) The Head Clerk of local office is required to check the original documents/certificates of the candidate concerned positively.

[Signature]

(Haji Hamidullah Tabasum)
Principal,
GHS No. I, Lakki Marwat.

Endst: No. 112-17

Dated Lakki the 1/11/87

Copy to the:-

- 1) Minister & for Education NWFP Peshawar for information.
- 2) Director Secondary Education NWFP Peshawar for information.
- 3) Divisional Director of Edu: (S) D. I. Khan Div: D. I. Khan .
- 4) Distt: Edu: Officer, (M) Secy: Lakki Marwat.
- 5) Distt: Accounts Officer, Lakki Marwat.
- 6) Candidate concerned.

[Signature]

Principal,
G. H. S No. I, Lakki Marwat.

Attested

[Signature]
DOST MUHAM
S.E.T. B.P.S-17
G.H.S No: 1, Lakki

Attested
[Signature]

Hic
DO the needful
immediately

Transfer of the following Class-IV is hereby ordered in the best interest of public service.

Sl. No.	Name of the Officer	From	To	Remarks
011	M. Dil Jan S-IV	GSMS, Naurang	GCMBS, No. 1, Lakki.	No. 2
02	Class-IV (order complete)	GSMS, No. 1, Lakki	GHSS, Gera, No. 1 Naurang.	

- NOTES:-**
- (1) No DA/DA is allowed.
 - (2) Charge report should be submitted to all concerned.
 - (3) Mr. Dil Jan will perform his duty at EDO (P) Lakki.

Executive District Officer,
(E&S Education) Lakki Marwat.

27/29 dated 28/5/2009.

- Copy to:-
- 1. District Accounts Officer, Lakki Marwat.
 - 2. Principals concerned schools.

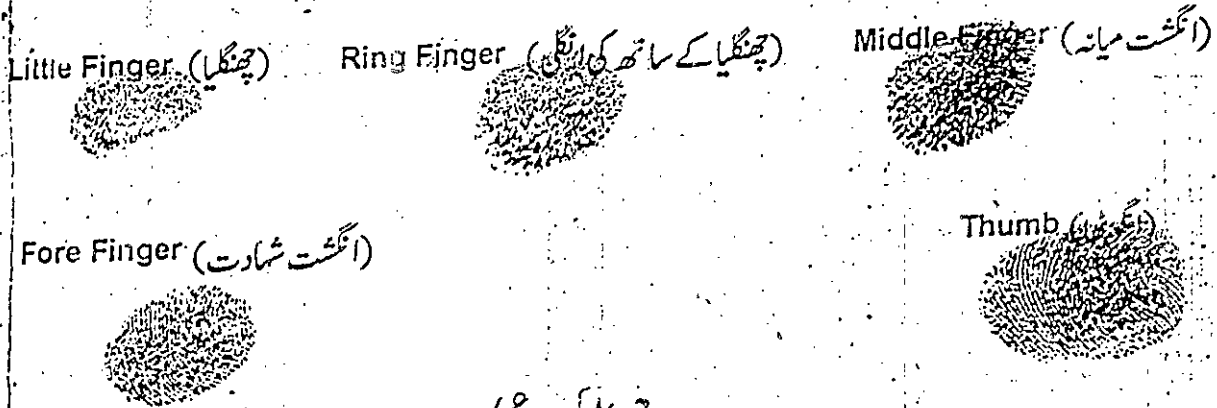
Executive District Officer,
(E&S Education) Lakki Marwat.

Approved,
Shahid

1. Name (نام) Dir Muhammad
2. Nationality and Religion Islam
(قومیت اور مذہب)
3. Residence Jaffki Min a Subul
(مستقل رہائش)
4. Father's Name and residence Kher Muhammad
(والد کا نام اور پتہ)
5. Date of birth Christian era as 1-1-1964
nearly as can be ascertained
(تاریخ پیدائش مطابق سن عیسوی)
6. Exact height by measurement 5 - 8
(قد و قامت)
7. Personal mark of identification _____
(نشان شناخت)

Left hand/right hand thumb and finger impressions of (Non-gazetted officer)

(مرد کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)



Signature of Govt. Servant (سرکاری ملازم کے دستخط)

دیکھ کر محمد

[Handwritten signature]

Added
[Signature]

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

PHILIPAS
S.H.S NO. 1

(تصدیق کنندہ کے دستخط اور سر)

2

Note: The entries in this page should be renewed or re-aggested at least every five years and the signatures in lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

اس صفحہ کے مندرجہ کم از کم پانچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر ۹ اور ۱۰ میں دستخطوں کے نیچے تاریخ لکھنی چاہیے۔

انگلیوں کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں۔

1 Name of Post	2 Whether Substantive of officiating any whether permanent or temporary	3 Il officiating title- (i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of G.O.R. (Pb.) Volume II اگر مارٹن میسج کے رول کے مطابق پینشن کا مستحق ہے؟	4 Pay in substantive position		5 Additional pay for officiating		6 Other emoluments falling under the term pay اسوائے حقوہ دیگر الاؤنس	7 Date of appointment تاریخ تقرری	Signature of Jce of Government جسٹس	Jce of Government station جسٹس کی اسٹیشن
			Rs	P.	Rs.	P.				
RPS No. 1 (12/1/2000)										
W/A					1245/-	00		1/6/1998		PRIN G.H.S. LAKKI
GHS No. 097/Kucp										2
دکنی										
Masruel										
No - No					1280/-	00		1/12/1998		PRIN G.H.S. LAKKI
										2
No - No					1315/-	00		1/12/1998		PRIN G.H.S. LAKKI
No - No					1350/-	00		1/12/2000		PRIN G.H.S. LAKKI
No - No					1385/-	00		1/12/2001		PRIN G.H.S. LAKKI

Attended
[Signature]

DALENO 1992 JPR
GHS
LAKKI

8 Date of appointment	9 Signature and designation of Head of the Government or other attesting officer	10 Date of termination or appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the officer or other Attesting officer	13 Nature and duration of leave taken	13 Allocation of period of leave of average pay up to four months (or earned leave not exceeding 120 days) to which leave salary is debitable to another Government	14 Signature of the Head of the office other attesting Officer	15 Reference to any recorded punishment, censure, or reward, or praise in the Government servants
1/6 1898	Principal G.H.S. No. 1 Lakki Marwal	30/11 1898	Promotion	Principal G.H.S. No. 1 Lakki Marwal	Promotion	Appointed as W/A at G.H.S. No. 1 Lakki Marwal	Principal G.H.S. No. 1 Lakki Marwal	Reference to any recorded punishment, censure, or reward, or praise in the Government servants
1/12 1898	Principal G.H.S. No. 1 Lakki Marwal	30/11 1898	Promotion	Principal G.H.S. No. 1 Lakki Marwal	Promotion	Appointed as W/A at G.H.S. No. 1 Lakki Marwal	Principal G.H.S. No. 1 Lakki Marwal	Reference to any recorded punishment, censure, or reward, or praise in the Government servants
1/12 1898	Principal G.H.S. No. 1 Lakki Marwal	30/11 1898	Promotion	Principal G.H.S. No. 1 Lakki Marwal	Promotion	Appointed as W/A at G.H.S. No. 1 Lakki Marwal	Principal G.H.S. No. 1 Lakki Marwal	Reference to any recorded punishment, censure, or reward, or praise in the Government servants
1/12 2000	Principal G.H.S. No. 1 Lakki Marwal	30/11 2000	Promotion	Principal G.H.S. No. 1 Lakki Marwal	Promotion	Appointed as W/A at G.H.S. No. 1 Lakki Marwal	Principal G.H.S. No. 1 Lakki Marwal	Reference to any recorded punishment, censure, or reward, or praise in the Government servants
1/12 2001	Principal G.H.S. No. 1 Lakki Marwal	30/11 2001	Promotion	Principal G.H.S. No. 1 Lakki Marwal	Promotion	Appointed as W/A at G.H.S. No. 1 Lakki Marwal	Principal G.H.S. No. 1 Lakki Marwal	Reference to any recorded punishment, censure, or reward, or praise in the Government servants
1/12 2001	Principal G.H.S. No. 1 Lakki Marwal	30/11 2001	Promotion	Principal G.H.S. No. 1 Lakki Marwal	Promotion	Appointed as W/A at G.H.S. No. 1 Lakki Marwal	Principal G.H.S. No. 1 Lakki Marwal	Reference to any recorded punishment, censure, or reward, or praise in the Government servants

Appointed as W/A at G.H.S. No. 1 Lakki Marwal

1-6-1898

1-12-1898

1-6-1898

1-12-1898

1-6-1898

1-12-1898

1-6-1898

Date of appointment	Signature and Position of Head of the office or other attesting officer (Annex 1 to 8)	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other Attesting officer	Nature and duration of leave taken	Allocation of period of leave of average pay up to 120 months (or earned days) exceeding 120 days) to which leave salary is debitable to another Government	Signature of the Head of the office other attesting Officer	Reference to any recorded punishment of censure, or reward, or praise of the Government servants				
						<table border="1"> <tr> <th>Period</th> <th>Government to which debitable</th> </tr> <tr> <td></td> <td></td> </tr> </table>	Period	Government to which debitable				
Period	Government to which debitable											
1/12/1999	Principal, Govt High School No. 1 Lakkhi Marwat	30/11/2000				1-12-1999 to 30-11-2000	Principal, Govt High School No. 1 Lakkhi Marwat	1-12-1999				
1/12/2000	Principal, Govt High School No. 1 Lakkhi Marwat	30/11/2001				1-12-2000 to 30-11-2001	Principal, Govt High School No. 1 Lakkhi Marwat	1-12-2000				
1/12/2001	Principal, Govt High School No. 1 Lakkhi Marwat	30/11/2002				1-12-2001 to 30-11-2002	Principal, Govt High School No. 1 Lakkhi Marwat	1-12-2001				
1/12/2002	Principal, Govt High School No. 1 Lakkhi Marwat	30/11/2003				1-12-2002 to 30-11-2003	Principal, Govt High School No. 1 Lakkhi Marwat	1-12-2002				
1/12/2003	Principal, Govt High School No. 1 Lakkhi Marwat	30/11/2004				1-12-2003 to 30-11-2004	Principal, Govt High School No. 1 Lakkhi Marwat	1-12-2003				
1/12/2004	Principal, Govt High School No. 1 Lakkhi Marwat	30/11/2005				1-12-2004 to 30-11-2005	Principal, Govt High School No. 1 Lakkhi Marwat	1-12-2004				

OFFICE OF THE ACCOUNTANT GENERAL
 PESHAWAR
 PAY FIXES IN THE SEVERED BASIC
 SCALES
 15/12/2001
 AT PESHAWAR
 WITH NEAR PRESENTMENT OF
 ACCOUNTS OFFICER
 PESHAWAR
 PAY FIXATION PARTY

Principal,
 Govt High School No. 1
 Lakkhi Marwat

1 Name of Post	2 Whether Substantive of officiating any whether permanent or temporary	3 If officiating state- (i) substantive appointment of (ii) whether service counts for pension under rule 3-20 of C.S.R. (Pb.) Volume II	4 Pay in substantive position		5 Additional pay for officiating		6 Other emoluments falling under the term pay	7 Date of appointment	8 Signature of Head of the Government or other stating officer
			Rs.	Ps.	Rs.	Ps.			
ادری ملازمت	عارضی مشین تعمیر	رول کے مطابق ہے تو سختی ہے؟							
W/ADL GCMH Jalbi Muzaffar	Chaffer				260/-		11/7 2005		PRINCIPAL G.H.S Lakki
					267/-		11/12 2005		PRINCIPAL G.H.S Lakki
					273/-		11/12 2005		PRINCIPAL G.H.S Lakki
pay fixed provisionally fixation Revenue BPS No. 1 h 2550-65-8100									
					315/-		11/7 2005		PRINCIPAL G.H.S Lakki
pay fixed provisionally fixation BPS Graduate to BPS No. 2 h 2530-85-5080									
					371/-		7 2007		PRINCIPAL G.H.S Lakki

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8	9	10	11	12	13	14	15	
Date of appointment	Signature and designation of Head of the Government office or other attesting officer	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other Attesting officer	Name and duration of leave taken	Allocation of period of average pay up to 120 months (or earned pay exceeding 120 days) to which leave salary is debitable to another Government	Signature of the Head of the office other attesting Officer	Reference to any recorded punishment, censure, or reward, or granted to the Government servants
						Period: Government to which debitable		
12/05/2005	Principal G.H.S. No. 1 Lakki Marwat	30/11/2005	30/11/2005	Principal G.H.S. No. 1 Lakki Marwat	Principal G.H.S. No. 1 Lakki Marwat	30/11/2005	Principal G.H.S. No. 1 Lakki Marwat	Govt. High School No. 1 Lakki (Badr)
12/05/2006	Principal G.H.S. No. 1 Lakki Marwat	30/11/2006	30/11/2006	Principal G.C.M.H.S. No. 1 Lakki Marwat	Principal G.C.M.H.S. No. 1 Lakki Marwat	30/11/2006	Principal G.C.M.H.S. No. 1 Lakki Marwat	Govt. High School No. 1 Lakki (Badr)
12/05/2006	Principal G.C.M.H.S. No. 1 Lakki Marwat	30/11/2006	30/11/2006	Principal G.C.M.H.S. No. 1 Lakki Marwat	Principal G.C.M.H.S. No. 1 Lakki Marwat	30/11/2006	Principal G.C.M.H.S. No. 1 Lakki Marwat	Govt. High School No. 1 Lakki (Badr)
12/05/2007	Principal G.C.M.H.S. No. 1 Lakki Marwat	30/11/2007	30/11/2007	Principal G.C.M.H.S. No. 1 Lakki Marwat	Principal G.C.M.H.S. No. 1 Lakki Marwat	30/11/2007	Principal G.C.M.H.S. No. 1 Lakki Marwat	Govt. High School No. 1 Lakki (Badr)
12/05/2007	Principal G.C.M.H.S. No. 1 Lakki Marwat	30/11/2007	30/11/2007	Principal G.C.M.H.S. No. 1 Lakki Marwat	Principal G.C.M.H.S. No. 1 Lakki Marwat	30/11/2007	Principal G.C.M.H.S. No. 1 Lakki Marwat	Govt. High School No. 1 Lakki (Badr)

Principal G.C.M.H.S. No. 1 Lakki Marwat

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8	9	10	11	12	13	14	15	
Date of appointment	Signature and designation of Head of the office or other Attesting officer	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other Attesting officer	Name and duration of leave taken	Allocation of period of leave (or average pay up to 120 days) to which leave salary is debitable to another Government	Signature of the Head of the office or other Attesting Officer	Reference to any recorded punishment, censure, or reward, or praise of the Government servants
12/12/2008	<i>[Signature]</i>	30/6/2008	رجوعت تعلیل ملازمت ترقی درجہ پر مبنی	<i>[Signature]</i>	رجوعت کی توثیق و رسید	پہلے ایک کی رجوعت کے لے اوسط تنخواہ کا تعین	<i>[Signature]</i>	رجوعت ملازمت کا ریکارڈ
12/12/2008	<i>[Signature]</i>	30/6/2008	رجوعت تعلیل ملازمت ترقی درجہ پر مبنی	<i>[Signature]</i>	رجوعت کی توثیق و رسید	پہلے ایک کی رجوعت کے لے اوسط تنخواہ کا تعین	<i>[Signature]</i>	رجوعت ملازمت کا ریکارڈ
12/12/2008	<i>[Signature]</i>	30/6/2008	رجوعت تعلیل ملازمت ترقی درجہ پر مبنی	<i>[Signature]</i>	رجوعت کی توثیق و رسید	پہلے ایک کی رجوعت کے لے اوسط تنخواہ کا تعین	<i>[Signature]</i>	رجوعت ملازمت کا ریکارڈ
12/12/2008	<i>[Signature]</i>	30/6/2008	رجوعت تعلیل ملازمت ترقی درجہ پر مبنی	<i>[Signature]</i>	رجوعت کی توثیق و رسید	پہلے ایک کی رجوعت کے لے اوسط تنخواہ کا تعین	<i>[Signature]</i>	رجوعت ملازمت کا ریکارڈ
12/12/2008	<i>[Signature]</i>	30/6/2008	رجوعت تعلیل ملازمت ترقی درجہ پر مبنی	<i>[Signature]</i>	رجوعت کی توثیق و رسید	پہلے ایک کی رجوعت کے لے اوسط تنخواہ کا تعین	<i>[Signature]</i>	رجوعت ملازمت کا ریکارڈ
12/12/2008	<i>[Signature]</i>	30/6/2008	رجوعت تعلیل ملازمت ترقی درجہ پر مبنی	<i>[Signature]</i>	رجوعت کی توثیق و رسید	پہلے ایک کی رجوعت کے لے اوسط تنخواہ کا تعین	<i>[Signature]</i>	رجوعت ملازمت کا ریکارڈ
12/12/2008	<i>[Signature]</i>	30/6/2008	رجوعت تعلیل ملازمت ترقی درجہ پر مبنی	<i>[Signature]</i>	رجوعت کی توثیق و رسید	پہلے ایک کی رجوعت کے لے اوسط تنخواہ کا تعین	<i>[Signature]</i>	رجوعت ملازمت کا ریکارڈ
12/12/2008	<i>[Signature]</i>	30/6/2008	رجوعت تعلیل ملازمت ترقی درجہ پر مبنی	<i>[Signature]</i>	رجوعت کی توثیق و رسید	پہلے ایک کی رجوعت کے لے اوسط تنخواہ کا تعین	<i>[Signature]</i>	رجوعت ملازمت کا ریکارڈ
12/12/2008	<i>[Signature]</i>	30/6/2008	رجوعت تعلیل ملازمت ترقی درجہ پر مبنی	<i>[Signature]</i>	رجوعت کی توثیق و رسید	پہلے ایک کی رجوعت کے لے اوسط تنخواہ کا تعین	<i>[Signature]</i>	رجوعت ملازمت کا ریکارڈ
12/12/2008	<i>[Signature]</i>	30/6/2008	رجوعت تعلیل ملازمت ترقی درجہ پر مبنی	<i>[Signature]</i>	رجوعت کی توثیق و رسید	پہلے ایک کی رجوعت کے لے اوسط تنخواہ کا تعین	<i>[Signature]</i>	رجوعت ملازمت کا ریکارڈ
12/12/2008	<i>[Signature]</i>	30/6/2008	رجوعت تعلیل ملازمت ترقی درجہ پر مبنی	<i>[Signature]</i>	رجوعت کی توثیق و رسید	پہلے ایک کی رجوعت کے لے اوسط تنخواہ کا تعین	<i>[Signature]</i>	رجوعت ملازمت کا ریکارڈ
12/12/2008	<i>[Signature]</i>	30/6/2008	رجوعت تعلیل ملازمت ترقی درجہ پر مبنی	<i>[Signature]</i>	رجوعت کی توثیق و رسید	پہلے ایک کی رجوعت کے لے اوسط تنخواہ کا تعین	<i>[Signature]</i>	رجوعت ملازمت کا ریکارڈ
12/12/2008	<i>[Signature]</i>	30/6/2008	رجوعت تعلیل ملازمت ترقی درجہ پر مبنی	<i>[Signature]</i>	رجوعت کی توثیق و رسید	پہلے ایک کی رجوعت کے لے اوسط تنخواہ کا تعین	<i>[Signature]</i>	رجوعت ملازمت کا ریکارڈ
12/12/2008	<i>[Signature]</i>	30/6/2008	رجوعت تعلیل ملازمت ترقی درجہ پر مبنی	<i>[Signature]</i>	رجوعت کی توثیق و رسید	پہلے ایک کی رجوعت کے لے اوسط تنخواہ کا تعین	<i>[Signature]</i>	رجوعت ملازمت کا ریکارڈ

Service Verified w. c. f. 12-12-2008
to 30.11.2008
and other Record of this office
Principal,
Govt High School No. 1
Lakki Marwa

Principal
G.C.M.I.S No. 1
Lakki Marwa

Principal
G.C.M.I.S No. 1
Lakki Marwa

Principal
G.C.M.I.S No. 1
Lakki Marwa

Principal
G.C.M.I.S No. 1
Lakki Marwa

Principal
G.C.M.I.S No. 1
Lakki Marwa

Attested
[Signature]

8	9	10	11	12	13	14	15		
Date of appointment	Signature of Government servant	Signature and designation of Head of the office or other attesting officer	Date of termination or appointment	Reason of termination (such as promotion, transfer, dismissal etc.)	Signature of the head of the office or other Attesting officer	Name and duration of leave taken	Allocation of period of leave (months or earned days) to which leave salary is debitable to another Government	Signature of the Head of the office other attesting Officer	Reference to any recorded punishment of censure, or reward, or praise of the Government servants
							Period Government to which debitable		
25/08/09		<i>[Signature]</i> Principal GHSS, Semi Naurang Larki Marwal	30/11/09	مقامات کی منتقلی اور عطلت	<i>[Signature]</i> Principal GHSS S/Naurang	مقام کی منتقلی اور عطلت		<i>[Signature]</i> Principal GHSS S/Naurang	31/12/09 Principal GHSS S/Naurang
07-2/22/4/2008									
									02-5-09 30-11-09 Record of this office
									Principal GHSS S/Naurang
12/09/09		<i>[Signature]</i> Principal GHSS S/Naurang	27/10/09	Transfer	<i>[Signature]</i> Principal GHSS S/Naurang			<i>[Signature]</i> Principal GHSS S/Naurang	01-12-2009 27-1-2010 in acq roll & other Record of this office
31/12/09		<i>[Signature]</i> Principal GHSS S/Naurang							

Amended
[Signature]

14

ANNEXURE 1

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&S) EDUCATION LAKKI MARWAT

OFFICE ORDER:-

Consequent upon the refusal to obey the order of the immediate Officer, regarding performance official duty, by giving show cause notice and statement of allegation through enquiry officer, as well as in the light of finding/report of enquiry officer, the services of Mr. Din Muhammad Behishi (Class IV) Govt. Middle School Multan Manjiwla (Lakki Marwat) are hereby terminated with immediate effect

NOTE:-

Necessary entry to this effect should be made in his S/Book

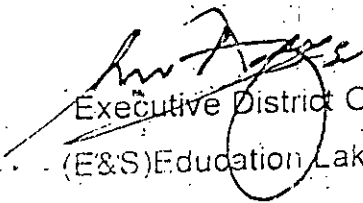
Executive District Officer
(E&S) Education Lakki Marwat

7422-26

Endst :No. _____ / Dated lakki Marwat the 20.9.2012

Copy for information to

- 01- The District Coordination Officer Lakki Marwat
- 02- The District Officer (M) Local Office
- 03- The District Accounts Officer Lakki Marwat
- ✓ 04- Head Master, GMS, Multan Manjiwla Lakki Marwat
- 05- Official Concerned.


Executive District Officer
(E&S) Education Lakki Marwat.

Amended
E/S

SHOW CAUSE NOTICE

(15)

I Mir Azam Khan Executive District Officer (E&S) Education Lakki Marwat as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Mr. Din Muhammad Behshiti as follows:

1. (i) that consequent upon the completion of inquiry conducted against you by the inquiry officer/inquiry committee vide communication No. 76 dated, 21/4/2012;
- (ii) On going through the findings and recommendations of the inquiry officer/inquiry committee, the material on record and other connected papers including your defense before the inquiry officer/inquiry committee,-

I am satisfied that you have committed the following acts/omission specified in rule 3 of the said rules:

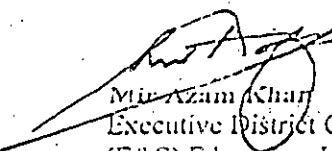
- (a) You have refused to obey the order of immediate boss
- (b) You failed to performed the duty as Chowkidar, as per your written statement On the order boob of the Head Master.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you the penalty of termination from Service under rule 4 of the said rules.

3. 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.

4. 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.

5. A copy of the findings of the inquiry officer / inquiry committee is enclosed.


Mir Azam Khan
Executive District Officer
(E&S) Education Lakki Marwat
Competent Authority

Advised
S. Ahmed

OFFICE OF THE EXECUTIVE DISTRICT OFFICER (E&S) EDUCATION LAKKI MARWAT

16

No. 3195

Dated 02/05/2012

To

Amir Nawaz Khan
Head Master
Govt; High School
Dallo Khel

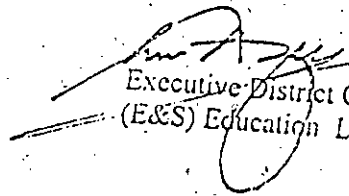
Subject: SHOW CAUSE

Memo;


Reference your inquiry report against Din Muhammad Vide your No.76 Dated.21/4/2012
Show cause notice in the name of the above accused (required under Section 3 (2)/a NWFP
removal from Service Special Power Ordinance 2000 as well as amended vide Govt. Khyber
Pakhtunkhwa Establishment Department Regularization Wing No. SOR-VI/E&D/2-6 dated 8-
10-2011) which may be served upon her

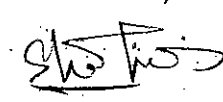
The accused may be given at least 7 days for submission of the reply to the Show Cause
notice.

However the period may be extended in special circumstances Section 3(2) b NWFP removal
from service Special Power Ordinance 2000.


Executive District Officer
(E&S) Education Lakki Marwat

آج خراج 5/5/2012
مفتاح محمد علی شہزاد


دین محمد

Amended


To:

Mr. Amir Azam Khan,
E.D.O (E&S) Education,
Lakki Marwat.

Subject:

REPLY TO SHOW CAUSE NOTICE

Respected Sir,

Reference to your show cause notice received vide your letter No.3195 dated 02/05/2012, addressed to Mr. Amir Nawaz Khan, Head Master G.H.S Dallo Khel Lakki Marwat received on 07/05/2012.

Before giving the proper reply to the show cause notice as required vide rule 14 & 15 of the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rule 2011, which is defective in nature, my submissions are as under:-

1. According to Show Cause Notice Para I and II (a), I have never refused to obey the legal order of my immediate officer, word Boss is not understand.
2. In Para I word Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011, used where as in the letter address to Mr. Amir Nawaz Khan Headmaster G.H.S Dallo Khel Lakki Marwat Section 3 (2)/a N.W.F.P Removal from Service Special Power Ordinance 2000 used, which has created doubts and is against the justice as at a time I have been proceeded under two separate rules.
3. It is pointed out that I have been basically/initially appointed as a Workshop Attendant at G.H.S No.1 Lakki Marwat vide Principal G.H.S No.1 Lakki Marwat order No.612-17 dated: 01-06-1998 where as in the Show Cause notice in Para I, I have been shown as Din Mohammad Bahisti where as in Show Cause Notice Para I,II(b) second allegation levelled against me regarding non performance of duty as chowkidar.
4. In Para 5 a copy of findings of the inquiry officer has not been found enclosed with the Show Cause Notice due to which I will be unable to furnish the accurate and an exact reply as required vide rule 14 (4) (c) of the Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rules 2011.
5. It is also submitted that the word "her" may kindly be deleted from the first paragraph, last line of letter No.3195 dated: 02/05/2012 with the request to insert / substitute the word "him" as I am the male Government Employee and not female.
6. It is submitted that the inquiry conducted by the inquiry officer is against the rule 11 of Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) Rule 2011.

Amir Azam Khan

G.H.S Dallo Khel

24

(107)

I will also request for person hearing as indicated in Para 3 of Show Cause Notice required vide rule 15 Khyber Pakhtunkhwa Government Servant (Efficiency & Discipline) rule 2011.

8. R/Sir, I have been performed my duties in great zeal and efficiency throughout my service in Government High School No.1 Lakki Marwat against the post of Workshop Attendant for which I have been specifically appointed as evident from my appointment order and Service Book, but now I have come to know from the show cause notice that my designation have been changed from Workshop Attendant to Bahishti or Chowkidar which is injustice with the low paid employee for which I request the Competent Authority to reconsider my case sympathetically or humanitarians grounds and my original designation as a Workshop Attendant may kindly be restored in the interest of public.
9. Detail reply to the Show Cause Notice will be submitted on the receipt a copy of the findings of the inquiry officer which was my fundamental rights as required under the rules but deprived from it hence could furnish the concluded reply to the show cause notice.
10. My transfer from Government Centennial Model High School No.1 Lakki Marwat to Government Middle School Multan Manjiwala is also against the Para (I) (VIII) of the Posting/Transfer policy of the Provincial Government 2009.

Keeping in view position categorically explained above I humbly prayed that I may very kindly exonerated from the charges leveled against me and oblige.

Thanking you Sir,
Your most obedient Servant



DIN MOHAMMAD
Work Shop Attendant,
G.S.M.H.S No.1 Lakki Marwat
Now G.M.S Multan Manji Wala
Lakki Marwat

Dated: 08-05-2012

Copy Forwarded to:-

1. Mr Istikhar Muhammad Chaudhry, Honourable Chief Justice, Supreme Court of Pakistan, Islamabad.
2. Mr. Amir Nawaz Khan Head Master G.H.S Dallo Khel Lakki Marwat.
3. Mr. Sir Anjam Khan Head Master G.M.S Multan Manjiwala Lakki Marwat.

Amended:
S/STW

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Annexure

E

BEFORE THE DISTRICT COORDINATION OFFICER LAKKI MARWAT

(Departmental Appellate Authority)

Din Muhammad S.O Khair Muhammad R/O Mohallah Mina Khel Lakki City,
Tehsil & District Lakki Marwat.Appellant

Versus

1. The Executive District Officer (Elementary & Secondary) Education Lakki Marwat.
2. The District Accounts Officer Lakki Marwat.....Respondents

DEPARTMENTAL APPEAL/REPRESENTATION UNDER SECTION 4 OF THE NWFP NOW KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER BEARING NO. 7422-26 DATED 20.09.2012 WHEREBY THE SERVICES OF THE APPELLANT HAS BEEN TERMINATED ILLEGALLY, UNLAWFULLY AND MALAFIDE AND PURELY ON POLITICAL GROUNDS

Respectfully Sheweth.

FACTS

Departmental appeal/representation of the appellant is as under:-

1. That the appellant is the bonafide resident of Lakki City having been appointed as a Workshop Attendant by the Principal Govt: High School No. 1 Lakki City on 01.06.1998 (photocopy of appointment order is enclosed as Annexure A).
2. That the appellant has served with clean conduct and to the entire satisfaction of his superiors for about 12 years in Govt: Centennial Model High School No. 1 Lakki City.
3. That during the tenure of my posting at the above school, the sitting Headmaster was always used to send me to all outdoor duties and other class IV was used for his personal deed etc during the working hours.
4. That beside the appellant was basically recruited as a Workshop attendant but unlawfully posted as a Water Carrier in GHSS Naurang on 01.05.2009 as evident from the relevant entries of my service book (photocopy enclosed as Annexure B).
5. That again the appellant was transferred and posted in GMS Multan Manjiwala as a sweeper whereas illegally order to perform the duties of chowkidar due to some unknown reasons.
6. That due to some unknown reasons, the respondent No 1 issued a show cause notice bearing No 3195 dated 02.05.2012 addressed to Mr Amir Nawaz Head Master GHS Dallo Khel/enquiry officer, to the appellant, received on 07.05.2012 (photocopy enclosed as Annexure C).
7. That in compliance with the Respondent No 1 show cause notice, detailed reply was furnished on 08.05.2012 to the Respondent No 1 (Photocopy enclosed as Annexure D).
8. That vide Para 4 of reply to show cause notice, copy of the enquiry report as required vide Rule 14 (4) (c) of the Khyber Pakhtunkhwa, (E&D) Rules, 2011 has not yet provided which is a fundamental rights of the appellant.
9. That the appellant has been deprived from his due rights of personal hearing as required vide Rules 15 of Khyber Pakhtunkhwa, (E&D) Rules, 2011.
10. That due to some personal grudges by Mr Amir Nawaz, the then Headmaster with the appellant, who was intentionally appointed as Enquiry Officer to recommend the appellant for termination and accordingly terminated the appellant vide impugned order cited above (Photocopy enclosed).

Amir Nawaz
Headmaster

PRAYER.

In the light of relevant rules of Khyber Pakhtunkhwa, (E&D) Rules, 2011, the termination order of the appellant is illegal, unlawful and malafide and purely on political grounds to create a post of class IV for some influential people, therefore the termination order of the appellant is liable to be set aside with effect from the date of termination on the following grounds and also temporary injunction may be granted so that no other one is appointed against the said seat:-

GROUNDS

- A. That the appellant was appointed on a specific post of Workshop attendant in GHS No 1 Lakki Marwat.
- B. That the appellant has served with clean conduct to the entire satisfaction of his superiors and nothing is on record against the conduct of the appellant.
- C. That the designation of the appellant was illegally changed to some other category of class IV employees as designation could not be changed without the prior approval of the Finance Department.
- D. That no proper enquiry was conducted against the appellant but impartial proceedings were conducted by the Enquiry Officer.
- E. That copy of enquiry report was not provided to the appellant which is mandatory as required vide rule cited above.
- F. That no personal hearing opportunity was provided to the appellant.
- G. That the appellant has been terminated only to create a post for some other influential people which will be known later on to all concerned.
- H. That clear violation of rules applicable has been made by the Respondent No 1.

Keeping in view the above facts and grounds, it is requested that the impugned order cited above, may kindly be set aside and the appellant be allowed to serve in his original post of Workshop Attendant in GCMHS No 1 Lakki Marwat for which he has specifically been appointed.

It is further prayed that temporary injunction may also be granted to the appellant so that the Respondent No 1 could not appoint other one against the vacant post of the appellant.


APPELLANTS.

Dated : 01.10.2012.

D. C. M.
DIN MUHAMMAD S/O
KHAIR MUHAMMAD
R/O MOHALLAH MINA KHEL
DISTRICT LAKKI MARWAT.

Adm. Sec.
10/10/12

(26)

17/10/12

BEFORE THE DISTRICT COORDINATION OFFICER LAKKI MARWAT
(Departmental Appellate Authority)

Din Muhammad S/O Khair Muhammad R/O Mohallah Mina Khel Lakki City, Tehsil & District Lakki Marwat. Applicant

Versus

1. The Executive District Officer (Elementary & Secondary) Education Lakki Marwat.
2. The District Accounts Officer Lakki Marwat Respondents

APPLICATION FOR TEMPORARY INJUNCTION AGAINST THE IMPUGNED ORDER BEARING NO. 7422-26 OF 20.09.2012 WHEREBY THE SERVICES OF THE APPELLANT HAS BEEN TERMINATED ILLEGALLY, UNLAWFULLY, MALAFIDE & PURELY ON POLITICAL GROUNDS TILL DECISION OF THE DEPARTMENTAL APPEAL
Respectfully Sheweth.

- a. That the appellant is the bonafide resident of Lakki City having been appointed as a Workshop Attendant by the Principal Govt: High School No. 1 Lakki City on 01.06.1998 (photocopy of appointment order is enclosed as Annexure A).
- b. That the appellant has served with clean conduct and to the entire satisfaction of his superiors for about 12 years in Govt: Centennial Model High School No. 1 Lakki City.
- c. That during the tenure of my posting at the above school, the sitting Headmaster was always used to send me to all outdoor duties and other class IV was used for his personal deed like Malash etc during the working hours.
- d. That beside the appellant was basically recruited as a Workshop attendant but unlawfully posted as a Water Carrier in GHSS Naurang on 01.05.2009 as evident from the relevant entries of my service book (photocopy enclosed as Annexure B).
- e. That again the appellant was transferred and posted in GMS Multan Manjiwala as a sweeper whereas illegally order to perform the duties of chowkidar.
- f. That due to some unknown reasons, the respondent No 1 issued a show cause notice bearing No 3195 dated 02.05.2012 addressed to Mr Amir Nawaz Head Master GHS Dallo Khel/enquiry officer, to the appellant, received on 07.05.2012 (photocopy enclosed as Annexure C).
- g. That in compliance with the Respondent No 1 show cause notice, detailed reply was furnished on 08.05.2012 to the Respondent No 1 (Photocopy enclosed as Annexure D).
- h. That vide Para 4 of reply to show cause notice, copy of the enquiry report as required vide Rule 14 (4) (c) of the Khyber Pakhtunkhwa, (E&D) Rules, 2011 has not yet provided which is a fundamental rights of the appellant.
- i. That the appellant has been deprived from his due rights of personal hearing as required vide Rules 15 of Khyber Pakhtunkhwa, (E&D) Rules, 2011.
- j. That due to some personal grudges by Amir Nawaz, the then Headmaster GCMHS No 1 Lakki Now HM GHS Dallo Khel, he was intentionally appointed as a Enquiry Officer to recommend the appellant for termination and accordingly terminated the appellant vide impugned order cited above (Photocopy enclosed).

Therefore it is requested that on acceptance of this application the impugned order may kindly be set aside and the temporary injunction may be granted to the applicant with the direction to Respondents Department not to appoint any other persons till decision of the case.

APPLICANT.

Dated : 01.10.2012.

[Handwritten signature]

DIN MUHAMMAD S/O
KHAIR MUHAMMAD
R/O MOHALLAH MINA KHEL
DISTRICT LAKKI MARWAT.

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[Handwritten signature]

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Amreen - F

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OFFICE OF THE DISTRICT COORDINATION OFFICER, LAKKI MARWAT

No. 1324-25 /DCO/Lakki/PS/Office Order

Dated: 31 /12/2012

OFFICE ORDER

Mr. Din Muhammad, Workshop Attendant BPS-01 of Education Department was terminated from services as Water Career vide order No.7422-26 dated 20.09.2012 by Executive District Officer Elementary & Secondary Education Lakki Marwat. He submitted departmental appeal to the undersigned for re-instatement in service.

The Executive District Officer E&S Education Lakki Marwat and appellant were heard and examined in detail.

After going through the record and statements of both the parties, the appeal is accepted and the appellant is hereby re-instated in service with effect from the date of termination with full back benefits.

District Coordination Officer
Lakki Marwat

Even No. & Date:

Copy forwarded to:

1. The Executive District Officer E&SE Lakki Marwat with the direction to adjust the official concerned on his original post at GCMHS No.1 Lakki Marwat
2. The District Accounts Officer Lakki Marwat
3. Official concerned for compliance

District Coordination Officer
Lakki Marwat

AD-MS

gts

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خدمت جناب ڈسٹرکٹ آفیسر، ایچ ای اینڈ ایس ایس ایچ کیسٹن
ضلع کی صورت

عنوان: جواب ایسٹریٹمنٹ نمبر 25-1324-DCO/PS
آفیس آرڈر جوڑ 20.12.12ء 31 سائل کی ملازمت
کو Re-instate کرنے اور Full Back Benefits دینے

جناب عالی! سائل ذیل عرض کرتا ہے:

1۔ یہ کہ سائل جو ریٹائرمنٹ سے قبل ایچ ای اینڈ ایس ایس ایچ کی صورت میں ملازم تھا
مٹیپ انڈسٹریٹ تھا جسکو تبدیل کر کے آخر کار دوسرو طرف کر دیا گیا
(فوتل لف بیسی)

2۔ یہ کہ سائل نے دوسرو طرف سے ملنے والے حقوق و فائدے کو اپنی جو کہ منظور ہو گیا
اور اس کو آڈر نمبر 25-1324 مذکورہ بالا بقعہ کا Full Back Benefits کے ساتھ
بحال کیا گیا۔ (فوتل لف بیسی)

3۔ یہ کہ سائل کی مذکورہ آڈر نمبر 25-1324 کے تحت بنیاد پر اسٹیمٹ کے ساتھ
الذرا Charges دیئے گئے ہیں جن کو اس کی طرف سے ادا کیا جا رہا ہے

اپنے مدد کے لئے درخواست کی بنیاد پر اسٹیمٹ کے درجہ سے
دیئے گئے درآمد کیا جائے گا اور اس کے لئے جائے

تاریخ: 20.02.2013

Handwritten signature and stamp

دیسٹیٹوٹڈ ملازمین کی تنظیم کی طرف سے

Handwritten signature

31
24
1st Reminder

OFFICE OF THE DEPUTY COMMISSIONER LAKKI MARWAT

No.437/PA/Edu:

Dated: 25-02-2013

To: The District Education Officer
Male Lakki Marwar

Subject: OFFICE ORDER (RE-INSTATEMENT OF DIN MUHAMMAD WORKSHOP
ATTENDANT BPS-01)

Reference this office order No.1324-25/DCO/Lakk/PS/Office Order dated
31/12/2012 on the subject noted above.

Implementation report / re-instatement of Mr. Din Muhammad Workshop
Attendant is still awaited. Expedite the same without further delaying under intimation to this
office at the earliest.

2
Deputy Commissioner
Lakki Marwat

AD-Ad-Ad,
ETW

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کے عدالت ہفتا سینہ سے ملنے والے اور یہ لکھا گیا ہے کہ

دین محمد ولد نصیر محمد قوسہ پٹھان سکینہ خانہ جینا ضلع کھلم کھلم لاہور

(درعی)

بنام

حکومت نصیر پختونخوا جڈا لیکر سکریٹری (S & E) ایجوکیشن لاہور

ڈائریکٹر (S & E) ایجوکیشن لاہور

ڈپٹی کمشنر ضلع کھلم کھلم لاہور

ڈسٹرکٹ آفیسر (S & E) ایجوکیشن ضلع کھلم کھلم لاہور

ڈپٹی ڈسٹرکٹ آفیسر (S & E) ایجوکیشن ضلع کھلم کھلم لاہور

ڈسٹرکٹ آفیسر ایجوکیشن ضلع کھلم کھلم لاہور

(درعی)

کھلم کھلم

دعویٰ گزار ڈگری کیم انڈیا سی ٹاکیڈی و سکیوٹیجی دعویٰ سپریم کورٹ

درعی مسلم، بدین ضلع کھلم کھلم لاہور ڈپٹی کمشنر ضلع کھلم کھلم لاہور

ممبر ایجوکیشن ضلع کھلم کھلم لاہور ایجوکیشن ڈپارٹمنٹ لاہور

کے درجہ 1998/01 کو جوڑی ہوا اپنی دلازمت کے لئے اور دینا دار (ایجوکیشن)

انجی اس وقت رہا جس دوران کئی ایڈیوکیٹس سپریم کورٹ

دوسرے مقامات سپریم کورٹ کو گئے جو کہ صرف قانون کے لئے اور نصیر

لنچیر کیم (Legal Jurisdiction) کے عین قانونی طور پر دلازمت کے لئے بطور

کردیا جس کے لئے دعویٰ میں دعویٰ (Departmental Appeal) کے لئے جو کہ

جے بی بی کے ساتھ ساتھ دوسرے ایڈیوکیٹس کے لئے بھی دعویٰ میں دعویٰ

کی نہ گفتواہ جاری کی اور نہ ہی حق رہا پوسٹ پر تین سات لگا گیا ہے جو کہ
 غلط و مفاد قانونی ہے۔ سن دہائی کی صورتی ملازمت کو دائرہ اور اس سے
 پورے عمل کے لئے کے احکامات جاری نہ ہوئی جائے۔ محکمہ پوسٹ و ٹیلی گراف
 دارمیں جو فریضہ انصاف ہو، دلائی جائے۔

SAGE KHAN
 Civil Judge - II
 Larkana Marwat

حالیہ کی جو فریضہ انصاف	حالیہ کی جو فریضہ انصاف	حالیہ کی جو فریضہ انصاف
200 روپے	200 روپے	200 روپے

جناب عالی! دعویٰ دہائی کے سبب ذیل شرحہ ہے:

(1) یہ کہ سن دہائی کے سبب شریف مسزت دار اور جنو اسٹاکس کے ساتھ
 تعلق رکھتا ہوں۔ کہ میں نے علاج کی مسرت کا منتقلی سکون سے ہوا ہے
 (2) یہ کہ سن دہائی کے سبب ایک کیشن میں کلاس میں فور ملازم خورم
 1998/06 کو بحال ہوا اور Woodshop Attendance پوسٹ پر ڈیوٹی میں
 داخل رہا جس کو بطور الکی مسرت میں تین سات لگا گیا۔ (معلقہ نسخہ)

کے لئے

(3) یہ کہ سن دہائی کے سبب دوران غیر قانونی طریقے سے اپنی بیوی
 تین سات کردہ پوسٹ Woodshop Attendance سے ہٹا کر دیو پوسٹ
 اور مقامات پر تین سات و تبدیل کر دیا گیا۔ کہیں سن دہائی میں
 مسرت مسزت کے لئے اور ملازمت کے لئے کی مسرت میں سے اس سے
 غیر قانونی اور امتیازی سکون کے خلاف جمہوراً چھاپ دیا۔ (معلقہ
 نسخہ)

(4) یہ کہ حذر صاحب بارہ ہٹائی کے باوجود آٹھ ہزار سن دس کی عمر قانونی

Gov Cause دیئے گئے اور لیسٹ نمبر 26-7422 حوض 20/2012 کو

دلالت سے جو طور پر کیا گیا جس کے حذر سن دس کے حجاز اتھارٹی کو چھلانگ

پہلی کی جسمیں اپنی عمر قانونی جو طرفی کو فالج اسرار دینے اور مبنیاد

پوسٹ پر تینیاں کرنے کی استدعا کی جو کہ حسب ضابطہ طور پر منظور کی

گیا اور Re-invalidation کے واسطے Back Benefits دینے کے احکامات بھی

صہار کئے گئے۔ (متعلقہ اصول لکھیں):

(5) یہ کہ در عظیم نے نکال سن دس کی عمر سے بابت کوئی داد بھی نہ کی ہے۔

نہ تو نیشنل ایجنسی واجب الادا Full Back Benefits از سر طرفی مارچ 1974

کی ہے اور نہ ہی حق قدرہ پوسٹ No. 1 GC MHS Workshop Aliantani حذر کو

پر تینیاں نہ کی ہے جو کہ منطقی ہدف قانون ہے اور اس سے حق قدرہ کئے

سن دس نے حجاز احکامات اس سے کو ایک دروازہ بھی دی ہے

لکھنؤ نکال کوئی عمل اپنی ہوا ہے۔ (متعلقہ اصول لکھیں):

(6) یہ کہ سن دس نے در عظیم سے کسی بارہ سال کے بعد از دروازہ

سن دس کی Parve Post پر تینیاں کرنے کے واجب الادا رقم

بغیر صہارہ کرنے نیشنل ایجنسی دیا جائے لکھنؤ میں طویل کردہ طرز پر ایک

بغیر سے لہاف شہاری ہے:

(7) یہ کہ سن دس کو بنائے دئے و بنائے خالصت از ان کے در عظیم اندر

صدر جسے وضع کی مسودت پہلی ہوا۔ اس کے دئے پڑا اندر صہار

و قابل سماعت جناب سینیٹر سے: وہ صہار کی مسودت ہے:

(8) یہ کہ حالیہ کے جنرل کو در عظیم سے 200 روپے اور حالیہ کے جنرل

SAGIE KHAN
Civil Judge
Lahore

Handwritten signature

اصتینا ایسمانہ 200 روپے کے کورٹ فیس کے حوالے سے

SAC
Civil Judge-II
Lahore
Marwat

یہاں دعویٰ کے مڈگے مستعدیہ کے حوالے سے بلائی گئی
دعویٰ سے پہلے اصل دلائل کے بغیر صرف
دلیلیں اور دوسری جو کہ رین الفافویہ دلائل ہیں

خود 11/03/2013

من

دین محمد ولد سعید محمد سکس: حینا فریل ضلع لاہور

دین محمد (دعویٰ)

بذریعہ کسٹڈی

شمارہ شان ایڈوکیٹ

11.03.2013

کے حوالے سے بددیانتی کے کورٹ 11/03

مبارک اور مہاراجہ سبیل کے نام سے حذرم بلا فریہ

جائزہ دعویٰ کے مستعدیہ کے نام سے

کے تین سے دس سال تک (اردو) اور

کو پیشہ اپنی رکھا گیا ہے

دین محمد (دعویٰ)

دین محمد

بعد الفت جناب سول جج صاحب نے پکڑوت
دین محمد بنام حکومت خیبر پختونخواہ وغیرہ

دعویٰ استغناء سے حکم اقسامی

۲۵۴
18.04.13

جناب عالی رجواب دعویٰ مخالفہ دعا علیہم ذیل ہے

عذرات تمسیدی نہ ہاں دعویٰ کو کوئی بنائے دعویٰ حاصل نہ ہے

۱) دعویٰ عدوی اندر معیار نہ ہے

۲) دعویٰ عدوی ہذا سے چھٹا ہے

۳) دعویٰ سے مندرجہ اشخاص کو فریق مقدمہ نہیں بنایا

۴) عدالت آجناب کو بیچوں قسم کے دعویٰ حالت کی بابت اختیار سماعت

حاصل نہ ہے۔ بدین وجہ دعویٰ عدوی زیر آرڈر 7 رول 15 قابل واپسی ہے

۵) دعویٰ عدوی جو جوہر شکل میں قابل رفت نہ ہے۔ ایسے دعویٰ عدوی قابل اصرار ہے

۶) دعویٰ سے فیض ہم دعا علیہم کو حاصل نہ کرنے کی خاطر دعویٰ ہوا دائر کیا ہے۔ ایسے ہم دعا علیہم سیشن پر جانہ ازاں دعویٰ وصول کرنے کے حقداران ہیں

۷) دعویٰ نہ دعویٰ ہوا with clean hand دائر نہیں کیا ہے

عذرات واقعیہ

۱) قوہ ہذا کا تعلق عدوی سے ہے

۲) قوہ ہذا کا تعلق ریکارڈ سے ہے

۳) غلط ہے۔ دعویٰ کے ساتھ نہ تو کوئی غیر قانونی فعل کیا گیا ہے کیونکہ ہم دعا علیہم جو بھی کارروائی کرتے تو اعدو ہوا بط کو سامنے رکھ کر کرتے ہیں

۴) غلط ہے۔ دعویٰ صرف اپنے آپ کو معلوم ظاہر کرنے کی خاطر اصل حقائق عدالت آجناب سے

تعمیر کرنے کی کوشش کر رہا ہے۔ کیونکہ جب بھی کوئی اپنی ڈیوٹی سے غیر حاضر ہوتا ہے تو نہ صرف

اسکے خلاف ہی کارروائی کی جاتی ہے۔ بلکہ متعلقہ حکم ہی اسکو سزاوار ٹیپر اسکات ہے

ایسے مطابق تو اس دعویٰ کو درست طور پر cause سے howہ نولس دیکر اسکو سزاوار

کیا گیا ہے۔ اور اسکے بعد جو بھی کارروائی کی گئی ہے وہ بھی مطابق قانون کی گئی ہے۔ باقی قوہ

ہذا کا تعلق ریکارڈ سے ہے

۵) غلط ہے۔ ہم دعا علیہم جو بھی کارروائی کرتے ہیں وہ مطابق قوانین کرتے ہیں

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11

6) خط ہے: دعویٰ کو مطالبہ کا کوئی حق حاصل نہیں ہے
7) خط ہے: دعویٰ کو کوئی بنائے دعویٰ حاصل نہیں ہے

نہیں ہے -

لینا ہوا - دعویٰ ہے کہ دعویٰ دعویٰ ہے علم
دعویٰ خارج فرمایا جائے

17.04.2013

دعویٰ علم پر زور بنائے گا۔

Ahmad
ADEO (M)

دعویٰ بنائے

checked by
S.G.P.

20/11/14

تصدیق عبادت
تصدیق کیجئے یہ اس شخص کو اردو میں
تصدیق علم و تصدیق سے درست کرینگے

Ahmad
ADEO (M)

107) res
2013
6/13 res 12/13 res 25/13 res
30

Cont: Os-----13

06.09.2013

requested for his re-instatement of his parent post and also requested for releasing of his salaries, but after some prevarication defendant bluntly refused one week before the institution of instant suit.

Arguments of both the learned counsels heard and record perused.

From the perusal of record, it is evident that respondent/plaintiff was appointed as Workshop Attendant/Civil Servant in BPS-01, sought for his re-instatement and the release of his salaries since his removal from service by filing the temporary mandatory injunction suit. Proviso of re-instatement and release of salary to the civil servant has been laid down in Khyber Pakhtoonkhwa Civil Servants Act 1973, as such the matter relating to the re-instatement and release of salary of the civil servant has a direct nexus with the terms and conditions of his service. It is settled that Service Tribunal alone is appropriate forum having jurisdiction to deal with matters relating to the terms and conditions of civil servants. Moreover, it is evident that plaintiff/respondent is a government servant and whenever there arose any dispute with regard to any such kind of dispute of a civil servant, it falls within the terms and conditions of Services under Khyber Pakhtoonkhwa Civil Servant Act 1973. Whatever falls within the terms and condition of the Civil Servants Act 1973, in such a case under Article 23 B of N.W.F.P Civil Servants Act 1973, jurisdiction of civil court is barred.

In the light of above discussion, it is very much clear that plaintiff being a government civil servant and there is a dispute with regard to his re-instatement and release of his salary, which falls within the terms and conditions under Civil Servants Act 1973; therefore, this court has got no jurisdiction to entertain the instant suit, hence the application seems genuine, accepted and the instant plaint is hereby returned under O. 7, R. 10 C.P.C to the plaintiff and permission is granted to institute another suit before the proper forum. The Muharrir of this court is hereby directed to return the original plaint along with documents submitted by the plaintiff with plaint after taking/placing attested photocopies of it on file.

Case file be consigned to record room after its necessary completion and compilation.

Announced:

06.09.2013

31/1/13
Examiner to
S.D. & Sessions Judge
Lakki Marwat

(Saqib Khan)
Civil Judge-II,
Lakki Marwat.
SAQIB KHAN
Civil Judge-II
Lakki Marwat

محمد صاب و مسعود بن محمد صاب لکھنؤ

دین محمد صاب لکھنؤ و مسعود بن محمد صاب لکھنؤ (مولا صاب)

محمد صاب لکھنؤ و مسعود بن محمد صاب لکھنؤ
محمد صاب لکھنؤ و مسعود بن محمد صاب لکھنؤ
محمد صاب لکھنؤ و مسعود بن محمد صاب لکھنؤ
(محمد صاب لکھنؤ)

محمد صاب لکھنؤ و مسعود بن محمد صاب لکھنؤ
محمد صاب لکھنؤ و مسعود بن محمد صاب لکھنؤ
محمد صاب لکھنؤ و مسعود بن محمد صاب لکھنؤ

Magistrate
District & Sessions Judge
Lahore

محمد صاب لکھنؤ و مسعود بن محمد صاب لکھنؤ
محمد صاب لکھنؤ و مسعود بن محمد صاب لکھنؤ
محمد صاب لکھنؤ و مسعود بن محمد صاب لکھنؤ

محمد صاب لکھنؤ

Magistrate
District & Sessions Judge
Lahore

محمد صاب لکھنؤ
محمد صاب لکھنؤ
محمد صاب لکھنؤ

3 In the Court of Distt & Session Judge, Lakki Marwat

Civil Appeal No. 26/13 of 2013

Din Muhammad S/O Khair Muhammad R/O Mohallah Mina Khel District Lakki Marwat.....Appellant

Versus

Govt: of Khyber Pakhtun Khawa through Secretary Education & others

.....Respondents

Dated of Institution28/09/2013

Dated of Decision.....24/01/2014

JUDGMENT/ORDER
24/1/2014

Appellant Din Muhammad present.

This appeal is directed against the order dated 6/9/2013 passed by learned Civil Judge-II; Lakki Marwat whereby the learned Civil Judge accepted the application of the defendant party for the return of plaint under Order 7 Rule 10 CPC and returned the plaint to the plaintiff (appellant).

Preliminary arguments of the learned counsel for the appellant heard. File perused.

Plaintiff Din Muhammad approached the Civil Court by filing a civil suit against defendants for his reinstatement as Workshop Attendant (BPS-1) in GCMSh No. 1 Lakki City District Lakki (Education Department) and for the release of his salary alongwith arrears.

Matters related to the reinstatement and salary of the plaintiff/appellant have a direct nexus with terms and conditions of his service being Civil Servant and it is settled that the Service

Examined by
District & Sessions Judge
Lakki Marwat
21/1/14

Tribunal alone is appropriate forum having jurisdiction to deal with the same. The learned counsel for the appellant was unable to demonstrate that the Civil Court has got the jurisdiction to exercise judicial powers in the matter. Consequently the present appeal is devoid of any substance and as such the same is dismissed in limine.

File be consigned to record room after its necessary completion and compilation.

Announced.

24/1/2014

Hamid

(Muhammad Hamid Mughal)
District Judge, Lakki

415

Application No: _____

Application received on: 24/1/14

Copying fee Deposited on: _____

Next Date for Delivery of Copies: _____

File received for copying: 21/1/14

No of sheet: 2 sheets

Copying fee: _____

Search fee: _____

Urgent fee: Done

Name of copyist: _____

Copy completed on: 31/1/14

Copy delivered on: 31/1/14

Signature of examiner: [Signature]

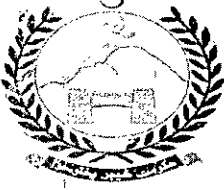
[Signature]

31/1/14

fo.

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IMMEDIATE



Amir - J' (33)
SE
12/03/2014
GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No. SO (Complaint) E&SED/KPK/1-21/2014/Din Muhammad/LM
Dated Peshawar the February 24, 2014

To

The District Education Officer (Male),
District Lakki Marwat.

Subject: - **RE-INSTATEMENT IN SERVICE WITH ALL BACK BENEFITS VIDE OFFICE ORDER NO. PS/DCO LAKKI/1324-25 DATED 31.12.2013.**

I am directed to enclose herewith a copy of application on the subject noted above addressed to the Secretary E&SED alongwith its connected documents submitted by Mr. Din Muhammad S/o Khair Muhammad, R/o Lakki Meena Khel District Lakki Marwat which is self-explanatory and to state that necessary action in the subject case may be taken immediately as per law and to request that compliance report may be furnished to this Department within a week time positively for perusal of the Competent Authority.

Encl: As Above:

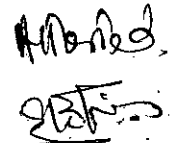
(NASRULLAH)
SECTION OFFICER (COMPLAINT CELL)

Endst: of even number & date:

Copy of the above is forwarded to the:-

- i. PS to Secretary E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- ii. PA to Additional Secretary, E&SE Department, Khyber Pakhtunkhwa, Peshawar.
- iii. PA to Deputy Secretary-I, E&SE Department, Khyber Pakhtunkhwa, Peshawar.


SECTION OFFICER (COMPLAINT CELL)





Armaan K' (34)

**OFFICE OF THE DEPUTY COMMISSIONER
LAKKI MARWAT (KHYBER PAKHTUNKHWA)**

Ph No. 0969-538330-31, Fax No. 538333 Email: dclakkimarwat@hotmail.com

No. 328 /

Dated: 09/4 /2014

To:

The District Education Officer
Male Lakki Marwat

Subject:

RE-INSTATEMENT IN SERVICE WITH ALL BACK BENEFITS VIDE
OFFICE ORDER NO. PS/DCO LAKKI/1324-25 DATED: 31.12.2013

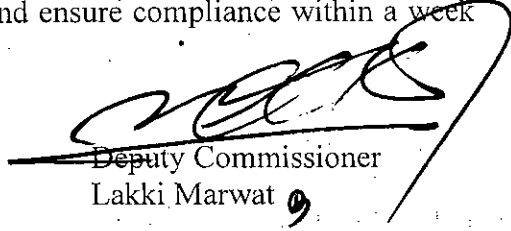
Memo:

Enclosed is a copy of an application alongwith its enclosures submitted by one Din Muhammad son of Khair Muhammad resident of Mohallah Mina Khel Lakki City / Class-IV employee of your Department, which is self explanatory.

The applicant vide the then District Coordination Officer Lakki Marwat Order No. 1324-25/DCO/Lakki/PS/Office Order dated: 31.12.2012 has been re-instated with effect from the date of his termination i.e. 20.09.2012 with full back benefits but uptil now, the order has not yet been implemented by your department.

In this connection, the Government of Khyber Pakhtunkhwa Elementary & Secondary Education Department Peshawar through letter No. SO (Compliant) E&SD) KPK/1-21/2014/Din Muhammad/LM dated: 24.02.2014 has already issued instructions for immediate action and compliance.

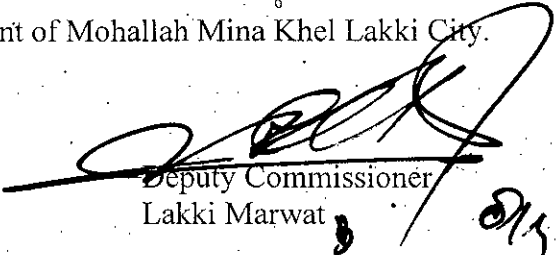
You are therefore, once again directed to intimate as to why the re-instatement order of the above Din Muhammad has not yet been implemented and ensure compliance within a week time positively.


Deputy Commissioner
Lakki Marwat

Even No. & Date:

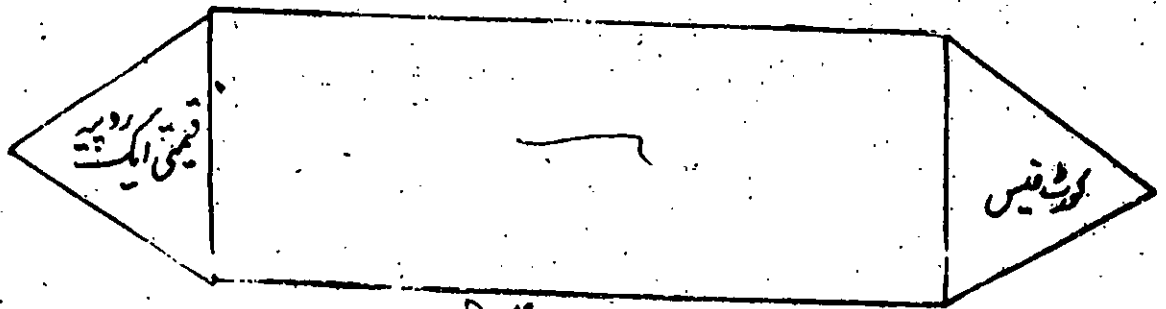
Copy forwarded to:

1. The Section Officer (Complaint Cell) Elementary & Secondary Education Department Peshawar through letter No. SO (Compliant) E&SD) KPK/1-21/2014/Din Muhammad/LM dated: 24.02.2014.
2. Din Muhammad son of Khair Muhammad resident of Mohallah Mina Khel Lakki City.


Deputy Commissioner
Lakki Marwat

Before the Khyber Pakhtoonkhwa Service Tribunal, Peshawar.

وکالت نامہ



Appellant.

۲۵/۹ ۱۹۹۸ء مئی ۰۸

Din Muhammad Secretary K.P.K. etc
educator

مورد
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مذکورہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دکن کارروائی متعلقہ آن
مقام Peshawar کے لئے Shauq Ullah Khan کے لئے
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کارروائی کا کامل اختیار ہوگا نیز
دیکل صاحب کو افسانہ و تقررات و فیصلہ ریفٹ دینے جواب دہی اور اقبال دعویٰ اور بصورت
ڈگری کو لے اجراء اور دعویٰ ایک مدعیہ اور دعویٰ دعویٰ اور درخواست پر سیم کی تصدیق زر
اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
دارن کرنے اپیل نکالی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت حذوت مقدمہ مذکور کے کل یا جزوی
کارروائی کے قاضی اور جج یا مختار تازلی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب
مقدمہ مذکور کو بھی وہی جلد مذکورہ بالا اختیار حاصل ہوں گے۔ اور اس کا مستحقہ پیراختہ منظور قبول
ہوگا۔ اور دعویٰ مقدمہ میں جو خرچہ و پرچازہ الٹا مقدمہ کے سبب ہوگا۔ اس کے مستحق و دیکل صاحب
مقدمہ ہوگا۔ نیز بقایا و خرچہ کی وصولی کر لیا جی اختیار ہوگا۔ اگر کوئی تاریخ پیشہ تمام دودہ پر
یا جڑ سے باہر ہو تو کوکل جب پابند نہ ہوں گے کہ پیروی مقدمہ مذکور کریں۔ لہذا وکالت نامہ
لکھ دیا تاکہ سند رہے۔

المترجم ۰۸ مئی ۱۹۹۸ء

العبد گوہر اللہ العبد
Din Muhammad. (Appellant)

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مقام
مروت بکڈ پرائیڈ ایکٹ سٹور میں بازار دکن مروت
510053 (ڈن)

BEFORE THE PROVINCIAL TRIBUNAL (SERVICES) PESHAWAR.

SERVICE APPEAL NO.693/2014.

Din Muhammad.....VS.....Government of Kp.K

APPLICATION FOR ADJOURNMENT OF THE CASE TO SOME
OTHER DATE CONVENIENT TO THIS HONOURABLE TRIBUNAL.

Respectfully Sheweth:-

1. That the above titled case is pending adjudication before this Honourable Tribunal and is fixed for today i.e 5.4.2017.

2. That the reply of the above titled case is required for today, but due to unavoidable circumstances/ unavailability of record in the subject case the respondent department is unable to submit the said reply today, therefore wants to get the honour indulgence of this Honourable court for adjournment.

It is, therefore, humbly prayed that on acceptance of this application the case may very graciously be adjourned to some other date convenient to this Honourable Tribunal.

Dated:5.4.2017.

~~XXXXXXXXXX~~ R3

RESPONDENT NO.3 Through Legal
representative _____

(SHARIF ULLAH KHAN)

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No 358 /ST

Dated 16 /02/2018


To

The District Education Officer (Male),
Government of Khyber Pakhtunkhwa,
Lakki Marwat.

Subject: **ORDER/JUDGEMENT IN APPEAL NO. 693/2014, MR. DIN MUHAMMAD.**

I am directed to forward herewith a certified copy of Judgment/Order dated 13/02/2018 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.