




Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 893/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/06/2022	<p>The appeal of Mr. Mashal Khan resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	15.6.22	<p>This case is entrusted to Single Bench at Peshawar for preliminary hearing to be put there on <u>27.6.22</u>. Notices be issued to appellant and his counsel for the date fixed.</p> <p> CHAIRMAN</p>
	27.06.2022	<p>Learned Member (Executive), is on leave. Therefore, the case is adjourned to 05.08.2022 for the same as before.</p> <p> READER</p>

Handwritten notes:
Sd/-
Date fixed
27.6.22
Sd/-

The appeal of Mr. Mashal Khan son of Selah Khan r/ Aghzar Khel Ex-PSHT GPS No. 1Aghzar Khel Lakki Marwat received today i.e. on 26.05.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Annexure-D of the appeal is illegible which may be replaced by legible/better one.

No. 1194 /S.T,


Dt. 27/5 /2022


REGISTRAR
SERVICE TRIBUNÁL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr.Saadullah Khan Marwat Adv. Pesh.

Sir,

Re-submitted after removing the objections.



5

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 893 /2022

Mashal Khan

versus

DEO (M) & Others

INDEX

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Appellant

Through



Saadullah Khan Marwat

Advocate
21-A, Nasir Mansion,
Shoba Bazaar, Peshawar

Dated 21-05-2022

Ph: 0300-5872676

BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR

Appeal No. _____/2022

Mashal Khan S/O Saleh Khan,
 R/O Aghzar Khel. Ex-Primary
 School Head Teacher,
 GPS No. 1, Aghzar Khel,
 Lakki Marwat. Appellant(s)

Verses

1. District Education Officer (M),
Lakki Marwat.
2. Director, Elementary & Secondary
Education Department, GT Road
Hashtnagri, Peshawar City.
3. Secretary, Elementary & Secondary
Education Department,
Govt. of KP. Respondent(s)

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL UNDER SECTION 4 OF THE SERVICE
 TRIBUNAL ACT, 1974 AGAINST NOTIFICATION
 NO. 6042-46 DATED 06-10-2021 OF R. NO. 01
 WHEREBY MAJOR PENALTY OF COMPULSORY
 RETIREMENT FROM SERVICE WAS IMPOSED
 UPON APPELLANT OR NOTIFICATION NO. 5695-
 98 DATED 04-04-2022 OF R. NO. 02 WHEREBY
 MAJOR PENALTY OF COMPULSORY RETIREMENT
 FROM SERVICE WAS CONVERTED INTO PRE
 MATURE RETIREMENT FOR NO LEGAL REASON.**

Respected Sir:

1. That appellant was appointed on 12-09-1987 as PTC now PST and was promoted as such step by step to B-09, B-12 and B-15. During the course of transfer from one school to another, best performances was given to the department. Finally he was posted in the said school in the year 2012.
2. That on 26-05-2021, SDEO Lakki Marwat paid surprise visit to the school and made conversation with the appellant as well as Muhammad Mushtaq PST of the said school regarding less number of students.
3. That on 23-08-2021, appellant as well as Muhammad Mushtaq was served with Show Cause Notice,
 - i. Lack of school affairs.
 - ii. Misconduct, Inefficiency. (Copy as annex "A")
4. That on 23-08-2021, the said Show Cause Notice was replied and denied the allegation. (Copy as annex "B")
5. That on 06-10-2021, Major penalty of compulsory retirement from service was imposed upon appellant by R. No. 01. (Copy as annex "C")
6. That on 13-10-2021, appellant submitted comprehensive departmental appeal before R. No. 02 by giving reason of the impugned order. (Copy as annex "D")
7. That on 12-11-2021, comments were called from R. No. 01 regarding the subject matter which was submitted before R. No. 02 on 31-12-2021. In the comments willful absence from service was attributed to him and not the aforesaid allegations. (Copy as Annex "E")
8. That on 04-04-2022, R. No. 02 converted major penalty of compulsory retirement from service with pre-mature retirement.

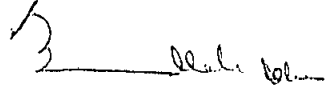
G R O U N D S.

- a. That in the said village, two other schools in private sector are running its business, so parents of the students are giving preference to private schools over the Government Schools.
- b. That reason of compulsory retirement from service was given in the departmental appeal before R. No. 02 but no heed was paid to the same by R. No. 02.
- c. That in the comments, willful absence from school was attributed to appellant and not the said allegations, lack of school affairs, misconduct and in-efficiency.
- d. That though major penalty of compulsory retirement from service was imposed upon appellant but the procedure for the same was not adopted. Neither any inquiry was conducted nor statement of any concerned was recorded what to speak of opportunity of cross examination.
- e. That the allegations in the Charge Sheet was totally rebutted in the comments dated 31-12-2021 regarding willful absence from duty. Co-employee was given warning while appellant was awarded with major penalty.
- f. That appellate order has not supported by reasons. Both the impugned orders are based on malafide and personal gains.

It is, therefore, most humbly prayed that on acceptance of the appeal, Notification dated 06-10-2021 and 04-04-2022 of the respondents be set aside and appellant be reinstated in service with all consequential benefits, such other relief has may be deemed proper and just in the circumstance of the case.

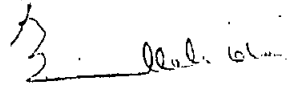

Appellant

Through

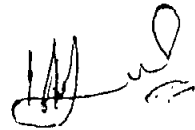

Saadullah Khan Marwat

CERTIFICATE:

As per Instructions of my client, no such like Service Appeal has been earlier filed by the appellant before this Hon'ble Tribunal.

**Advocate****AFFIDAVIT**

I, Mashal Khan S/O Saleh Khan, R/O Aghzar Khel, Ex-Primary School Head Teacher, GPS. No. 01 Aghzar Khel, Lakki Marwat (appellant), do hereby solemnly affirm and declare that contents of **Service Appeal** are true and correct to the best of my knowledge and belief

**DEPONENT**

A

5

23 - 8 - 21

**OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE LAKKI MARWAT**

KPSED



(0269 @ 3291)

@j291

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SHOW CAUSE NOTICE

I, Zahoor Khan District Education Officer (Male) Lakki Marwat, as Competent Authority, under Khyber Pakhtunkhwa Government servant (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mashal Khan PSHT GPS No. 1 Aghzar Khel.

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

1. Lack of School Affairs.
 2. Miss conduct, Inefficiency.
2. In terms of Rule-5 of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules-2011, I, as Competent Authority, dispense with the inquiry and serve you with a show cause notice under Rule-7 of the ibid Rules.

3. As a result thereof, I, as Competent Authority, have tentatively decided to impose upon you the Minor/Major penalty under Rule-4 (a) & (b) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

4. You are therefore 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.

5. If no reply to this notice is received within seven days or not more than of fifteen days of its delivery, it shall be presumed that you have no defense to put in, and in that case and ex-parte action shall be taken against you.

Mashal Khan PSHT
GPS Aghzar Khel No.1

COMPETENT AUTHORITY
District Education Officer
(M) Lakki Marwat

District Education Officer
(M) Lakki Marwat

Accepted
[Signature]

Day No. 5539
Dt. 23/08/2021

تہذیب و ادب ڈسٹرکٹ ایجوکیشن آفیسر صاحب (سرگودھا) کی خدمت

ack of School ^{appeals} Misconduct in Affiliacy

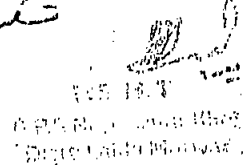
عنوان! درخواست برائے غلطی

ضمانت نامی

مذکورہ درخواست کیجانی ہے کہ جس میں صاحب سید صاحب نے 26-06-23 کو سکول میں اپنی ڈیوٹی سرانجام دے رہا تھا کہ SDE صاحب
 ایف اے ڈیٹ پر آیا، SDE صاحب اور سب سے درمیان طرہ نامی گئی اور سکول کے ڈیڑھ بجے
 پر گھنٹہ بھینسیں، حکم نورا اور سکول معاملات کے مطابق جو سوالات SDE صاحب نے کیے اس کے
 میں نے میرا جواب تعلق بخش جوابات دیے، جو کہ اس کے بیانے کے مطابق misconduct (مذکورہ)
 ہونے لگی، غلطی کا سبب ہے اور غلطی صاف کرانا با اختیار لوگوں کا شیوہ رہا ہے
 فدوی آئینہ کیلئے احتیاط سے کام لیا، قدری آپ صاحبان کو یقین دلاتے ہیں
 کہ آئینہ کیلئے ایسی غلطی سے گریز کرونگا اور دوبارہ آپ صاحبان کو ایسی گئی
 دینے کا موقع نہیں آئے گا

لہذا آپ صاحبان سے گزارش کی جاتی ہے کہ سائل کی غلطی صاف ہو جائے
 شکر یہ کہ سائل آپ کی نرم نوازی کا تاہیات دعا گو رہے
 عینہ لڑائی ہوگی

27/08/23



0544577423
الواحد

PSAT گورنمنٹ پرائمری سکول، ایف اے ڈیٹ کی خدمت

- 1- SDEO (T) Lark
- 2- ASDEOCC (T) T. H. K.

تہذیب و ادب
 ڈسٹرکٹ ایجوکیشن آفیسر
 سرگودھا



C 7 8-10-21

**Office of The District Education Officer
Male Lakki Marwat**

Ph: (0969)538291 email: emislakki@yahoo.com
www.facebook.com/deomale Lakki, www.twitter.com/deo_m_lakki

NOTIFICATION:-

1. WHEREAS, Mr. Mashal Khan PSHT GPS No.1 Aghzar Khel Lakki Marwat was proceeded under the Khyber Pakhtunkhwa Govt. Servants Efficiency & Discipline (E&D) Rules-2011 for his habitual willful absence from official duty as per report of SDEO (Male) Lakki Marwat vide his letter bearing No. 954 dated.19-05-2021.

2. AND WHEREAS, The District Education Officer (Male) Lakki Marwat, served a show cause notice upon the cited official through school address, with the directions Lack of School affairs, misconduct, in efficiency, after that he submit its reply to this office, and give an opportunity of personal hearing to the aforesaid teacher vide this office No.5433-41 dated. 20-9-2021 to defend the Lack of School affairs, misconduct, in efficiency before the competent authority. But he failed to the competent authority to justify his Lack of School affairs, misconduct, in efficiency.

3. AND NOW THEREFORE, keeping in view the above facts and office record, the competent authority (District Education Officer Male Lakki Marwat) in exercise of powers conferred upon him under section 9 of Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules-2011 read with Rule-4 (1) (b) (ii), is satisfied and is pleased to impose Major Penalty of "Compulsory Retirement" upon Mr. Mashal Khan PSHT GPS No.1 Aghzar Khel Lakki Marwat with immediate effect.

District Education Officer
(Male) Lakki Marwat.

Endst No. 6042-46 Dated 06/10/2021

Copy to the:-

6. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
7. District Monitoring Officer (EMA), Lakki Marwat.
8. District Accounts Officer, Lakki Marwat.
9. SDEO (Male) Lakki Marwat.
10. Mr. Mashal Khan Ex-PSHT GPS No.1 Aghzar Khel Lakki Marwat.

District Education Officer
(Male) Lakki Marwat.

Received through P.O

Aghzar Khel to day 10

13-10-2021

Printed

To

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa.

Subject: **DEPARTMENTAL APPEAL/REPRESENTATION
UNDER RULE 4 OF THE SERVICE TRIBUNAL ACT,
1974 AGAINST THE IMPUGNED ORDER 6042-46
DATED 06-10-2021 PASSED BY THE DISTRICT
EDUCATION OFFICER (MALE) LAKKI MARWAT
WHEREBY THE APPELLANT HAS COMPULSORY
BEEN RETIRED FROM THE SERVICE.**

Respectfully Sheweth.

I have the honour to submit that the appellant is aggrieved from the order cited above passed by the District Education Officer (Male) Lakki Marwat, wherein the appellant has compulsory been retired from service, hereby submit departmental appeal Under Rule 4 of the Service Tribunal Act, 1974, as under:-

Facts:

1. That the appellant is the bonafide resident of Village and Post Officer Asghar Khel Tehsil and District Lakki Marwat and the address is sufficient for service.
2. That the appellant was initially appointed as a PST on 12-09-1987 (Photostat copy enclosed).
3. That the appellant has been promoted to the post of PSHT BPS-15 on 11-02-2013 (Photostat copy enclosed).
4. That the appellant has regularly drawn pay and allowances since appointment uptil now.
5. That the service of the appellant has been verified by the Competent Authority since appointment uptil now.
6. That the appellant is serving on the present post is PSHT in the present school since 21-12-2005.

7. That the appellant has served in the present post/school upto the entire satisfaction of superior offices and there is punishment awarded since appointment and the services of the appellant is clean conduct.
8. That the appellant has regularly performed his duties and never given any chance of absentee nor any complaint has been filed against the appellant as evident from his service book. (Photostat copy enclosed).
9. That there is one other Govt. Primary School and one Public School in the village whereas some of the students are going to other stations public school as there was a long outstanding dispute over the school between Chowkidar and local inhabitants.
10. That the appellant has tried his best to motivate the parents/students for the completion of admission ratio but our village is sensitive in nature and the inhabitants are not willing to send their children's to the school of the appellant where he was performing his duties as PSHT.
11. That the appellant has time and again request the SDEO (M) lakki Marwat to provide other teachers but no provided on one or the other pretext whereas in others Govt. primary School. There is seven teachers working therein hence people could not send their children to the school.
12. That as per fact mentioned at para 11, the SDEO (M) Lakki Marwat has also endorsed his remarks in the teachers Registers (Register Mualemeen) (Photostat copy enclosed for ready reference).
13. That the main issue is that the than SDEO (M) Lakki namely Qadeer Shah demanded hand sum for so many time but the appellant being poor and dependent of huge family members was unable to compensate him so verbal complaint was lodged against the appellant regarding absentee whereas the appellant throughout regularly remained punctual in attendance of school nor any report furnished by Monitoring Staff in the entire tenure.
14. That a show cause notice was served upon the appellant by the Competent Authority on mis-reporting by the than SDEO (M) Lakki through Whatsapp group share to all the district which is against the service rules and norm and damaged personality of the appellant.

ADULTS


15. That the appellant furnished reply with full justification and placed, be the authority concerned- but on mis-motivation, reply of the appellant did not listen correctly, and justification provided declared null and void.
16. That copy of the inquiry report (if any) has not been provided to the appellant as required vide rule 14 (4) (C) which is injustice and is against the Khyber Pakhtunkhwa Govt. Servants (Efficient & Discipline) Rules, 211.
17. That the appellant has not been provided with an opportunity of personal hearing as required vide Rule 15 but a letter no has shown in the impugned order nor served upon the appellant but the SDEO (M) Lakki and SDEO (M) Naurang were sitting in the office of the Competent Authority on 24-09-2021 and the appellant has only called inside the office and no question/answer session carried out but the SDEO (M) Lakki who acted in opposition against the appellant has ordered to go away and the appellant beside repeated request did not hear in person by the Competent Authority. Hence the instant appeal on the following grounds.

GROUND S:

- a. That the appellant has performed long meritorious services for the period from 12-09-1987 to 06-10-2021.
- b. That the appellant is a clean conduct in the entire service.
- c. That the appellant is a poor man having a large family members consist of 12 family members.
- d. That the area of the appellant is backward in the District is totally bunjar area hardly, depend upon the present salary and all the children's are school going.
- e. That no complaint has filed by anyone in the entire 34 years of meritorious services and is clean conduct.
- f. That one sided enquiry as per hear say evidence conducted and no charge sheet issued not ay previous record is asked for by the Competent Authority.

Handwritten signature/initials in the bottom left corner.

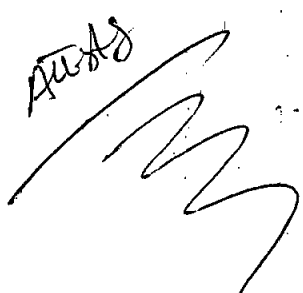
- g. That rules as required under (Efficiency & Discipline) Rules, 2011 not applied nor any chance of personal hearing provided but all the acts done by the reporting officer i.e. Mr Qadeer Shah the than SDEO (M) Lakki in the presence of Competent Authority.
- h. That the main reason of lack of school and strength is a long outstanding dispute between the inhabitants of the village and murder case exchange between the parties due to which the inhabitants of the area were not ready to admit their children therein as evident from the relevant pages of the log book endorsed by the ADI that visit of the school by the up will being passing through obstacles.
- i. That the appellant is GOD Blessings official and no un-necessary formalities could be provided to high ups and intend to service upto superannuation.
- j. That the appellant has nine school going children and the education of all the children will badly be affected if not reinstated into service.
- k. That the appellant is innocent and targeted by the than SDEO (M) Lakki personal grudges totally damaged his and his children bright future.

PRAYER:

Sir, keeping in view the above mentioned facts, grounds and figures I very humbly prayed that the impugned order passed illegal on mis-reporting and malafide may kindly be set aside and the appellant may kindly be re-instated into service with retrospective effect.

Thanking You Sir,
Your most obedient Servant.

Dated 13-10-2021

MASHAL KHAN


MASHAL KHAN PSHT BPS-15
GPS NO. 01 AGHZAR KHEL,
DISTRICT LAKKI MARWAT.
CNIC NO. 11201-7115686-3
CONTACT NO. 0344-5075423

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

33-10-23

Subject: DEPARTMENTAL APPEAL/REPRESENTATION UNDER
RULE 4 OF THE SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ORDER NO. 12/40 DATED
06.10.2021 PASSED BY THE DISTRICT EDUCATION
OFFICER (MALE) LAKKI MARWAT WHEREBY THE
APPELLANT HAS COMPULSORY BEEN RETIRED FROM THE
SERVICE.

Respectfully Sheweth.

I have the honour to submit that the appellant is aggrieved from the order cited above passed by the District Education Officer (Male) Lakki Marwat, wherein the appellant has compulsory been retired from the service, hereby submit departmental appeal under Rule 4 of the Service Tribunal Act, 1974, as under:-

FACTS

1. That the appellant is the bonafide resident of Village and Post Office Asghar Khel Tehsil and District Lakki Marwat and the address is sufficient for service.
2. That the appellant was initially appointed as a PST on 12.09.1987. (Photostat copy enclosed).
3. That the appellant has been promoted to the post of PSHT BPS 15 on 11.02.2013 (Photostat copy enclosed).
4. That the appellant has regularly drawn pay and allowances since appointment upto now.
5. That the services of the appellant has been verified by the Competent Authority since appointment upto now.
6. That the appellant is serving on the present post i.e PSHT in the present school since 21.12.2005.
7. That the appellant has served in the present post/school upto the entire satisfaction of superior offices and there is punishment awarded since appointment and the services of the appellant is clean conduct.
8. That the appellant has regularly performed his duties and not given any chance of absence nor any complaint has been filed against the appellant as evident from his service book. (Photostat copy of service book is enclosed).

9. That there is one other Govt: Primary School and one Public School in the village whereas some of the students are going to other stations public schools as there was a long outstanding dispute over the school between Chowkidar and local inhabitants.
10. That the appellant has tried his best to motivate the parents/student for completion of admission ratio but our village is sensitive in nature and the inhabitants are not willing to send their children to the school of the appellant where he was performing his duties as a PSHT.
11. That the appellant has time and again request the SDEO (M) Lakki Marwat to provide other teachers but no provided on one or the other pretext whereas in other Govt: Primary School, there is seven teacher working therein, hence, people could not sent their children to this school.
12. That as per facts mentioned at para 11, the SDEO (M) Lakki Marwat has also endorsed his remarks in the Teachers Register (Register Mualemeen). (Photostat copy enclosed for ready reference).
13. That the main issue is that the then SDEO (M) Lakki namely Qadeer Shah demanded hand sum for so many time but the appellant being poor and dependent of huge family members was unable to compensate him so verbal complaint was lodged against the appellant regarding absentee whereas the appellant has throughout regularly remained punctual in attendance of school nor any report furnished by Monitoring Staff in the entire tenure.
14. That a show cause notice was served upon the appellant by the Competent Authority on mis-reporting by the then SDEO (M) Lakki through Whatsapp group shared to all the District which is against the service rules and norm and damaged personality of the appellant.
15. That the appellant furnished reply with full justification and placed be the authority concerned but on mis-motivation, reply of the appellant did not listen correctly and justification provided declared null and void.

16. That copy of the enquiry report (if any) has not been provided to the appellant as required vide Rule 14 (4) (c) which is injustice and is against the Khyber Pakhtunkhwa Government Servants (Efficient & Discipline) Rules, 2011.
17. That the appellant has not been provided with an opportunity of personal hearing as required vide Rule 15 but a letter no has shown in the impugned order nor served upon the appellant but the SDEO (M) Lakki and SDEO (M) Naurang were sitting in the office of the Competent Authority on 24.09.2021 and the appellant has only called inside the office and no question/answer session carried out but the SDEO (M) Lakki who acted in opposition against the appellant has ordered to go away and the appellant beside repeated request did not hear in person by the Competent Authority. Hence the instant appeal on the following grounds:-

GROUNDS

- A. That the appellant has performed long meritorious services for the period from 12.09.1987 to 06.10.2021.
- B. That the appellant is a clean conduct in the entire services.
- C. That the appellant is a poor man having a large family members consist of 12 family members.
- D. That the area of the appellant is back ward in the District is totally banjar area hardly depend upon the present salary and all the children are school going.
- E. That no complaint has filed by anyone in the entire 34 years of meritorious services and is clean conduct.
- F. That one sided enquiry as per hear say evidence conducted and no charge sheet issued nor any previous record is asked for by the Competent Authority.
- G. That rules as required under (Efficiency & Discipline) Rules, 2011 not applied nor any chance of personal hearing provided but all the acts done by the reporting officer is Mr Qadeer Shah, the then SDEO (M) Lakki in the presence of the Competent Authority.

- H. That the main reasons of lack of school and strength is a long outstanding dispute between the inhabitants of the village and ~~murder cases exchange between the parties due to which~~ the inhabitants of the area were not ready to admit their children therein as evident from the relevant pages of the log book endorsed by the ADI that visit of the school by the high up will be passing through obstacles.
- I. That the appellant is GOD blessing official and no unnecessary formalities could be provided to high ups and intend to service upto superannuation.
- J. That the appellant has nine school going children and the education of all the children will badly be affected if not re-instated into service.
- k. That the appellant is innocent and targeted by the then SDEO (M) Lakki on personal grudge and totally damaged his and his children bright future.

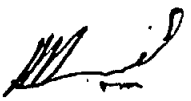
PRAYER

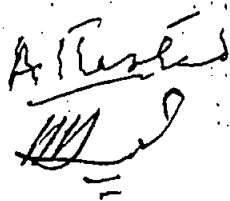
Sir, Keeping in view the above mentioned facts, grounds and figures, I very humbly prayed that the impugned order passed above on mis-reporting and malafide, may kindly be set aside and the appellant may kindly be re-instated into service with retrospective effect.

Thanking You Sir,

Yours Most Obedient Servant

Dated: 13.10.2021


 MASHAL KHAN PSHT BPS-15
 GPS NO. 1 AGHZAR KHEL
 DISTRICT LAKKI MARWAT
 CNIC NO. 11201-7115686-3
 CONTACT NO. 0344-5075423



E

12

12-11-23

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

No. 8969 E No Appeal (Sic)
In service District Lakki Marwat
Dated Peshawar the 12.11.2021

To

The District Education Officer (M)
Lakki Marwat

Subject **Departmental Appeal under Rule -4 of the Service Tribunal Act 1974 against the impugned Order 6042-46 dated 06.10.2021 passed by the DEO (Male) lakki Marwat whereby the appellant has compulsory been retied from service.**

Memo:

I am directed to refer to the subject noted above and to enclose herewith an appeal/ representation in r/o Mashal Khan PSHT GPS No.1 Aghar Khel which is self explanatory and to ask you the submission of detail report/ facts and found after examine the case for further necessary action please.

Encls: attached.

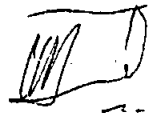
Assistant Director (Estab)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

Endst No.

Copy forwarded to the:-

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

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

Blended


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33-32-22

**OFFICE OF THE DISTRICT EDUCATION OFFICER
MALE LAKKI MARWAT**

No. 7815 dated 31.18.2021 DFA

To

The Director,
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar.

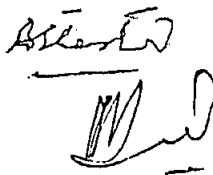
Subject: Departmental Appeal under rule 4 of the service Tribunal Act 1974 against the impugned Order 6042-46 dated 06.10.2021 passed by the D.E (Male) Lakki Marwat whereby the appellant has compulsory been retired from service.

With reference to your office letter bearing No.8969/F No Appeal for Re instatement in service district Lakki Marwat dated 12.11.2021, on the subject dated above

It is submitted that:

1. Mr. Mashal Kahn Ex PSHT GPS No.1 Azghar Khel Lakki Marwat was found willfully absent fro school duty as reported by Sub Divisional Education Officer (Male Lakki Marwat vide his letter bearing No. 954 dated 19.05.2021. (Copy of ASDEO report along with covering memo of SDEO annexed as A& B).
2. IN pursuance to the above this office served show cause notice on the appointment (Copy annexed C) under the Khyber Pakhtunkhwa Efficiency & Discipline Rules 2011 with the back of interest school affairs 2 Misc conduct 3 inefficiency.
3. Furthermore, the competent authority provided an opportunity of personal hearing to the appellant but he failed to justify the above cited allegations.
4. In view of the above and as per rule 9 of KP Servants (Efficiency & Discipline Rules 2011 the competent authority (District Education Officer Male Lakki Marwat) in exercise of power conferred under Section 9 of Khyber Pakhtunkhwa Govt Servants (Efficiency & Discipline Rules 2011 imposed major penalty of compulsory Retirement upon Mr. Mashal Khan Ex PSHT GPS No.1 Aghar Khel Lakki Marwat from the date of absence (Copy attached as Annexure D).
5. It is added that all codal formalities/ procedure as prescribed in KP Govt. Servants (Efficiency & Discipline) Rules, 2011 were fulfilled prior to issuance of the compulsory retirement of appellant.

Keeping in view the above facts requested that the departmental appeal in respect of the above cited appellant may please be rejected being devoid of facts/ merit and time barred.



District Education Officer
(Male) Lakki Marwat



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4-2-23

DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

NOTIFICATION

1. WHEREAS, Mr. Mashal Khan (Ex-PSHT) GPS No. 01 Aghzar Khel Lakki Marwat, was "Compulsory Retired" under E&D Rules -2011 on account of inefficiency/absence from duty as reported by DEO (M) Lakki Marwat vide Notification bearing No. 6042-46 dated 06-10-2021.
2. AND WHEREAS, Mr. Mashal Khan (Ex-PSHT) GPS No. 01 Aghzar Khel Lakki Marwat, submitted an appeal against the Impugned Order passed by DEO (M) Lakki Marwat to this office vide bearing No. 219 dated 20-10-2021.
3. AND WHEREAS, this office asked detail report from DEO (M) Lakki Marwat vide letter No. 8969 dated 12-11-2021.
4. AND WHEREAS, DEO (M) Lakki Marwat submitted Detailed Report along with all supporting documents vide letter bearing No. 7815 dated 31-12-2022.
5. NOW THEREFORE, in exercise of power conferred upon by the Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar after having examined the evidence on record is pleased to accept the appeal under Rules (17)(2)(C) of E&D 2011 being appellate authority and convert his major Penalty of "Compulsory Retirement" with the direction to apply for Pre-mature Retirement of E&D Rules-2011.

DIRECTOR

Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst: No: _____/F.No.15/Appeal for Re-instatement in Service/Lakki Marwat.
Dated Pesh: the 4/04/2022.

Copy forwarded for information to the:-

1. District Education Officer (Male) Lakki Marwat.
2. District Account Officer Lakki Marwat.
3. Mr. Mashal Khan Ex-PSHT GPS No.1 Aghzar Khel District Lakki Marwat.
4. P.A, to Director Elementary & Secondary Education, Local Directorate, Peshawar.
5. Master File.

Received on 10-5-22

[Handwritten signature]

Assistant Director (Estab-1)

Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

[Handwritten signature]

یعدالت چٹا سروس ٹریڈ یونٹل صوبہ سندھ پشاور

مستجاب ایڈریس

منگنی صاحب نام

دعویٰ اپیل

باعتبار سندھ

مستجاب سندھ جو عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے استعانت حاصل خان سرور سے ایڈریس ہائی کورٹ کو وکیل مقرر کر کے اختیار کیا جاتا ہے کہ صاحب متدعوت کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرے یا معنی نامہ و آفیشز ٹائٹ و فیصلہ برصاف میں جواب دہی اور اقبال دعویٰ اور بھرتی ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور برسی دعویٰ اور درخواست ہر قسم کی تعلیق ایڈریس پر دستخط کرنے کا اختیار ہوگا نیز بھرتی عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور تیسری ایڈریس پر دستخط کرنے اپیل ٹیکنی رٹ نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ منگنی کے کل یا جزوی کا برائے کسی واسطے اور وکیل یا نثار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور اس پر مقرر شدہ کو بھی وہی جملہ ہنگامہ بالا اختیارات حاصل ہوں گے اور اس کا سامنے پروا خستہ منقولہ قبول ہوگا اور دوران مقدمہ میں جو خرچہ و تر جانہ اتوار مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب متدعوت ہوں گے نیز بقایا و فریب کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام رورہ پر ہو یا عدسے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی نہ کر دیں۔
لہذا رکالت نامہ دیکھ دیا کہ سند ہے۔

21-05-22 المرقوم

القصد القصد القصد

11 اور باب نیف اتمال ایڈریس

سیدہ انیسہ بیگم سیدہ انیسہ بیگم ایڈریس

محمد نواز ایڈریس

سید