


6.7.2015

None present for appellant despite service of notice.  
Mr. Muhammad Zubair, Sr.G.P for respondents present. The Court  
time is about to over. The appeal is dismissed for want of prosecution.  
File be consigned to the record.


ANNOUNCED

6.7.2015

  
Chairman  
Camp Court Swat  
06/07/15

26.11.2014

No one is present on behalf of the appellant. Mr. Muhammad Adeel Butt, AAG for the respondents present. The Tribunal is incomplete. To come up for written reply/comments on 09.03.2015.

  
Reader

09.03.2015

None present for appellant. Learned Addl: A.G for respondents present. Written statement not submitted. The case pertains to territorial limits of Malakand Division to be heard at Mingora, Swat. Notice to appellant and his counsel be issued and written reply be submitted at camp court swat on 4.5.2015 before S.B.

  
Chairman

4.5.2015

None present for appellant despite issuance of notice. Let another notice be issued to appellant and his counsel and respondents for 6.7.2015 at camp court Swat.

  
Chairman  
Camp Court Swat

Appeal No. 100/2014.  
Mr. Khan Bahadur

3.

07.03.2014

Appellant with counsel present and requested for

adjournment. To come up for preliminary hearing on 26.03.2014.

Member

4.

26.03.2014

Counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 13.05.2014.

Member

5.

13.05.2014

Counsel for the appellant present and filed amended appeal with spare sets. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 01.03.2013, he filed departmental appeal on 25.09.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 21.01.2014. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 05.08.2014.

Appellant Deposited  
Security & Process Fee  
Rs. 180/- Bank  
Receipt is Attached with File.

Member

6.

13.05.2014

This case be put before the Final Bench for further proceedings.

Chairman



5.8.14

The amended bank is on file,  
This case is adjudged on 26-11-14

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 100/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	21/01/2014	<p>The appeal of Mr. Khan Bahadur presented today by Mr. Fazal Shah Mohmand 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	24-1-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>7-3-2014</u>,</p> <p style="text-align: right;"> CHAIRMAN</p>

Receipt is Attached with File.  
 Bank  
 Security & Process Fee  
 Appellate Deposited





2. That appellant while posted to Govt. Primary School Qadar Killy Badraga, Malakand Agency was landed in some family problems and was unable to had performed his duties, so made a request to respondent No 1 for granting him extraordinary leave without pay for two years i.e. from 1<sup>st</sup> January, 2012 to 31<sup>st</sup> December, 2013, vide application dated 28/11/2011, which was duly forwarded. **(Copy of application is enclosed as annexure "A")**.
  
3. That even the leave account of the appellant was calculated and even the appellant was directed to give an affidavit to the effect that he will not join any other service and that he will not leave the country, vide letter dated 28/03/2012, which was accordingly provided the same day. **(Copy of letter dated 28/03/2012 and affidavit are enclosed as annexure "B" & "C")**.
  
4. That appellant performed duties till December, 2011, and was unable to had performed his duties and he had duly informed the respondents through written application and had also requested for leave, but inspite of this, the appellant was shocked to know that he was awarded the penalty of removal from service in addition to minor penalty of recovery of salary with effect from 01/01/2011 by respondent No. 1 vide order dated 01/03/2013 and after getting knowledge on 12/09/2013, copy of which was received by the appellant on 13/09/2013. **(Copy of the order is enclosed as annexure "D")**.

5. That thereafter the appellant submitted Departmental Appeal before the respondent No 2 on 25/09/2013 which was not been responded so far despite the laps of the statutory period. Even respondent No 1 submitted comments to respondent No 2 on 16/01/2014. **(Copy of Departmental appeal dated 25/09/2013 and comments are enclosed as annexure "E", & "F")**.
6. That both the impugned order dated 01/03/2013 of respondent No 1 is against the law, facts and principles of justice on grounds inter alia as follows:-

**Grounds:-**

- A. That the impugned order is illegal and void ab-initio as have been passed ex-parte, without inquiry and without substantiating the allegations against the appellant.
- B. That the appellant has not been treated in accordance with law an mandatory provisions of law have been violated by the respondents while taking action against the appellant.
- C. That no inquiry was conducted to had found out the true facts and circumstances and to prove or disprove the allegations leveled against the appellant.
- D. That Charge Sheet and Show Cause Notice were never communicated to the appellant.



E. That the appellant was also not afforded the opportunity of personal hearing.

F. That the appellant has done nothing which could be termed as misconduct and he has been punished without any omission or commission on his part.

G. That as per law and rules particularly Section 12 of the N.W.F.P Civil Servants Revised Leave Rules, 1981, the appellant was entitled to the grant of extra ordinary leave without pay which could be granted at any grounds and even retrospectively in leave of absence without leave for having more than 18 years of service.

H. That impugned order is defective and not maintainable as the same has been passed without retrospective effect and the appellant has been awarded two punishments on the same allegations.

I. That the malafide of the respondents is proved from the fact that the appellant performed his duties till December, 2011, but he has been awarded the penalty with effect from 01/01/2011. (Copy of the Attendance Register is enclosed as annexure "G").

J. That the impugned order is not maintainable because the same have been passed under law which is not applicable in case of the appellant.

K. That the appellant has about 18 years of service and is jobless since his illegal removal from service.

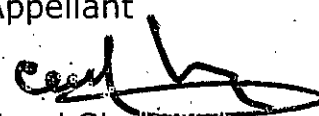
L. That the appellant seeks the permission of this Honourable Tribunal for further/additional grounds at the time of arguments.

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

Dated:- 13/05/2014

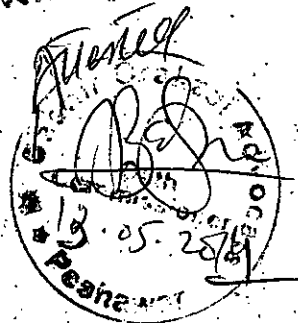
Appellant

Through:-

  
Fazal Shah Mohmand  
Advocate, High Court,  
Peshawar.

Affidavit

appeal stated on oath that the contents of this ~~application~~ are true and correct and nothing has been concealed from this Honorable Tribunal.



Department.



**BEFORE THE SERVICE TRIBUNAL, K.P.K, PESHAWAR.**

*Amended* Service Appeal No:- \_\_\_\_\_ /2014

Khan Bahadur **Versus** District Education Officer (Male)  
Ex. Primary School (PST) Malakand at Batkhela & others.  
..... Appellant ..... Respondents



**AFFIDAVIT**

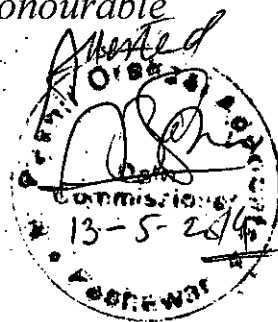
I, Khan Bahadur Ex. Primary School (PST) S/o

Haji Said Gul R/o Laki Shah Badraga Malakand,

Agency, do hereby solemnly affirm and declare on oath that the contents of this accompanying Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

Identified by

DEPONENT



*Fazal Shah Mohmand*  
Fazal Shah Mohmand  
Advocate, High Court,  
Peshawar.

A

ڈیٹا سٹاٹس ایگریگیشن ڈیسک ٹاپ آفیس (EDSE) مالاکنڈ ڈسٹرکٹ سکول  
بوساٹھ سٹاٹس ڈیٹا ڈسک ٹاپ آفیس (EDSE) سکول سٹیٹس ڈسک ٹاپ آفیس

D/A  
do the needful  
11-11-2011  
13/12/11

سوال! درخواست کے تحت استحقاقہ لیسر پنخواہ

ضابطہ عالی! گزارش کہ نور انورہ ہے کہ فزری ٹیچر آئی  
پوسٹ ٹیچر کے طور پر درسی و تدریسی سرانجام دے رہی ہے۔ فزری کے آفس تک  
کسی قسم کی تفریق نہیں ہے۔ اب پیش کردہ خانگی مشغلیت پیش  
ہو رہی ہے کہ جس سے فزری کو ایسی فرائض بھی سرانجام دینے ہوتے  
کا سامنا ہے۔

اس لئے آئینہ کی صورت آفیس میں آگیا کی جاتی ہے کہ فزری  
کو یکم جنوری 2012 سے لیکر 31 دسمبر 2013 تک (2 سال) تفریق  
لیسر پنخواہ دینے کا حکم صادر فرما کر شکور و مہنوں کو مائیں  
فزری نافیا دعا کر دیوں گا۔

آداب

المترجم 28 نومبر 2011ء

لعل انالہمدار

خان بھارہ آئی

آئی ڈی ڈی تفریق لیسر پنخواہ

اللہ اعلم  
اللہ اعلم

اللہ اعلم  
اللہ اعلم

M. Khan  
Head Teacher  
G.P.S Qadar Bala  
Mkd Agency

APPLICATION FOR LEAVE

Notes:- Item 1 to 9 must be filled in by all applicants. Item 12 applies only in the case of Government servants of B.P.S. 16 and above.

- 1. Name of applicant. *KHAN BAHADAR*
- 2. Leave Rules applicable. *1981*
- 3. Post held. *PST*
- 4. Department or office. *Edu. Deptt.*
- 5. Pay. *13500 PM*
- 6. House Rent Allowance/Conveyance Allowance or other compensatory allowances drawn in the present post.
- 7. (a) Nature on leave applied for. *Extra ordinary leave*  
 (b) Period of leave in days: *1.1.2012 to 31.12.2012 (365 days)*  
*1.1.2013 to 31.12.2013 (365 days)*  
 (c) Date of commencement: *27.12.99*
- 8. Particular Rule/Rules under which leave is admissible. *1981*
- 9. (a) Date of return from last leave. *NIL*  
 (b) Nature of leave. *NIL*  
 (c) Period of leave in days. *NIL*  
 Date *2012/2011* Signature of applicant.

10. Remarks and recommendation of the Controlling Officer.

11. Certified that leave applied for is admissible under Rule ..... and necessary conditions are fulfilled.  
 Date ..... Signature .....  
 Designation .....

12. Report of Audit Officer.  
 Date ..... Signature .....  
 Designation .....

13. Orders of the sanctioning authority *sanctioning that on the expiry of leave the applicant is asked to be resumed in his post*  
 Date ..... Signature .....  
 Designation .....

Attested  
*[Signature]*  
 AGM

Attested  
*[Signature]*  
 Ad.

10

FORM III

FORM OF LEAVE ACCOUNT UNDER THE REVISED LEAVE RULES, 1981,

Leave Account of Mr./Miss/Mrs. **KHAN BAHADAR P.S.I**

Date of Commencement of service. **27-10-1994**

Date of attaining the age of superannuation. **02-1-2025** (N.B.—Instruction for filling in the form are printed on reverse).

23  
200  
500

Attended  
C  
Ad

Government/Department served under	PERIOD OF DUTY	Leave earned on full pay 4 days for each calendar month.	Leave at credit (column 21+6)	LEAVE TAKEN (From Column 8 to 20)																	Remarks	ATTENTION	
				PERIOD	Leave on full pay without medical certificate subject to maximum of 120 days & 365 days in case of L.P.R.	Leave on full pay on medical certificate subject to maximum of 180 days.	Leave on full pay on medical certificate subject to maximum of 365 days in entire service.	LEAVE ON HALF PAY		Recreation leave of 15 days in a year but 10 days to be debited	LEAVE NOT DUE		ABSENCE		Total leave (Columns 10 + 11 + 12 + 14 + 15 + 17 + 19)	Balance on 1-7-1978/Secura from leave (Column 7-20)							
								In terms of half pay	In terms of full pay		In terms of half pay	In terms of full pay	Actual No. of days	No. of days debitible (double the actual number)			Days	Days					
1	From 2	To 3	Y.M.D. 4	Full Calendar months 5	Days 6	Days 7	From 8	To 9	Days 10	Days 11	Days 12	Days 13	Days 14	Days 15	Days 16	Days 17	Days 18	Days 19	Days 20	Days 21	22	23	

Attended  
C  
Ad

27-10-94 to 31-12-2011  
4-M-D  
17-2-4 = 206 months

206 days

Leave w.e. from 1-1-2012 to 31-12-2012 = 365 days on half pay.  
1-1-2013 to 31-12-2013 = 365 w/o pay.

Balance 412 days Hal.

= Bal - 412 days half.

Dy. District Officer  
(E&S) Education (M)  
Sana Ranizai Darga MKD

OFFICE OF THE DY; DISTRICT OFFICER  
(M) DARGAI MALAKAND.

No. 184 /TA File

DATED 28/3 /2012

B  
11

To:

The Head Teacher,  
G.P.S. Qadar Kali

Subject:

EXTRA-ORDINARY LEAVE WITHOUT PAY.

Memo:

Reference to E.D.O (E & Se:) Malakand at Batkhela No. 1186 dated  
21.2.2012.

You are hereby directed to obtain an affidavit on stamp paper from Mr.  
Khan Bahadar PST of your school who proceeded on Extra ordinary leave w.e.from  
01.1.2012 to 31.12.2013, that he will not join any other job and will nor leave the country  
and submit the same to this office for further necessary action please.

By: *K-11-2012*  
District Officer  
(M) Dargai Malakand

Endst: No. \_\_\_\_\_

Copy forwarded to the Executive District Officer (E & SE:) Malakand at Batkhela for information please.

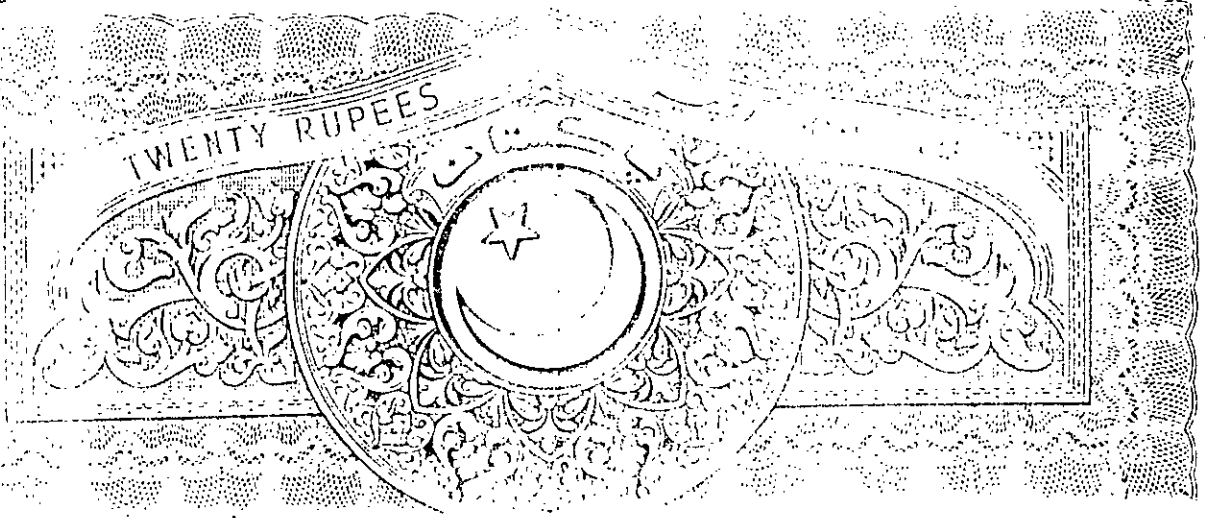
By: *SO*  
District Officer  
(M) Dargai Malakand

Attested  
*[Signature]*  
Ado

Attested  
*[Signature]*



C  
12



بیکان طلوع

بیکان طلوع پست ۱۵۴۰۱-۷۸۳۴۴۱۹-۹  
۱۵۴۰۱-۷۸۳۴۴۱۹-۹  
بیکان طلوع پست ۱۵۴۰۱-۷۸۳۴۴۱۹-۹  
بیکان طلوع پست ۱۵۴۰۱-۷۸۳۴۴۱۹-۹

بیکان طلوع پست ۱۵۴۰۱-۷۸۳۴۴۱۹-۹  
بیکان طلوع پست ۱۵۴۰۱-۷۸۳۴۴۱۹-۹  
بیکان طلوع پست ۱۵۴۰۱-۷۸۳۴۴۱۹-۹

بیکان طلوع پست ۱۵۴۰۱-۷۸۳۴۴۱۹-۹  
بیکان طلوع پست ۱۵۴۰۱-۷۸۳۴۴۱۹-۹  
بیکان طلوع پست ۱۵۴۰۱-۷۸۳۴۴۱۹-۹

بیکان طلوع پست ۱۵۴۰۱-۷۸۳۴۴۱۹-۹

28/03/2012

بیکان طلوع پست ۱۵۴۰۱-۷۸۳۴۴۱۹-۹  
بیکان طلوع پست ۱۵۴۰۱-۷۸۳۴۴۱۹-۹  
بیکان طلوع پست ۱۵۴۰۱-۷۸۳۴۴۱۹-۹

37/12

Head Teacher  
Mkd Agazay

۱۵۴۰۱-۷۸۳۴۴۱۹-۹

Attested  
[Signature]

Attested  
[Signature]

D  
D  
13

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MALAKAND AT BATKHELA.

OFFICE ORDER.

WHEREAS, MR. KHAN BAHADAR Primary school teacher Govt: Primary school Qadar Kalli, Tehsil Dargai, Malakand Agency was proceeded against under the Khyber Pakhtunkhwa Government servants (E&D) Rules, 2011 on the charges of willful absence from duties with effect from 01-01-2011 reported by the S.D.E.O. (Male) Sama Ranizai at Dargai through his office memo No. 586 dated 04-10-2012.

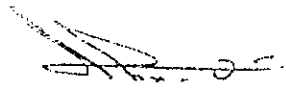
1. AND whereas attendance <sup>no bills</sup> ~~was~~ required under Rule-09 of the Khyber Pakhtunkhwa Government servants (E&D) Rules, 2011 was issued to the said teacher through Registered cover with acknowledgement due on his home address vide D.E.O. (Male) Malakand office endst: No. 14271/F.No. PF of Khan Bahadar PST dated 30-10-2012 and memo No. 15635/F.No. PF of Khan Bahadar PST dated 26-12-2012, but he ~~did~~ not resume his duty and ~~did~~ not appear before the competent authority for personal hearing.
2. AND whereas Mr. Khan Bahadar, P.S.T. was given reasonable opportunity of showing cause of his absence and resumption of duties through advertisement published in News papers directing him to resume his duties and appear before the Competent Authority within 15 days but he failed to resume his duties within the stipulated time.
3. And whereas the Competent authority, D.E.O. (Male) Malakand after having considered the charges, evidence on record, report of the S.D.E.O. (Male) Dargai and failure of the delinquent teacher in resumption of his duties within the stipulated period as shown in the Show cause Notice Published in the News papers under Rule-9 of the E&D Rules, 2011 is pleased to impose major penalty of removal from service as specified under Rule-4 (b) (iii) in addition to minor penalty of recovery of salary, if paid for the period with effect from 01-01-2011 and onward, upon Khan Bahadar P.S.T. Govt: Primary School Qadar Kalley, Malakand Agency with effect from 01-01-2011.

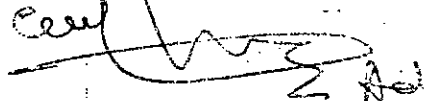
( MUSHTAQ AHMAD )  
DISTRICT EDUCATION OFFICER (MALE)  
MALAKAND AT BATKHELA.

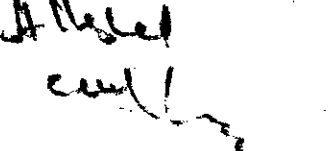
Endst: No. <sup>2720-23</sup> / F.No. PF of Khan Bahadar PST/DEO(M)Mkd Dated 1-03 / 2013.

Copy of the above is forwarded for information and necessary action to:-

1. The Director E&SE Deptt: Khyber Pakhtunkhwa, Peshawar.
2. The Sub Divisional Edu: Officer, (Male) Sama Ranizai at Dargai with the remarks to work out the amount of overpayment made on account of pay and allowances etc: to the removed teacher, Khan Bahadar w.e.f. 01-01-2011 and onward and recover the amount of overpayment from him, if paid to him under intimation to all concerned.
3. Mr. Khan Bahadar S/o Haji Said Gul P.S.T. G.P.S. Qadar Kalli Tehsil Dargai, village Lakai shah P.O. Badragga Tehsil Dargai, Malakand Agency with the direction to refund the amount of salaries etc: which he receive during the period of his absence w.e.f. 01-01-2011 and onward.
4. The Head teacher Govt: Primary school Qadar Kalli U/Council Badragga, Tehsil Dargai, Malakand Agency.

  
DISTRICT EDUCATION OFFICER (MALE)  
MALAKAND AT BATKHELA.

Attested  
cert  


Attested  
cert  
  
Date.

E  
18,

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

Subject: APPEAL AGAINST RE-INSTATEMENT IN SERVICE/ CONDUCTION  
OF IMPARTIAL ENQUIRY.

R/Sir,

Most respectfully I beg to submit the following few lines for your sympathetic  
action and favorable consideration please.

1. That I was appointed in Education Department as PTC on: 27.10.1994 and served the department upto 31.12.2011, having a spot career and about 17 years service at my credit.
2. That due to heavy flood in Malakand Division my home was absolutely destroyed and for re-construction of my home, I applied for two years earned leave w.e. from 1.1.2012 to 31.12.2013 in the month of December 2011, but due to some conspiracy my leave period in application was changed and leave applied for was shown as 1.1.2011 to 31.12.2012.
3. That the application of leave as and when received in the office of DEO(M) Malakand, he instead of sanctioning the leave straight away ordered for enquiry and recorded on the application and the teacher concerned is absent from leave w.e. from 1.1.2011 while for the said period i.e 1.1.2011 to 31.12.2011 I have already drawn pay which record is available on record.
4. The DEO (M) Malakand ultimately finalized the enquiry proceedings in the shape of imposing major penalty against me i.e removal from service.
5. That the DEO (M) Malakand have given no weight to my 17 years spot career service and imposed major penalty against me giving no heed to my simple request that I applied for leave w.e. from 1.1.2012 and not from 1.1.2011.

I, therefore requested that an impartial enquiry may be conducted and re-instated me in order to protect my from mental torture and hard-ship please.

*[Signature]* 25-09-2013

(Mr. Khan Bahadar)  
Ex-PST GPS Qadar Kalley Malakand.

Attested

Attested

cert

*[Signature]*

*[Signature]*

AA.

OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE)  
MALAKAND AT BATKHELA.  
No. 189 PF of Khan Bahadar  
EX-PST  
Dated 16-01 /2013

9  
76  
F  
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15

To

The Director,  
Elementry and Secondary Education.  
Khyber Pakhtunkhwa, Peshawar.

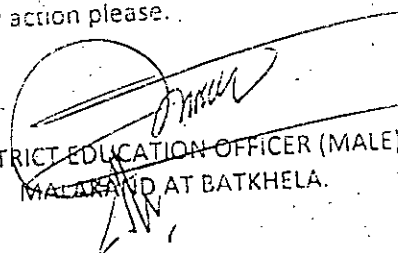
Subject:- APPEAL  
Memo,

Reference your office memo No.2327/F.No.18/Vol:VI/PST/(M) dated 13-12-2013 on the above cited subject

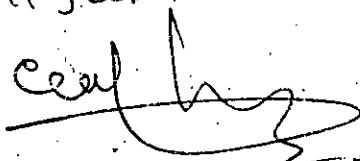
It is submitted for your kind information that Mr. Khan Bahadar Ex-PST G.P.S.Qadar Kili, District Malakand ~~was~~ applied for extra ordinary leave without pay on 20-12-2011 with effect from 01-01-2012 to 31-12-2013 vide S.D.E.O.(M) Dargai office memo No.869 dated 22-12-2011, which was not granted and returned to the SDEO(M)Dargai vide this office memo No.1186 dated 21-02-2012 with the remarks to direct the teacher concerned to submit affidavit to the effect that he will not leave the country nor join any other job during the period of leave applied for, but no response received from the teacher concerned. A reminder was issued to the SDEO(M) Dargai vide this office memo No.12435 dated 06-09-2012 with the remarks to fulfill the requirements already directed through this office memo No.1186 dated 21-02-2012. The SDEO(M)Dargai directed the teacher through Head teacher of the school concerned to submit the affidavit on stamp paper vide his office memo No.538-39 dated 15-09-2012. The teacher concerned was directed on his home address to submit an affidavit on stamp paper vide this office memo No.14271 dated 30-10-2012 and memo No.15635 dated 26-12-2012, but no response was received from the teacher concerned and remained absent from his duty with effect from 01-01-2012. Then a show cause notice was issued to him through press to resume his duty within fifteen days, otherwise ex-party action will be taken against him under the existing rules, which was published in the daily "AAJ" dated 08-02-2013, but no response was received from him and did not resume his duty.

At the last a major penalty of removal from service was imposed upon him, as specified under Rule-9 of the E&D rules 2011 and was removed from his service with effect from 01-01-2012 vide this office order endst: No.2720-23 dated 01-03-2013 and a corrigendum was issued in the date of removal from service as 01-01-2012 instead of 01-01-2011 vide this office order endst: No.5496-99 dated 28-09-2013.

Submitted for your kind perusal and necessary action please.

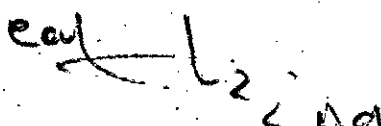
  
DISTRICT EDUCATION OFFICER (MALE)  
MALAKAND AT BATKHELA.

Attested



Addl.





رجسٹر حاضرین  
 11-12-2011  
 سرکاری سکول کادری

17

روز	وقت	MA	SSC	عام تربیت	PA	مدرسین	مدرسین	مدرسین	مدرسین
نمبر	نمبر	PST	PST	PST	PST	PST	PST	PST	PST
1	8:30	1:35	8:30	A:30/1-35	A:30/8:30	BR	1:35	BR	8:30
2	8:30	11:45	8:30	A:30/11-45	A:30/8:30	BR	11-45	BR	8:30
3	8:30	1:35	8:30	A:30/1-35	A:30/8:30	BR	1:35	BR	8:30
4	8:30	1:35	8:30	A:30/1-35	A:30/8:30	BR	1:35	BR	8:30
5	8:30	1:35	8:30	A:30/1-35	A:30/8:30	BR	1:35	BR	8:30
6	8:30	11:45	8:30	A:30/11-45	A:30/8:30	BR	11-45	BR	8:30
7	8:30	1:35	8:30	A:30/1-35	A:30/8:30	BR	1:35	BR	8:30
8	8:30	1:35	8:30	A:30/1-35	A:30/8:30	BR	1:35	BR	8:30
9	8:30	11:45	8:30	A:30/11-45	A:30/8:30	BR	11-45	BR	8:30
10	8:30	1:35	8:30	A:30/1-35	A:30/8:30	BR	1:35	BR	8:30
11	8:30	1:35	8:30	A:30/1-35	A:30/8:30	BR	1:35	BR	8:30
12	8:30	1:35	8:30	A:30/1-35	A:30/8:30	BR	1:35	BR	8:30
13	8:30	1:35	8:30	A:30/1-35	A:30/8:30	BR	1:35	BR	8:30
14	8:30	11:45	8:30	A:30/11-45	A:30/8:30	BR	11-45	BR	8:30
15	8:30	1:35	8:30	A:30/1-35	A:30/8:30	BR	1:35	BR	8:30
16	8:30	1:35	8:30	A:30/1-35	A:30/8:30	BR	1:35	BR	8:30
17	8:30	1:35	8:30	A:30/1-35	A:30/8:30	BR	1:35	BR	8:30
18	8:30	1:35	8:30	A:30/1-35	A:30/8:30	BR	1:35	BR	8:30
19	8:30	1:35	8:30	A:30/1-35	A:30/8:30	BR	1:35	BR	8:30
20	8:30	1:35	8:30	A:30/1-35	A:30/8:30	BR	1:35	BR	8:30
21	8:30	1:35	8:30	A:30/1-35	A:30/8:30	BR	1:35	BR	8:30
22	8:30	11:45	8:30	A:30/11-45	A:30/8:30	BR	11-45	BR	8:30
23	8:30	11:45	8:30	A:30/11-45	A:30/8:30	BR	11-45	BR	8:30

Attested

Head Teacher

G.P.S. Qadry Balli  
 Mkd Agency

8	7	1	9	8	1	8	8	4	1	8
8	7	1	9	8	1	8	8	4	1	8

Attested

Attested

copy

Not

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 100 /2014

Khan Bahadur .....Appellant

**V E R S U S**

DEO and two others.....Respondents

**INDEX**

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5.	Copy of the order dated 01-03-2013	D	13
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7.	Copy of attendance register	H	17
8.	Wakalat Nama		18

Dated:-20-01-2014

Through

  
Appellant

  
Fazal Shah Mohmand  
Advocate Peshawar

**OFFICE:-** Cantonment Plaza Flat 3/B, Khyber Bazar Peshawar.

Cell# 03018804841

*Original/Previous Appeal*

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No 100 /2014

Khan Bahadur Ex. Primary School Teacher (PST) S/O Haji Said Gul  
R/O Lakai Shah Badraga Malakand Agency.....Appellant

**V E R S U S**

1. District Education Officer (Male) Malakand at Batkhela
  2. Director Elementary and Secondary Education Govt. of KPK Peshawar.
  3. Secretary Elementary and Secondary Education Govt. of KPK Peshawar.....Respondents
- 102*  
*21-1-14*

**APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974/RW SECTION 19 OF THE KPK GOVT. SERVANTS E & D RULES 2011 AGAINST THE ORDER DATED 01-03-2013 PASSED BY RESPONDENT NO 1 WHEREBY THE APPELLANT HAS BEEN AWARDED THE PENALTY OF REMOVAL FROM SERVICE IN ADDITION TO MINOR PENALTY OF RECOVERY OF SALARY WITH EFFECT FROM 01-01-2011 AND AGAINST WHICH THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED DESPITE THE LAPSE OF STATUTORY PERIOD.**

**PRAYER:-**

On acceptance of this appeal the impugned order dated 01-03-2013 of respondent No 1 may kindly be set aside and the appellant may kindly be ordered to be reinstated in Service with all back benefits.

**Respectfully Submitted:-**

1. That the appellant joined the respondent Department as PTC on 27-10-1994 and since then performed his duties honestly and with full devotion.
2. That the appellant while posted to Govt. Primary School Qadar Killy Badraga Malakand Agency was landed in some family problems and was unable to had performed his duties, so made a request to respondent No 1 for granting him extraordinary

leave without pay for two years i.e from 1st January 2012 to 31<sup>st</sup> December 2013, vide application dated 28-11-2011, which was duly forwarded. (Copy of application is enclosed as Annexure A).

3. That even the leave account of the appellant was calculated and even the appellant was directed to give an affidavit to the effect that he will not join any other service and that he will not leave the county, vide letter dated 28-03-2012, which was accordingly provided the same day. (Copy of letter dated 28-03-2012 and affidavit is enclosed as Annexure B and C).
4. That the appellant was unable to had performed his duties and he had duly informed the respondents through written application and had also requested for leave, but in spite of this, the appellant was shocked to know that he was awarded the penalty of removal from service in addition to minor penalty of recovery of salary with effect from 01-01-2011 by respondent No 1 vide order dated 01-03-2013. (Copy of the order is enclosed as Annexure D).
5. That there after the appellant submitted departmental appeal before respondent No 2 on 26-04-2013, which was not responded so the appellant filed another appeal on 25-09-2013 which too has not been responded so far despite the lapse of the statutory period. Even respondent No 1 submitted comments to respondent No 2 on 16-01-2014. (Copy of departmental appeal dated 26-04-2013, dated 25-09-2013 and comments are enclosed as Annexure E, F and G).
6. That both the impugned orders dated 01-03-2013 of respondent No 1 is against the law, facts and principles of justice on grounds inter alia as follows:-

### **GROUND:-**

- A. That the impugned order is illegal and void ab-initio as have been passed exparte, without inquiry and without substantiating the allegations against the appellant.



- B. That the appellant has not been treated in accordance with law and mandatory provisions of law have been violated by the respondents while taking action against the appellant.
- C. That no inquiry was conducted to have found out the true facts and circumstances and to prove or disprove the allegations leveled against the appellant.
- D. That charge sheet and show cause notice were never communicated to the appellant.
- E. That the appellant was also not afforded the opportunity of personal hearing.
- F. That the appellant has done nothing which could be termed as misconduct and he has been punished without any omission or commission on his part.
- G. That as per law and rules particularly Section 12 of the NWFP Civil Servants Revised Leave Rules 1981, the appellant was entitled to the grant of extra ordinary leave without pay which could be granted at any ground and even retrospectively in leave of absence with out leave for having more than 18 years of service.
- H. That impugned order is defective and not maintainable as the same has been passed with retrospective effect and the appellant has been awarded two punishments on the same allegations.
- I. That the malafide of the respondents is proved from the fact that the appellant performed his duties till December 2011 but he has been awarded the penalty with effect from 01-01-2011. (Copy of the attendance register is enclosed as Annexure H).
- J. That the impugned order is not maintainable because the same have been passed under law which is not applicable in case of the appellant.
- K. That the appellant has about 18 years of service and is jobless since his illegal removal from service.


L. That the appellant seeks the permission of this honorable Tribunal for further/additional grounds at the time of arguments.

**It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for.**

**Dated:-20-01-2014**

Through

  
Appellant

  
Fazal Shah Mohmand  
Advocate Peshawar

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No \_\_\_\_\_ /2014

Khan Bahadur .....Appellant

**V E R S U S**

DEO and two others.....Respondents

**AFFIDAVIT**

I, Khan Bahadur Ex. Primary School Teacher (PST) S/O Haji Said Gul R/O Lakai Shah Badraga Malakand Agency, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal. I further affirm and declare that I am jobless since my illegal discharge from service.

Identified by



Fazal Shah Mohmand

Advocate Peshawar



DEPONENT



**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No \_\_\_\_\_/2014

Khan Bahadur .....Appellant

**V E R S U S**

DEO and two others.....Respondents

**APPLICATION FOR THE CONDONATION OF DELAY IF ANY.**

Respectfully Submitted:-

1. That the above titled appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may kindly be considered as integral part of this application.
3. That the appellant has file appeal within time, further more, the impugned order is illegal and void abinitio being passed exparte, without inquiry and under a law which is not applicable in the case and the time factor becomes irrelevant in such cases.

It is therefore prayed that on acceptance of this application, the delay in filing of the accompanying appeal, if any may kindly be condoned.

Dated:-20-01-2014

Through

Appellant

  
Fazal Shah Mohmand  
Advocate Peshawar

**BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR**

Service Appeal No \_\_\_\_\_/2014

Khan Bahadur.....Appellant

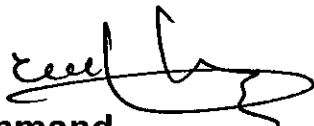
**V E R S U S**

DEO and two others.....Respondents

**A F F I D A V I T**

I, Khan Bahadur Ex. Primary School Teacher (PST) S/O Haji Said Gul R/O Lakai Shah Badraga Malakand Agency, do hereby solemnly affirm and declare on oath that the contents of this **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal. I further affirm and declare that I am jobless since my illegal discharge from service.

Identified by



Fazal Shah Mohmand

Advocate Peshawar



DEPONENT



A  
8

ذاتی حساب انگلینڈ ڈیپوٹمنٹ آف ایجوکیشن (EDSE) ملاکنڈ ڈیپارٹمنٹ  
بوسا اٹھنا حساب ڈیپوٹمنٹ آف ایجوکیشن (EDSE) سمر راپنڈی ڈیپارٹمنٹ

D/A  
do the needful  
U-4  
13/12/11

عنواں! در فوٹو سائیکل چھٹی استحقاقیہ لیسٹر تنخواہ

ضامی عالی! گزارش کہ نور انور ہے کہ مڈری ٹیچنگ آف  
پوسٹ ٹیچنگ میں درس و تدریس سر انجام دے رہا ہے۔ مڈری نے آئی ٹی  
کسی قسم کی چھٹی نہیں لی ہے۔ اب چھٹی بندہ کو خاندانی مشغلیت پیش  
ہو رہی ہے کہ چھٹی وہاں سے مڈری کو اپنی فرالٹی میں سر انجام دے دیں وقت  
کا سامنا ہے۔

اس لئے آئی ٹی کی خدمت آفیس میں آئی جاتی ہے کہ مڈری  
کو یکم جنوری 2012 سے لیکر 31 دسمبر 2013 تک (2 سال) چھٹی  
لیسٹر تنخواہ دینے کا حکم صادر فرما کر مشکور و ممنون بنائیں  
مڈری ناقصاً دعاگو رہوں گا۔

آداب

المترجمہ - 28 نومبر 2011ء

اللہ تعالیٰ تبارک و تعالیٰ

خان بھاردر آفیس  
G.P.S. قادر علیہ چھٹی سمر راپنڈی

اللہ تعالیٰ  
اللہ تعالیٰ  
Abu

M. Khan  
Head Teacher  
G.P.S. Qadar Kalha  
Mkd Agency

APPLICATION FOR LEAVE

Notes:- Item 1 to 9 must be filled in by all applicants. Item 12 applies only in the case of Government servants of B.P.S. 16 and above.

- 1. Name of applicant. *KHAN BAHADAR*
- 2. Leave Rules applicable. *1981*
- 3. Post held. *PST*
- 4. Department or office. *Edu Deptt.*
- 5. Pay. *13500 PM*
- 6. House Rent Allowance/Conveyance Allowance or other compensatory allowances drawn in the present post.
- 7. (a) Nature on leave applied for. *Extra ordinary leave*  
 (b) Period of leave in days: *1.1.2012 to 31.12.2012 (365 days)*  
*1.1.2013 to 31.12.2013 (365 days)*  
 (c) Date of commencement. *27.10.99*
- 8. Particular Rule/Rules under which leave is admissible. *1981*
- 9. (a) Date of return from last leave. *NIL*  
 (b) Nature of leave. *NIL*  
 (c) Period of leave in days. *NIL*  
 Date *2011/2011* Signature of applicant.

10. Remarks and recommendation of the Controlling Officer.

11. Certified that leave applied for is admissible under Rule ..... and necessary conditions are fulfilled.

Date ..... Signature .....  
 Designation .....

12. Report of Audit Officer.

Date ..... Signature .....  
 Designation .....

13. Orders of the sanctioning authority certifying that on the expiry of leave the applicant is *likely to be* resume his duty in his post.

Date ..... Signature .....  
 Designation .....

Attested  
*[Signature]*  
 (Asst)

FORM III.

FORM OF LEAVE ACCOUNT UNDER THE REVISED LEAVE RULES, 1981,

Leave Account of Mr./Miss/Mrs.

**KHAN BAHADAR PSI**

Date of Commencement of service

**27-10-1994**

Date of attaining the age of superannuation

**02-1-2025**

(N.B.—Instruction for filling in the form are printed on reverse).

Government/Department served under	PERIOD OF DUTY		Leave earned on full pay 4 days for each calendar month.	Leave at credit (column 21+6)	LEAVE TAKEN (From Column 8 to 20)																Balance on 1-7-1978/return from leave (Column 7-20)	Remarks	ATTESTATION				
					PERIOD		Leave on full pay without medical certificate subject to maximum of 120 days & 365 days in case of L.P.R.	Leave on full pay on medical certificate subject to maximum of 180 days.	Leave on full pay on medical certificate subject to maximum of 365 days in entire service.	LEAVE ON HALF PAY		Recreation leave of 15 days in a year but 10 days to be debited	LEAVE NOT DUE		ABSENCE		Total leave (Columns 10+11+12+14+15+17+19)										
					From	To				In terms of half pay	In terms of full pay		In terms of half pay	In terms of full pay	Actual No. of days	No. of days debitable (double the actual number)											
1	2	3	Y.M.D.	Full Calendar months	Days	Days	From	To	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	Days	

Allotted  
cert  
Bo

27-10-94  
31-12-2011

4-M-D  
17-2-4 = 206 months  
206 days

Leave w.e from 1-1-2012 to 31-12-2012 = 365 days on half pay.  
+  
1-1-2013 to 31-12-2013 = 365 w/o pay.

Balance 412 days Half

= Bal - 47 days half.

Dr. District Officer  
(E.S.) Education (M)  
Sana Ranjani at Darga MKD



OFFICE OF THE DY; DISTRICT OFFICER  
(M) DARGAI MALAKAND.

No. 187 /TA File.

DATED 28/3 /2012

B  
11

To:

The Head Teacher,  
G.P.S Qadar Kali

Subject:

EXTRA-ORDINARY LEAVE WITHOUT PAY.

Memo:

Reference to E.D.O (E & Se:) Malakand at Batkhela No. 1186 dated  
21.2.2012.

You are hereby directed to obtain an affidavit on stamp paper from Mr.  
Khan Bahadar PST of your school who proceeded on Extra ordinary leave w.e. from  
01.1.2012 to 31.12.2013. that he will not join any other job and will nor leave the country  
and submit the same to this office for further necessary action please.

*4-11-2012*  
Dy: District Officer  
(M) Dargai Malakand

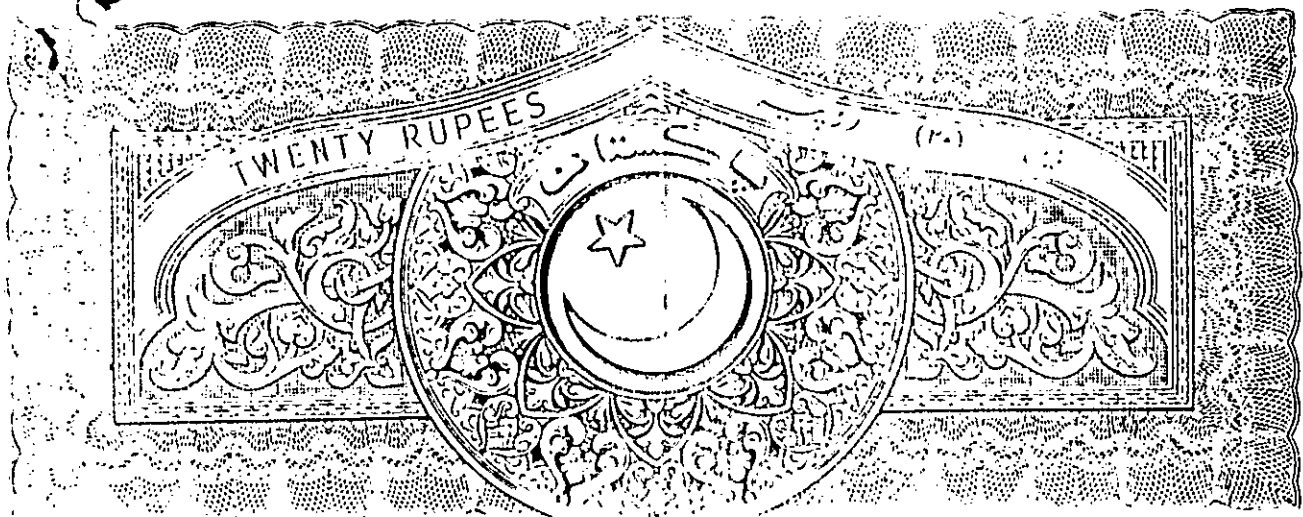
Endst: No. 1-

Copy forwarded to the Executive District Officer ( E & SE:) Malakand at Batkhela for information please.

*50/*  
Dy: District Officer  
(M) Dargai Malakand

Attested  
*Caul*  
Ado

2/10



بیان ملحق

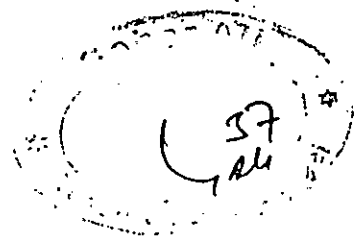
میں نے کان بھارہ پیسہ اس کے بدلے میں خلیج عدالت  
 کی طرف سے رقم 7834419-9-15401 ملنے پر اور اس کے بعد اسے  
 کان بھارہ کی طرف سے رقم 7834419-9-15401 ملنے پر اور اس کے بعد اسے  
 کان بھارہ کی طرف سے رقم 7834419-9-15401 ملنے پر اور اس کے بعد اسے  
 کان بھارہ کی طرف سے رقم 7834419-9-15401 ملنے پر اور اس کے بعد اسے  
 کان بھارہ کی طرف سے رقم 7834419-9-15401 ملنے پر اور اس کے بعد اسے

میں نے کان بھارہ پیسہ اس کے بدلے میں خلیج عدالت  
 کی طرف سے رقم 7834419-9-15401 ملنے پر اور اس کے بعد اسے  
 کان بھارہ کی طرف سے رقم 7834419-9-15401 ملنے پر اور اس کے بعد اسے  
 کان بھارہ کی طرف سے رقم 7834419-9-15401 ملنے پر اور اس کے بعد اسے  
 کان بھارہ کی طرف سے رقم 7834419-9-15401 ملنے پر اور اس کے بعد اسے

میں نے کان بھارہ پیسہ اس کے بدلے میں خلیج عدالت

28/03/2012

میں نے کان بھارہ پیسہ اس کے بدلے میں خلیج عدالت  
 کی طرف سے رقم 7834419-9-15401 ملنے پر اور اس کے بعد اسے  
 کان بھارہ کی طرف سے رقم 7834419-9-15401 ملنے پر اور اس کے بعد اسے  
 کان بھارہ کی طرف سے رقم 7834419-9-15401 ملنے پر اور اس کے بعد اسے



Head Teacher  
 Mkd Agazay

7834419-9-15401

Attested  
 [Signature]  
 Adv.

D ~~D~~  
13

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) MALAKAND AT BATKHELA.

OFFICE ORDER.

WHEREAS, MR. KHAN BAHADAR Primary school teacher Govt:Primary school Qadar Kalli, Tehsil Dargai, Malakand Agency was proceeded against under the Khyber Pakhtunkhwa Government servants (E&D) Rules, 2011 on the charges of willful absence from duties with effect from 01-01-2011 reported by the S.D.E.O.(Male) Sama Ranizai at Dargai through his office memo No. 586 dated 04-10-2012.


- notices*
1. AND whereas attendance *was* required under Rule-09 of the Khyber Pakhtunkhwa Government servants (E&D) Rules, 2011 was issued to the said teacher through Registered cover with acknowledgement due on his home address vide D.E.O.(Male) Malakand office endst: No. 14271/F.No.PF of Khan Bahadar PST dated 30-10-2012 and memo No. 15635/F.No. PF of Khan Bahadar PST dated 26-12-2012, but he ~~did~~ not resume his duty and ~~did~~ not appear before the competent authority for personal hearing.
  2. AND whereas Mr. Khan Bahadar, P.S.T. was given reasonable opportunity of showing cause of his absence and resumption of duties through advertisement published in News papers directing him to resume his duties and appear before the Competent Authority within 15 days but he failed to resume his duties within the stipulated time.
  3. And whereas the Competent authority, D.E.O. (Male) Malakand after having considered the charges, evidence on record, report of the S.D.E.O.(Male) Dargai and failure of the delinquent teacher in resumption of his duties within the stipulated period as shown in the Show cause Notice Published in the News papers under Rule-9 of the E&D Rules, 2011 is pleased to impose major penalty of removal from service as specified under Rule-4 (b) (iii) in addition to minor penalty of recovery of salary, if paid for the period with effect from 01-01-2011 and onward, upon Khan Bahadar P.S.T. Govt: Primary School Qadar Kalli, Malakand Agency with effect from 01-01-2011.

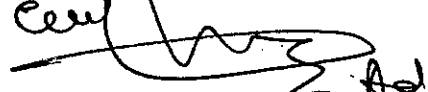
( MUSHTAQ AHMAD )  
DISTRICT EDUCATION OFFICER (MALE)  
MALAKAND AT BATKHELA.

Endst: No. 2720-23 / F.No. PF of Khan Bahadar PST/DEO(M)Mkd Dated 1-03 / 2013.

Copy of the above is forwarded for information and necessary action to:-

1. The Director E&SE Deptt: Khyber Pakhtunkhwa, Peshawar.
2. The Sub Divisional Edu: Officer, (Male) Sama Ranizai at Dargai with the remarks to work out the amount of overpayment made on account of pay and allowances etc: to the removed teacher, Khan Bahadar w.e.f. 01-01-2011 and onward and recover the amount of overpayment from him, if paid to him under intimation to all concerned.
3. Mr. Khan Bahadar S/o Haji Said Gul P.S.T. G.P.S. Qadar Kalli Tehsil Dargai, village Lakai shah P.O. Badragga Tehsil Dargai, Malakand Agency with the direction to refund the amount of salaries etc: which he received during the period of his absence w.e.f. 01-01-2011 and onward.
4. The Head teacher Govt:Primary school Qadar Kalli U/Council Badragga, Tehsil Dargai, Malakand Agency.

  
DISTRICT EDUCATION OFFICER (MALE)  
MALAKAND AT BATKHELA.

*Attested*  
  
Ad.

گزارش نمائندگی - ڈاکٹر کرم بخش E&S E - صدر کون کونجواہ لکھنؤ

مکمل شدہ

فہرست ذرا پڑھنے کے لیے جو اس کے مقصد سے ہے

نمبر 3  
1/13

سے برصغیر کے لیے جو کہ مذکورہ حکم پر قانون سے ہے

یا کہ وہ جو اس کے درمیان میں بعض امور کے لیے  
میں بلا توجہ نہیں لگا سکتے اور نہ ہی خود کارآمد ہونے سے  
دور رہیں اور نہ ہی خود کارآمد ہونے سے

انہوں نے اس کے ذریعے اس کے لیے 3/13 کو ختم کیا

تو اس کے بارے میں توجہ دینا اور اس کے لیے اس کے لیے

کے لیے اس کے بارے میں عمر پورا دینا اور اس کے لیے

بہار کے ساتھ ساتھ

26/4/2013 کو رٹنڈہ پر اس کے لیے اس کے لیے

خلانہ

Attest

Handwritten signature and initials

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To,

The Director (E&SE)  
Khyber Pakhtunkhwa Peshawar.

Subject:-


APPEAL AGAINST RE-INSTATEMENT IN SERVICE/ CONDUCTION  
OF IMPARTIAL ENQUIRY.

R/Sir,

Most respectfully I beg to submit the following few lines for your sympathetic  
action and favorable consideration please.

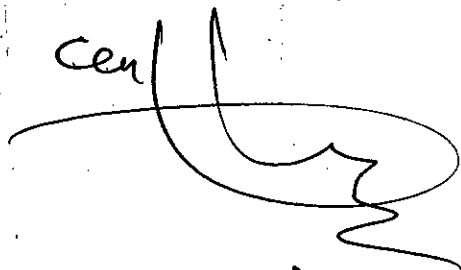
1. That I was appointed in Education Department as PTC on 27.10.1994 and served the department upto 31.12.2011, having a spotless career and about 17 years service at my credit.
2. That due to heavy flood in Malakand Division my home was absolutely destroyed and for re-construction of my home, I applied for two years earned leave w.e. from 1.1.2012 to 31.12.2013 in the month of December 2011, but due to some conspiracy my leave period in application was changed and leave applied for was shown as 1.1.2011 to 31.12.2012.
3. That the application of leave as and when received in the office of DEO(M) Malakand, he instead of sanctioning the leave straight away ordered for enquiry and recorded on the application and the teacher concerned is absent from leave w.e. from 1.1.2011 while for the said period i.e 1.1.2011 to 31.12.2011 I have already drawn pay which record is available on record.
4. The DEO (M) Malakand ultimately finalized the enquiry proceedings in the shape of imposing major penalty against me i.e removal from service.
5. That the DEO (M) Malakand have given no weight to my 17 years spotless service and imposed major penalty against me giving no heed to my simple request that I applied for leave w.e. from 1.1.2012 and not from 1.1.2011.

I, therefore requested that an impartial enquiry may be conducted and re-instated me in order to protect my from mental torture and hard-ship please.

  
(Mr. Khan Bahadar)  
Ex-PST GPS Qadar Kalley Malakand.

Attested

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Ad.

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OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE)  
MALAKAND AT BATKHELA.  
No. 189 PF of Khan Bahadar  
EX-PST  
Dated 16-01/2013

To

The Director,  
Elementry and Secondary Education.  
Khyber Pakhtunkhwa, Peshawar.

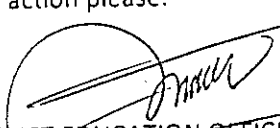
Subject:- APPEAL  
Memo,

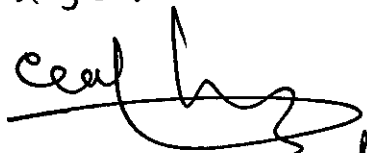
Reference your office memo No.2327/F.No.18/Vol:VI/PST/(M) dated 13-12-2013 on the above cited subject

It is submitted for your kind information that Mr. Khan Bahadar Ex-PST G.P.S.Qadar Kili, District Malakand ~~was~~ applied for extra ordinary leave without pay on 20-12-2011 with effect from 01-01-2012 to 31-12-2013 vide S.D.E.O.(M) Dargai office memo No.869 dated 22-12-2011, which was not granted and returned to the SDEO(M)Dargai vide this office memo No.1186 dated 21-02-2012 with the remarks to direct the teacher concerned to submit affidavit to the effect that he will not leave the country nor join any other job during the period of leave applied for, but no response received from the teacher concerned. A reminder was issued to the SDEO(M) Dargai vide this office memo No.12435 dated 06-09-2012 with the remarks to fulfill the requirements already directed through this office memo No.1186 dated 21-02-2012. The SDEO(M)Dargai directed the teacher through Head teacher of the school concerned to submit the affidavit on stamp paper vide his office memo No.538-39 dated 15-09-2012. The teacher concerned was directed on his home address to submit an affidavit on stamp paper vide this office memo No.14271 dated 30-10-2012 and memo No.15635 dated 26-12-2012, but no response was received from the teacher concerned and remained absent from his duty with effect from 01-01-2012. Then a show cause notice was issued to him through press to resume his duty within fifteen days, otherwise ex-party action will be taken against him under the existing rules, which was published in the daily "AAJ" dated 08-02-2013, but no response was received from him and did not resume his duty.

At the last a major penalty of removal from service was imposed upon him, as specified under Rule-9 of the E&D rules 2011 and was removed from his service with effect from 01-01-2011 vide this office order endst: No.2720-23 dated 01-03-2013 and a corrigendum was issued in the date of removal from service as 01-01-2012 instead of 01-01-2011 vide this office order endst: No.5496-99 dated 28-09-2013.

Submitted for your kind perusal and necessary action please.

  
DISTRICT EDUCATION OFFICER (MALE)  
MALAKAND AT BATKHELA.

Attested  
  
Adv.

KAND

G.P.S QADAR KALIA MALAKAND

رجسٹر حاضری

رجسٹر حاضری مدرسین

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MA/BED.	MA/BED.	MA/BED.	MA/BED.	MA/BED.	MA/BED.	MA/BED.	MA/BED.	MA/BED.	MA/BED.
PST	PST	PST	PST	PST	PST	PST	PST	PST	PST
1.35	1.35	1.35	1.35	1.35	1.35	1.35	1.35	1.35	1.35
8.30	8.30	8.30	8.30	8.30	8.30	8.30	8.30	8.30	8.30
1	2	3	4	5	6	7	8	9	10
11	12	13	14	15	16	17	18	19	20
21	22	23	24	25	26	27	28	29	30

MA	SSC	FA	MAE
PST	PST	PST	PST
1.35	1.35	1.35	1.35
8.30	8.30	8.30	8.30
1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16
17	18	19	20
21	22	23	24
25	26	27	28
29	30	31	32

Attested

Head Teacher

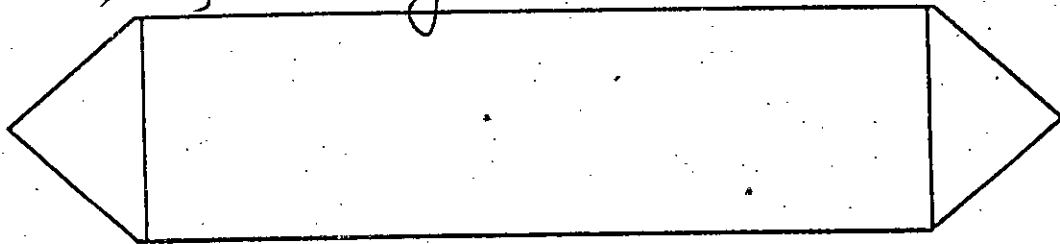
G.P.S Qadar Kalia  
M.A. Agency

8	7	1	9	8	1	8	4	1	4
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M. Khan  
21/11/11

Attested and signed

# بعد الت سردس ڈیوٹی - بیرون - جیو کتو سوال



20 جنوری 2011ء پنجاب اسلام آباد

20 جنوری

موزخہ

مقدمہ

دعویٰ

جرم

خان بیادریہ پائلہ آئی ڈی وولڈ صافی جناب  
سید بلال شاہ صاحب مدظلہ  
حلاکتہ داریسی

## باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام لیٹ و کیلئے حاصل شاہ محمد امجد دکنہ کے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ

پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 20 جنوری 2011ء

20 جنوری 2011ء

\*

کے لئے منظور ہے۔

لوگ

بمقام

All cases Accepted

Handwritten signature

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