

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,  
PESHAWAR.**

Service Appeal No. 1035/2018

Date of Institution ... 03.08.2018

Date of Decision ... 10.11.2021

Shah Hussain S/O Jan Muhammad, PST, GPS, Kharaw, Upper Dir.

... (Appellant)

**VERSUS**

The Director Elementary & Secondary Education Department  
Khyber Pakhtunkhwa Peshawar and two others.

... (Respondents)

MS. UZMA SYED,  
Advocate

-----  
--- For appellant.

MR. JAVED ULLAH,  
Assistant Advocate General

--- For respondents.

MR. SALAH-UD-DIN

---

MEMBER (JUDICIAL)

MR. ATIQ-UR-REHMAN WAZIR

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MEMBER (EXECUTIVE)

**JUDGMENT:**

SALAH-UD-DIN, MEMBER:- Through this single judgment we intend to dispose of the instant appeal as well as connected Service Appeal bearing No. 1036/2018 titled "Muhammad Ibrahim Versus The Director Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar and two others," as common questions of law and facts are involved therein.

2. Precise facts forming the background of the instant service appeal are that the appellants were serving as Primary School Teachers and were posted in Upper Dir, when departmental action was taken against them on the ground of

their absence from duty and they were removed from service vide the impugned order dated 22.11.2012. The appellants being aggrieved of the same, challenged the same through filing of departmental appeals, which were not responded within the statutory period, therefore, the appellants have now approached this Tribunal through filing of instant as well as connected service appeal for redressal of their grievance.

3. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions made by the appellants in their appeals.

4. Learned counsel for the appellants has contended that absence of the appellants was not willful rather the same was due to militancy, which resulted in damaging as well as closure of the schools in the locality; that the appellants were condemned unheard as they were not associated during the inquiry; that the inquiry proceedings were conducted in violation of relevant provisions of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 and no opportunity of personal hearing or self defense was provided to the appellants; that the impugned orders of removal of the appellants from service were given retrospective effect, rendering the same void ab-initio, therefore, no limitation would run against the same; that the impugned orders being wrong and illegal are liable to be set-aside and the appellants are entitled to be reinstated in service with all back benefits. Reliance was placed on 1985 SCMR 1178, 2007 SCMR 834, 2008 SCMR 1369, 2016 SCMR 108, PLD 2008 Supreme Court 663, 2009 SCMR 412, 2007 PLC (C.S) 1281, 2012 PLC (C.S) 166, PLD 2002 Supreme Court 84 and 2015 SCMR 795.

5. On the other hand, learned Assistant Advocate General for the respondents has argued that the appellants willfully absent from duty without any plausible reason and a proper inquiry was conducted against them by fulfilling all legal and codal formalities; that the appellants were issued show-cause notices on their schools as well as home address, however

they did not bother to join the inquiry proceedings, therefore, they cannot now take the plea that they were not provided any opportunity of personal hearing or self defense; that the removal orders of the appellants were passed on 22.11.2012, while they availed the departmental remedy on 04.04.2018, therefore, their departmental appeals were badly time barred, rendering the appeals in hand as not maintainable; that the appellants were posted in different schools situated in different localities, however they preferred departmental appeals on the same date and the copies of the departmental appeals would show that the same are ditto in nature, which suggest that the grounds taken in the departmental appeals are false and fabricated. Reliance was placed on 2009 SCMR 1435, 2015 SCMR 165, 2012 SCMR 195, 2005 SCMR 1206, 2013 SCMR 911, 2011 SCMR 676, 2006 SCMR 453 and 2010 SCMR 1982.

6. Arguments heard and record perused.


7. A perusal of the record would show that the appellants were removed from service vide order dated 22.11.2012 passed by the competent Authority, which was challenged by the appellants by sending departmental appeals to the appellate Authority through registered AD on 04.04.2018. The departmental appeals of the appellants were thus badly time barred and they have not even filed applications for condonation of delay. Though punishment could not be awarded with retrospective effect, however where a civil servant has been proceeded against departmentally on the ground of his absence from duty, then punishment could be awarded to him retrospectively from the date of his absence from duty and the same is an exception to the general rule that punishment could not be imposed with retrospective effect. The impugned order dated 22.11.2012 thus could not be considered as void merely on the ground that the same was passed with retrospective effect. It is well settled proposition of law that when an appeal of an employee was time barred before the appellate Authority, then the appeal before the Tribunal was also not competent. Reliance in this respect is




placed on PLD 1990 S.C 951, 2006 SCMR 453 and 2007 SCMR 513. This Tribunal can enter into merits of the case only, when the appeal is within time. Worthy Supreme Court of Pakistan in its judgment reported as 1987 SCMR 92 has held that when an appeal is required to be dismissed on the ground of limitation, its merits need not to be discussed.

8. Consequent upon the above discussion, it is held that as the departmental appeals of the appellants were badly time barred, therefore, the instant appeal as well as connected Service Appeal bearing No. 1036/2018 titled "Muhammad Ibrahim Versus The Director Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar and two others", being not maintainable are hereby, dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
10.11.2021

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

  
(SALAH-UD-DIN)  
MEMBER (JUDICIAL)


10.11.2021

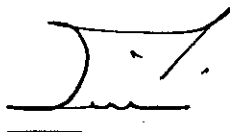
Ms. Uzma Syed, Advocate, for the appellant present. Syed Alamzeb Shah, Litigation Officer alongwith Mr. Javed Ullah, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, it is held that as the departmental appeals of the appellants were badly time barred, therefore, the instant appeal as well as connected Service Appeal bearing No. 1036/2018 titled "Muhammad Ibrahim Versus The Director Elementary & Secondary Education Department Khyber Pakhtunkhwa Peshawar and two others", being not maintainable are hereby, dismissed. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

10.11.2021

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

  
(Salah-Ud-Din)  
Member (J)

02.09.2021

Ms. Uzma Syed, Advocate, for the appellant present. Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present.

Arguments could not be heard due to paucity of time. Adjourned. To come up for arguments before the D.B on 14.10.2021.



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



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

14.10.2021

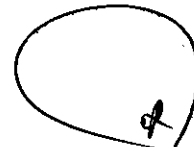
Appellant present through counsel.

Muhammad Riaz Khan Paindakheil learned Assistant Advocate General alongwith Alamzeb Shah Litigation Officer for respondents present.

Former made a request for adjournment in order to prepare the brief; granted. To come up for arguments on 10.11.2021 before D.B.



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




(Rozina Rehman)  
Member (J)

20.11.2020

Appellant present through counsel.

Muhammad Jan learned Deputy District Attorney for respondents present.

A request for adjournment was made as issue involved in the present case is pending before Larger Bench. Adjourned. To come up for arguments on 12.02.2021 before D.B.



(Atiq ur Rehman Wazir)  
Member (E)



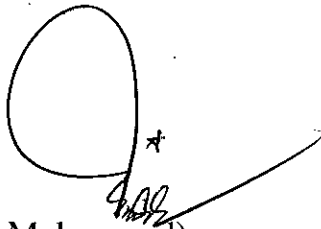
(Rozina Rehman)  
Member (J)

12.02.2021

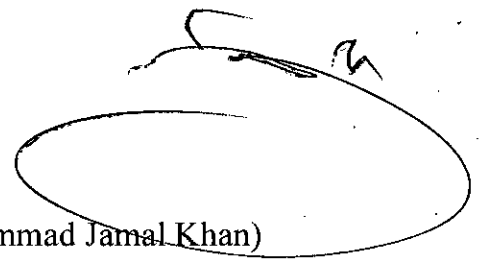
None for the appellant present. Adl: AG for respondents present.

Arguments could not be heard due to general strike of the Bar.

Adjourned to 04.05.2021 for arguments before D.B.



(Mian Muhammad)  
Member (E)



(Muhammad Jamal Khan)  
Member (J)

4.5.21


*Due to COVID-19, the case is adjourned to 2.9.2021 for the same.*



7.5.2020

Due to COVID19, the case is adjourned to

27/7/2020 for the same as before.

  
Reader

27.07.2020

Due to COVID-19, the case is adjourned. To come for the same on 17.09.2020 before D.B.

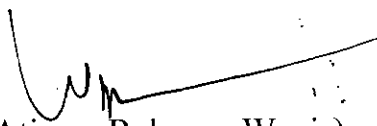
  
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17.09.2020

Counsel for appellant present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present.

Former requests for adjournment as issue involved in the present case is pending before Larger Bench of this Tribunal. Adjourned. To come up for arguments on 20.11.2020 before D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)



06.01.2020

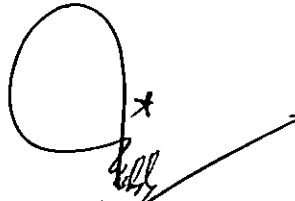
Learned counsel for the appellant present. Mr. Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 10.03.2020 before D.B.

  
Member

  
Member

10.03.2020

Counsel for the appellant present. Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 07.05.2020 before D.B.

  
Member

  
Member

20.08.2019

Appellant alongwith her counsel and Mr. Ziaullah, Deputy District Attorney for the respondents present. Learned counsel for the appellant requested for adjournment. Adjourned to 04.10.2019 for arguments before D.B.

  
(Hussain Shah)  
Member

  
(M. Amin Khan Kundi)  
Member

04.10.2019

Counsel for the appellant present. Mr. Addl: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 06.11.2019 before D.B.

  
Member

Member

06.11.2019

Appellant with counsel present. Mr. Kabir Ullah Khattak learned Additional Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 06.01.2020 before D.B.

  
Member

  
Member

05.03.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General along with Mr. Nadar Khan Superintendent for the respondents present. Learned counsel for the appellant request for adjournment. Adjourn. To come up for argument on 29.04.2019 before D.B

  
Member

  
Member

29.04.2019

Learned counsel for the appellant and Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Nadar Superintendent for the respondents present. Learned counsel for the appellant submitted rejoinder and seeks adjournment. Adjourn. To come up for arguments on 20.06.2019 before D.B.

  
Member

  
Member

20.06.2019

Learned counsel for the appellant and Mr. Muhammad Jan learned Deputy District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment on the ground that the appellant has instructed her to argue the present service appeal in his presence. Adjourn. To come up for arguments on 20.08.2019 before D.B. Appellant be put to notice for the next date.

  
Member

  
Member

19.09.2018

Counsel for the appellant present. Preliminary arguments heard and case file perused. Learned counsel for the appellant argued that area in which he was residing was badly affected by terrorism and many schools were closed/destroyed. To save his life he had to leave the area. Afterwards disciplinary proceedings were initiated and major penalty of dismissal from service was imposed on him vide impugned order dated 22.11.2012. As the said order was passed with retrospective effect, so void ab-initio. Departmental appeal was filed on 04.04.2018 which was not responded within the stipulated period, hence, the instant service appeal. Enquiry proceedings conducted at the back of the appellant had no legal value and were not tenable in the eyes of law.

Appellant Deposited  
Security & Process Fee

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 09.11.2018 before S.B.

  
(AHMAD HASSAN)  
MEMBER

09.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 27.12.2018. Written reply not received. Mr. Hamced Ur Rehman AD representative of respondents absent.

  
READER

27.12.2018

Learned counsel for the appellant present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Sardaraz khan Assistant present. Representative of respondent department submitted written reply. Adjourn. To come up for rejoinder if any and arguments on 05.03.2019 before D.B. 71

  
Member

Form- A  
FORM OF ORDER SHEET

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

Case No. 1035/2018


| S.No. | Date of order proceedings          | Order or other proceedings with signature of judge   |
|-------|------------------------------------|--|
| 1     | 2                                  | 3  |
| 1-    | 17/08/2018<br><br><i>18-8-2018</i> | <p style="text-align: center;">The appeal of Mr. Shah Hussain resubmitted today by Uzma Syed Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><i>[Signature]</i><br/>17/8/18<br/>REGISTRAR</p> |
| 2-    | 24.08.2018                         | <p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>24-8-2018</u>.</p> <p style="text-align: right;"><i>[Signature]</i><br/>CHAIRMAN</p>  |
|       |                                    | <p style="text-align: center;">Counsel for the appellant present and seeks adjournment. Adjourned. To come up for preliminary hearing on <del>19.9.2018</del> 2018 before S.B.</p> <p style="text-align: right;"><i>[Signature]</i><br/>(Muhammad Amin Khan Kundi)<br/>Member</p>              |

The appeal of Mr. Shah Hussain son of Jan Muhammad PST GPS Kharaw Upper Dir received today i.e. on 03.08.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Annexures of the appeal may be flagged.
- 3- Copies of appointment and dismissal order mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- ④ Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 5- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1530 /S.T.

Dt. 3-8 /2018.

  
REGISTRAR 3/8/18  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Uzma Syed Adv. Pesh.

Sir,

all objection 1 to 5 were removed. charge sheet, statement of allegation and final show cause notice not served to appellant.

17-8-2018

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

**APPEAL NO. 1035 /2018**

Shah Hussain

V/S

EDu Deptt:

**INDEX**

| S.No. | Documents                   | Annexure | Page No. |
|-------|-----------------------------|----------|----------|
| 1.    | Memo of Appeal              | -----    | 1-3      |
| 2.    | Copy of appointment order   | --A--    | 04-05    |
| 3.    | Copy of FIR                 | --B--    | 06-07    |
| 4.    | copy of impugned order      | --C--    | 08       |
| 5.    | Copy of departmental appeal | --D--    | 09-10    |
| 6.    | Vakalat Nama                | -----    | 11       |

**APPELLANT**

THROUGH:

  
(UZMA SYED)

&

**KHUSHDIL KHAN**  
(ADVOCATES, PESHAWAR)

(1)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

Appeal No. 1035 /2018

Office of the Registrar  
Khyber Pakhtunkhwa Service Tribunal

Initials: 1223

Shah Hussain S/o Jan Muhammad  
PST, GPS, Kharaw, Upper Dir.

Date: 03/8/2018

.....APPELLANT

**VERSUS**

1. The Director Elementary and Secondary Education Department KP Peshwar.
2. The Executive District Officer Elementary and secondary education Dir Upper.
3. The District Coordination Officer Upper Dir.

RESPONDENTS

.....

**APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974  
AGAINST THE IMPUGNED ORDER DATED  
22.11.2012 WHEREBY THE APPELLANT WAS  
DISMISSED FROM SERVICE FROM  
RETROSPECTIVE EFFECT AND AGAINST NOT  
TAKING ACTION ON THE DEPARTMENTAL  
APPEAL OF THE APPELLANT WITH IN  
STATUTORY PERIOD OF 90 DAYS.**

**Filed to-day**

**Registrar**

3/8/18

**PRAYER:**

**Re-submitted to -day  
and filed.**

**Registrar**

13/8/18

**THAT ON ACCEPTANCE OF THIS APPEAL, THE  
IMPUGNED ORDER DATED 22.11.2012 MAY BE SET  
ASIDE AND THE APPELLANT MAY BE REINSTATED  
IN TO SERVICE WITH ALL BACK AND  
CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY,  
WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND  
PROPER THAT MAY ALSO BE AWARDED IN FAVOUR  
OF APPELLANT.**



**RESPECTFULLY SHEWETH:**

Brief facts given rise to the instant appeal are as below:

1. That the appellant was appointed as PST in Education deptt in year 2004 and the appellant has performed his duties efficiently and up to the entire satisfaction of his superior and to the best of his capabilities. **Copy of the appointment order is attached as Annexure-A.**
2. That the appellant while serving as PST. Meanwhile in the area, terrorism activities were moved due to which the schools were also destroyed resultantly the government schools were closed. The appellant house was also blasted and destroyed. Thus the appellant and his family was constrained to leave the area in order to protect our lives from the terrorism activities. It is also evident from the FIR. **Copy of FIR is attached as Annexure-B.**
3. That on the restoration of peace in the area, the appellant with his family came back to my own house and when the appellant contacted the education office the appellant came to know that dismissal order dated 22.11.2012 had been issued on the account of absence from duties. **(Copy of the dismissal order is attached as Annexure-C).**
4. That after the appellant filed departmental appeal which was not responded within statutory periods of 90 days. Hence the present appeal on the following grounds. **(Copy of departmental appeal is attached as D).**

**GROUND:**

- A) That the impugned order dated 22.11.2012 and not taking action on the departmental appeal within statutory period of 90 days, are against the law, facts, norms of justice and material on record and principle of fair play.
- B) That the absence of appellant was not willful or deliberate but due to unavoidable circumstances so the impugned orders were against the fact.
- C) That the impugned order and attitude of respondent department is in sheer violation of Article 4, 25 and 38 of the constitution.
- D) That no chance of personal hearing was provided to the appellant at the time of passing impugned order, which against the law and rules.

- E) That the impugned order was retrospective order which was void in the eye of law and according to Superiors Court Judgment reported as 2002 SCMR, 1129 and 2006 PLC 221.
- F) That before passing impugned order no codal formalities was fulfilled and no proper procedure was adopted which is the violation of the (E & D) Rules 2011; hence the impugned order is not sustainable, liable to be set aside.
- G) That no proper procedure has been followed before passing the impugned order and even, there is no show cause notice and statement of allegation was issued, thus the proceedings so conducted are defective in the eye of law.
- H) That the appellant was condemned unheard and has not been treated according to law and rules.
- I) That the appellant has not been treated accordance with law, fair played justice, despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- J) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

*Shah Hussain*

APPELLANT  
Shah Hussain,

THROUGH:

*Uzma Syed*

(UZMA SYED)

&

KHUSHDIL KHAN  
ADVOCATES, PESHAWAR.

Date 3-8-2018

**ATTESTED**

OFFICE OF THE DISTRICT COORDINATION OFFICER UPPER DIR.NOTIFICATION.

Consequent upon their selection by the Departmental Selection Committee, the competent authority has been pleased to appoint the following PST (PTC) male candidates on CONTRACT basis in the schools noted against their names subject to the following terms & conditions with immediate effect in the interest of public service:-

| S# | Name           | Father's Name    | Qualif. | BPS | U/Council | Score open/U/C     | Schools where Posted | Remarks |
|----|----------------|------------------|---------|-----|-----------|--------------------|----------------------|---------|
| 1  | Fazal Ahad     | Ajbar Khan       | BA/PTC  | 7   | Shahi Kot | (Open merit) 56.36 | GPS Bin Payan        | AVP     |
| 2  | Ziaur Rahman   | Fazal Subhan     | FA/PTC  | 7   | Shahi Kot | (Open merit) 53.65 | GPS Jabba Paycen     | AVP     |
| 3  | Rahatullah     | Mirajud Din      | BA/PTC  | 7   | Ganori    | (Open merit) 55.78 | GPS Gatkolo          | AVP     |
| 4  | Saeedul Haq    | Mujibullah       | MA/PTC  | 7   | Darikand  | (Open merit) 53.49 | GPS Illo Kass        | AVP     |
| 5  | Muhibullah     | Gul              | BA/PTC  | 7   | Shahi Kot | U/C Merit 49.43    | GPS Krapa            | AVP     |
| 6  | Mohd: Tahir    | Mohd:Shuaib      | FA/PTC  | 7   | Shahi Kot | 44.07              | GPS Nasrat           | AVP     |
| 7  | Azizur Rahman  | Habibur Rahman   | FA/PTC  | 7   | Shahi Kot | 39.1               | GPS Shatiz           | AVP     |
| 8  | Saz Gul        | Mohammad Sahrif  | FA/PTC  | 7   | Shahi Kot | 37.72              | GPS Nasrat           | AVP     |
| 9  | Ihtishamul Haq | Fazal Amin       | SSC/PTC | 7   | Shahi Kot | 37.01              | GPS Krapa            | AVP     |
| 10 | Rahmani Gul    | Nadar Khan       | SSC/PTC | 7   | Shahi Kot | 36.14              | GPS Zulikha          | AVP     |
| 11 | Khan Bahadar   | Akbar Said       | SSC/PTC | 7   | Shahi Kot | 35.5               | GPS Zulikra          | AVP     |
| 12 | Atta ullah     | Mohd:Ishaq       | SSC/PTC | 7   | Shahi Kot | 35.45              | GPS Tango            | AVP     |
| 13 | AzizurRahim    | Gul Rahman       | SSC/PTC | 7   | Shahi Kot | 34.73              | GPS Jaba Bala        | AVP     |
| 14 | Fazal Amin     | Saifur Rahim     | SSC/PTC | 7   | Shahi Kot | 34.72              | GPS Kon...           | AVP     |
| 15 | Abdullah       | Qazi Abdul Qadar | SSC/PTC | 7   | Shahi Kot | 33.4               | GPS Bin Payan        | AVP     |
| 16 | Saeed Ullah    | Ghulam Qadar     | SSC/PTC | 7   | Shahi Kot | 32.27              | GPS Shago Khawa      | AVP     |
| 17 | Habibul Halim  | Mohd:Salim       | SSC/PTC | 7   | Shahi Kot | 31.84              | GPS Konai            | AVP     |
| 18 | Taj Mohd:      | Hidayat Ullah    | SSC/PTC | 7   | Shahi Kot | 31.16              | GPS Batoor           | AVP     |
| 19 | Abdul Ghani    | Mohd:Shah        | SSC/PTC | 7   | Shahi Kot | 31                 | GPS Kamo             | AVP     |
| 20 | Miftahullah    | Abdul Jamil      | FA      | 6   | Shahi Kot | 30.9               | GPS Swansar          | AVP     |
| 21 | Shah Hussain   | Jan Mohd:        | BA      | 6   | Shahi Kot | 30.41              | GPS Shahikot         | AVP     |
| 22 | Mohd:Ibrahim   | Gul Alam Khan    | FA      | 6   | Shahi Kot | 27.02              | GPS Marawaro         | AVP     |
| 23 | Shahzad Gul    | Sahib Zarin      | FA      | 6   | Shahi Kot | 26.5               | GPS Shatiz           | AVP     |
| 24 | Sadat Jan      | Mubrak Jan       | FA      | 6   | Shahi Kot | 23.12              | GPS Nasrat           | AVP     |
| 25 | Abdul Qayum    | Mubrak Jan       | SSC     | 5   | Shahi Kot | 19.09              | GPS Kharawo          | AVP     |
| 26 | Muhibullah     | Khan Zarin       | SSC     | 5   | Shahi Kot | 18.63              | GPS Sunnai           | AVP     |
| 27 | Ibrahim        | Anwar Biland     | SSC     | 5   | Shahi Kot | 18.42              | GPS Tango            | AVP     |
| 28 | Mohammad Iqbal | Gul Sharif       | SSC     | 5   | Shahi Kot | 15.84              | GPS Marawaro         | AVP     |
| 29 | Ahmadullah     | Noor Habib       | SSC     | 5   | Shahi Kot | 14.85              | GPS Ilokass          | AVP     |

TERMS & CONDITIONS.

- The appointments are made on contract basis initially for a period of THREE YEARS and contract period may be renewed only with those who have good servic record/ performance.
- The Dy: Distt: Officer Male/ Female/ Drawing & Disbursing Officer concerned will verify their academic, professional and domicile certificates from the institutions concerned No pay etc is allowed before the verification of certificates other-wise the DDO concerned will be personally held responsible for any consequences.
- An agreement will be made between the Gov/Deplt: and employee failing which the appointment of the employee will stand automatically cancelled.
- The contract is awarded on school to school basis and cannot be transferred to other schools.
- The appointees are directed to produce Health & Age certificates from the concerend Medical Supdt:
- Their age should not be less than 18 and above 35 years. However a relaxation of 5 years upper age limit is available to all appointees by the Govt:

ATTESTED



No TA/DA is allowed.

Charge report should be submitted to all concerned.

9- The appointees will be governed by such rules and regulations/ policy as prescribed by the Govt: from time to time.

(Captain @ Munir Azam)  
District Coordination Officer  
Upper Dir.

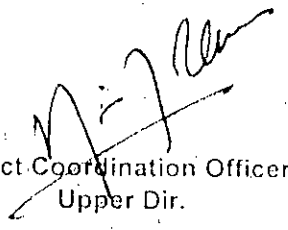
Endst:No, 1656-61/DCO/S&L/Apptt:

Dated Upper Dir the:- 27/3/2004.

Copy forwarded to the:-

- 1- Secretary to Govt: of NWFP Schools & Literacy Deptt: Peshawar.
- 2- Zilla Nazim Upper Dir.
- 3- Director Schools & Literacy NWFP, Peshawar.
- 4- Executive Distt: Officer Schools & Literacy Upper Dir.
- 5- District Accounts Officer Upper Dir.
- 6- Officials concerned.

FOR INFORMATION AND NECESSARY ACTION.

  
District Coordination Officer  
Upper Dir.

*S. Raza, Shalizi & Mujib*

  
**ATTESTED**

# ابتدائی اطلاعی رپورٹ

نومبر 2007 (11)

(فائل) ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردستی 154 نمبر ضابطہ نوعداری

تھانہ نراول ماٹرنٹی

ملع حیدر بالا

تاریخ واقعات 6/7/07 وقت 04:30 بجے

نمبر (203)

تاریخ و وقت رپورٹ 06/07/07 وقت 19:00 بجے

حاکم کی تقریر نمبر 2215

نام و سکونت اطلاع دہندہ دستغیب

مقرر کیفیت جرم (معدنیہ) حال اگر کوئی ایسا ہے

جائے وقوعہ فاضل خانہ سے اور سمت نیر درخانہ شفا درخانہ 35/35 GPS نمبرت ضرور فاضل خانہ 22/23 KM جانب شمال نیر درخانہ

نام و سکونت ملزم

کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو۔

تھانہ سے روانگی کی تاریخ و وقت

ملع حیدر بالا

ملع حیدر بالا

بوقت صدر راجہ ایبٹ ٹمپری فر اسلام خٹا کی اطلاع پھر درج کرد گل فاضل خان 5110 برستہ تھیل سیدنی 724  
 حیدر بالا نیر درخانہ سے اطلاع دی کہ درخت گزروں کے علاوہ تھیل سیدنی کوٹہ نیر درخانہ  
 تعمیرات سے بد تعداد نیر درخانہ اور نیر درخانہ جاری ہے۔ اطلاع دہندہ کو ان نیر درخانہ کوٹہ  
 لوہیوں کی نیر، ایبٹ ٹمپری فر اسلام کے بغیر نیر درخانہ کا کوٹہ نیر درخانہ کوٹہ نیر درخانہ  
 کارروائی کرنے کے لیے اطلاع دی کہ درخت گزروں کے علاوہ تھیل سیدنی کوٹہ نیر درخانہ  
 کے مابین مختلف مقامات پر نیر درخانہ نیر درخانہ اور اہلیان علاقہ نیر درخانہ  
 ایبٹ ٹمپری فر اسلام کے بغیر نیر درخانہ نیر درخانہ اور اہلیان علاقہ نیر درخانہ  
 در نیر درخانہ کے جس سے درخت گزروں کو نیر درخانہ اور اہلیان علاقہ نیر درخانہ  
 در نیر درخانہ کے جس سے درخت گزروں کو نیر درخانہ اور اہلیان علاقہ نیر درخانہ  
 جلیل اللہ دلہا حاجی گلزار سیدنی فر اسلام خٹا کے علاوہ تھیل سیدنی کوٹہ نیر درخانہ  
 اور چھتیاں نیر درخانہ کے علاوہ تھیل سیدنی کوٹہ نیر درخانہ اور اہلیان علاقہ نیر درخانہ  
 بھی اطلاع دی ہے۔ تھیل سیدنی کوٹہ نیر درخانہ اور اہلیان علاقہ نیر درخانہ  
 تھیل سیدنی کوٹہ نیر درخانہ اور اہلیان علاقہ نیر درخانہ اور اہلیان علاقہ نیر درخانہ  
 درخت گزروں کے علاوہ تھیل سیدنی کوٹہ نیر درخانہ اور اہلیان علاقہ نیر درخانہ  
 حالات، واقعات سے صورت جرم بالا جاری ہے۔ تھیل سیدنی کوٹہ نیر درخانہ اور اہلیان علاقہ نیر درخانہ  
 رپورٹ درخت گزروں کے علاوہ تھیل سیدنی کوٹہ نیر درخانہ اور اہلیان علاقہ نیر درخانہ  
 آفران بااثر اطلاع دی جاوے۔ تھیل سیدنی کوٹہ نیر درخانہ اور اہلیان علاقہ نیر درخانہ  
 تھانہ میں آفران بااثر اطلاع دی جاوے۔ تھیل سیدنی کوٹہ نیر درخانہ اور اہلیان علاقہ نیر درخانہ  
 گلزار سیدنی کوٹہ نیر درخانہ اور اہلیان علاقہ نیر درخانہ اور اہلیان علاقہ نیر درخانہ  
 گلزار سیدنی کوٹہ نیر درخانہ اور اہلیان علاقہ نیر درخانہ اور اہلیان علاقہ نیر درخانہ

AS110 PSI  
6-7  
ATTESTED

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاعی رپورٹ نمبر 154، مجموعہ ضابطہ نوعداری

|   |  |               |   |
|---|--|---------------|---|
| 1 | تاریخ وقت رپورٹ: 9 دسمبر 2005ء   | 14:50 بجے     | جاگیر کی ڈائجٹ: 9 دسمبر 2005ء وقت 16:45             |
| 2 | نام و سکونت اطلاع دہندہ: مشتیک احمد (پسر)  | ولید علی عالم | مقام: اسلام آباد، سٹریٹ نمبر 33/33، کلاں روڈ، گلبرگ |
| 3 | مقرر کیفیت جرم (معدودہ) حال اگر ایسا ہے  |               |   |
| 4 | سامانے ذریعہ قاصد قمار سے اور  |               |   |
| 5 | نام و سکونت ملزم   | محمد سعید     | سکونت: 24/25 km گام مہر، آرنی                       |
| 6 | کارروائی پر تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں تاخیر ہو تو وجہ بیان کرو۔ |               |   |
| 7 | تقریب سے رہائگی کی تاریخ و وقت   |               |   |

آریسلنگ خیر سہری، بیڑا علی حاج دیبائی

ظہور پیشہ رپورٹ

گورنمنٹ آف پاکستان، فیڈرل بیورو آف انورسٹیگیشن، اسلام آباد

ابتدائی اطلاع: درجن کرکٹ کلب، قاضی، 540 سٹریٹ، کینٹنل سٹیشن، 724 نزدیکی اسلام آباد۔

مذکورہ بالا کی اطلاع کے مطابق ایک شخص نے 9 دسمبر 2005ء کو اسلام آباد پولیس کے سیکشن 70، گلبرگ میں اطلاع دی کہ ایک شخص نے ایک گاڑی میں آگ لگا دی ہے۔ اس شخص نے بتایا کہ یہ شخص ایک شخص کے ساتھ تھا جس کا نام محمد سعید ہے۔

اس اطلاع پر ایک انسپکشن کی گئی جس میں اس شخص کو پایا گیا۔ اس شخص کو اس وقت گرفتار کیا گیا تھا کہ وہ ایک گاڑی میں آگ لگا رہا تھا۔ اس شخص کے پاس ایک دستاویز تھا جس پر اس شخص کی تصویر تھی۔ اس شخص کے پاس ایک سیڑھی تھی جس سے وہ گاڑی میں چڑھ گیا تھا۔

اس شخص کے پاس ایک سیڑھی تھی جس سے وہ گاڑی میں چڑھ گیا تھا۔ اس شخص کے پاس ایک سیڑھی تھی جس سے وہ گاڑی میں چڑھ گیا تھا۔ اس شخص کے پاس ایک سیڑھی تھی جس سے وہ گاڑی میں چڑھ گیا تھا۔

اس شخص کے پاس ایک سیڑھی تھی جس سے وہ گاڑی میں چڑھ گیا تھا۔ اس شخص کے پاس ایک سیڑھی تھی جس سے وہ گاڑی میں چڑھ گیا تھا۔ اس شخص کے پاس ایک سیڑھی تھی جس سے وہ گاڑی میں چڑھ گیا تھا۔

مدرسہ اسلامیہ سید علی ہاشمی  
مدرسہ تفسیر کائنات، کراچی، پاکستان

دفعہ 9 و 8 کے تحت  
مدرسہ اسلامیہ سید علی ہاشمی

ASJ  
11/12/01  
25-01

PS-B-Bandi  
19.06.01

Ammc - ps - B - Bandi  
D. 28-01-012

ASJ  
24-12-01  
Ammc - ps - B - Bandi  
D. 24-12-01

RC 3E  
Ammc - ps - B - Bandi  
D. 28-10-011  
Ammc - ps - B - Bandi  
D. 17-01-011  
Ammc - ps - B - Bandi  
D. 24-01-011

ASJ  
14-11-01  
14-11-01  
14-11-01



Annex (C) (S)

**OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECONDARY EDUCATION DIR UPPER.**

PHNO.0944-881400FAX-0944-880411 Email [.demisdirupper@gmail.com](mailto:.demisdirupper@gmail.com)

OFFICE ORDER

Whereas I, Mr. Abdur Rashid Baloch, Executive District Officer E&SE Dir Upper, as competent authority, am of the opinion that the following PSTs have rendered their self liable to be proceeded against as they committed the following acts /omissions with the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline ) Rules 2011.

| S.No. | Name & Designation   | Name of School | BPS | Period of Absenteeism |
|-------|----------------------|----------------|-----|-----------------------|
| 01    | Shah Hussain PST     | GPS Kharaw     | 06  | 15-12-2011            |
| 02    | Muhammad Ibrahim PST | GPS Shaltalo   | 09  | Since long            |
| 03    | Fazal Malik PST      | GPS Gorkohi    | 09  | 02-05-2012            |

Statement of allegations.

"That they remained absent from the above mentioned dates with out prior sanction of leave as reported by the Deputy District Officer Male Dir & Pak Army. Their acts are against the office discipline and amounts to miss-conduct under rule 3 (b) & (d) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

Whereas show Cause notices was issued to the accused vide this office S.No. (1) Endst No.2950-53 dated 13.07.2012, S.No. (2) Endst No.3546-47 dated 16.08.2012, S.No. (3) Endst No.3548-49 dated 16.08.2012, but they have do not resumed their duties within stipulated period.

Whereas 2<sup>nd</sup> show Cause notice was issued to the accused S.No. (1) Vide This Office Endst No.3211-12 dated 31.07.2012 S.No.(2) Endst: No. 3746-47 dated 07-09-2012 S.No.(3) Endst: No. 3748-49 dated 07-09-2012, but they have do not resume their duties within stipulated period.

Whereas, the last show cause notices were issued to them through press which has been published in Daily Express dated 26-10-2012, but after the expiry of stipulated period the accused failed to resume their duties.

Now therefore, I Mr. Abdur Rashid Baloch, EDO E&SE Dir Upper in the capacity of competent authority am satisfied that the charges against the accused have been proved beyond no doubt. I, as a competent authority under the power conferred upon me under Rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 are hereby impose major penalties of ~~dismissal~~ **Removal** from service upon the following PSTs Sub-Division Dir w.c.f 10-11 2012.

| S.No. | Name & Designation   | Name of School |
|-------|----------------------|----------------|
| 01    | Shah Hussain PST     | GPS Kharaw     |
| 02    | Muhammad Ibrahim PST | GPS Shaltalo   |
| 03    | Fazal Malik PST      | GPS Gorkohi    |

*(Signature)*  
o/c (ABDUR RASHID BALOCH)  
EXECUTIVE DISTRICT OFFICER,  
E&SE DIR UPPER. *(Signature)*  
Dated 22/11 /2012

No 7171-73 /F-26/EDO/ADO(Estt)

- Copy to the
- 01- District Accounts officer Dir Upper.
  - 02- Deputy District Officer Male Dir Upper with the directions to carry out necessary entry to this effect in the service books of the officials and ensure this office. If pay of absent Period if paid to them, may be recovered and be deposited in Government treasury.
  - 03- Officials concerned.

*(Signature)*  
o/c EXECUTIVE DISTRICT OFFICER,  
E&SE DIR UPPER.

**ATTESTED**

Principle of natural justice.



Annex (5) (9)


To

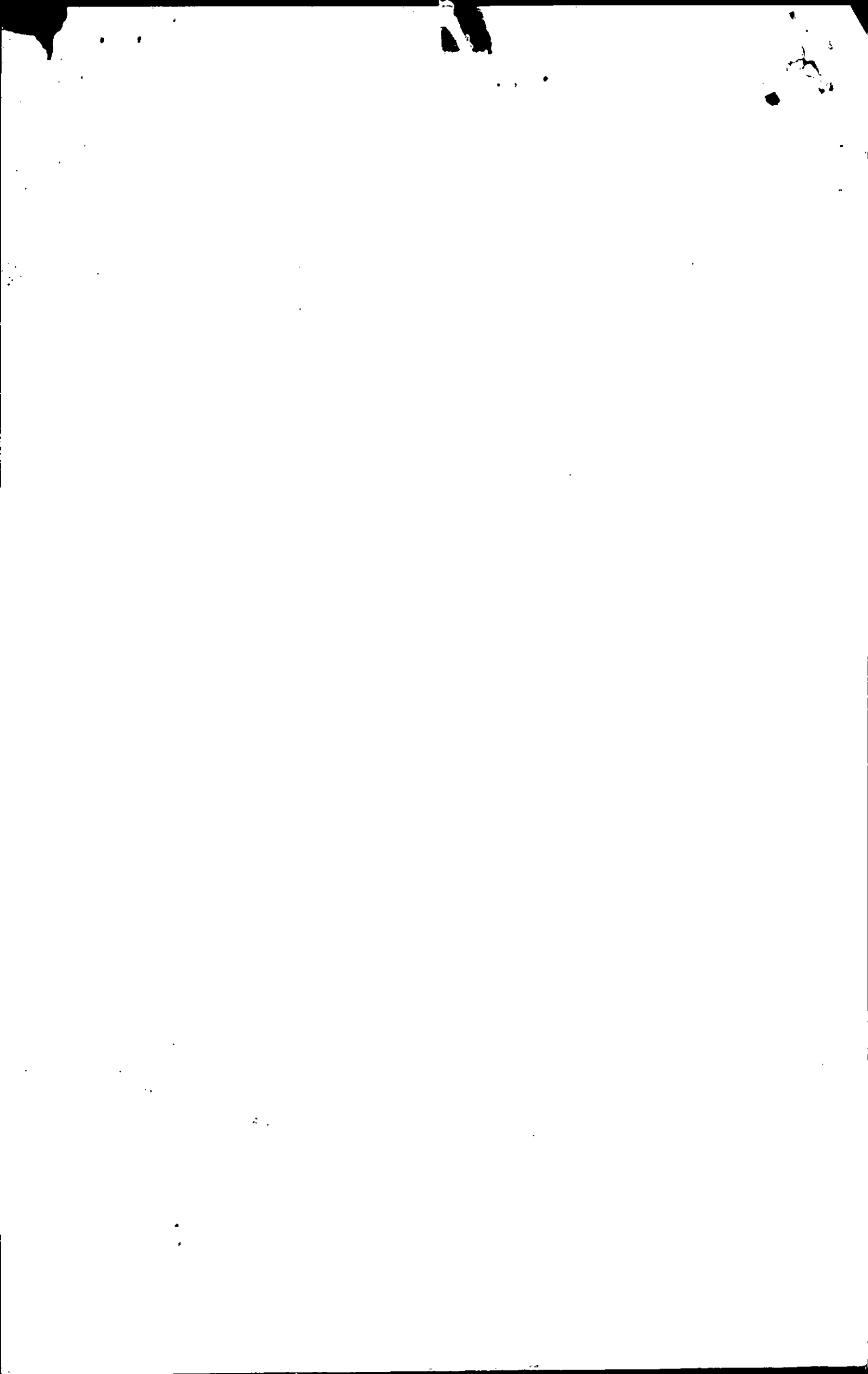
✓  
The Director,  
Elementary & Secondary Education Department,  
Khyber Pakhtunkhwa, Peshawar.

**Subject: DEPARTMENTAL APPEAL UNDER RULE 3 OF THE KHYBER PAKHTUNKHWA CIVIL SERVANTS (APPEAL) RULES, 1986 READ WITH SECTION 22 OF THE KHYBER PAKHTUNKHWA CIVIL SERVANTS ACT, 1973 AGAINST THE IMPUGNED ORDER DATED 22.11.2012 PASSED BY THE THEN EXECUTIVE DISTRICT OFFICER DIR UPPER THEREBY APPLICANT WAS DISMISSED FROM SERVICE WITH EFFECT FROM 10.11.2012.**

Respected Sir,

1. That I/applicant initially appointed as PST/PTC on the recommendation of Departmental Selection Committee by Notification Dated 27.03.2004 issued under the signature of then District Coordination Officer Dir Upper. I joined the service after completing codal formalities and assumed the charge of my duty in Govt Primary School Shahi Kot. My service book was also maintained by the office concerned and therein necessary entries have been made.
2. That I/applicant was performing my duties efficiently with devotion and without any complaint. Meanwhile in the area of terrorism activities were moved due to which the schools were also destroyed resultantly the government schools were closed. My house was also blasted and destroyed. Thus I and my family was constrained to leave the area in order to protect our lives from the terrorist activities. It is also evident from the copies of attached FIRs dated 09.06.2011 and 06.07.2011.
3. That on the restoration of peace in the area, I with my family came back to my own house and when I contacted the Education Office I came to know that dismissal order of my service had been issued by the office of Executive District Officer Dir Upper vide order dated 22.11.2012 on account of absence from service.
4. That the alleged charge of absence is incorrect and the same was happened due to unavoidable circumstances and beyond my control. So the same does not fall in the definition of willful absence. In those days most of the government schools have been destroyed while rest of were closed in view of danger/risk of terrorist activities.
5. That the impugned order passed in arbitrary manner in violation of rules on subject. I was condemned unheard as the impugned order pass at my back without providing a fair opportunity to defend my case. Thus the impugned order is illegal and without lawful authority being violative of the principle of natural justice.

  
**ATTESTED**

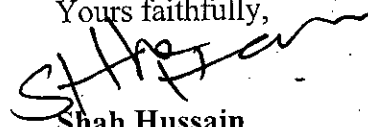


2/10

6. That the authority concerned acted in excess of its power and unlawfully imposed the penalty of dismissal from service. In such like cases, the punishment of removal from service has been specified in the rule on subject.

It is therefore humbly prayed that on acceptance of this departmental appeal, the impugned order of my dismissal may graciously be set aside and I may kindly be reinstated in service with all back benefits.

Yours faithfully,



**Shah Hussain**

S/o

**Jan Muhammad,**

PST Teacher,

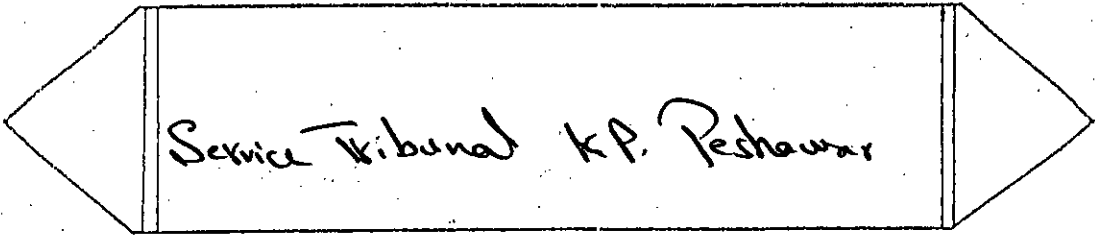
R/o Upper Dir,

Dated: 04 / 04 /2018



**ATTESTED**

بعدالت



2ء منجانب  
بنام

موزعہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ  
آن مقام ~~Peshawar~~ کیلئے ~~Adv. Juma Syed~~  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی 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 برادگی 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 نیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ  
پر و اختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانتہ التوائے مقدمہ کے سبب سے وہ 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 لکھدیا کہ سند ہے۔

Accepted

Accepted

2018

8

ماہ

3

المرقوم

العاب

کے لئے منظور ہے۔

Peshawar

بمقام

Handwritten signature/initials on the right margin.

01

BEFORE THE SERVICE TRIBUNAL PESHAWAR

SA No.1035/2018

Mr. Shah Husain PST GPS Shaltalo, Tehsil Barawal District Dir Upper.....Appellant

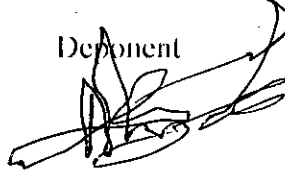
Versus

Govt:of KPK and others.....Respondents

**AFFIDAVIT.**

I, Mr; Nadar khan superintendent BPS -17 Male Dir Upper, do hereby solemnly affirm and declare on oath that the contents of the joint written reply submitted by respondents No.2 are true and correct to the best of my knowledge and belief as per office record and that nothing has been concealed from this Hon: Court.

Deponent



**NADAR KHAN**

**SUPRENTENDENT OFFICE OF THE  
DISTRICT EDUCATION OFFICER MALE  
DIR UPPER.**

CNIC: NO.15701-1204308-1

**BEFORE THE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR.**

Service appeal No..... 1035/2018.

Mr. Shah Hussain S/O Gul Jan Muhammad PST GPS shaltalo Tehsil Barawal District Dir  
Upper.....Appellant.

**Versus**

- 01- The Director Elementary & Secondary Education Peshawar.
- 02- The District Education Officer Male Dir Upper.
- 03- The Deputy Commissioner District Dir Upper.

**Written reply on behalf of respondents.**

**Respectfully sheweth.**

**PRELIMINARY OBJECTIONS.**

- 01- That the appellant has no cause of action.
- 02- That the appellant has not come to the Service Tribunal with clean hands.
- 03- That the appellant has been, estopped by his own conduct to file the instant appeal.
- 04- That the appellant has no locus standii.
- 05- That the appeal is not maintainable in its present form.
- 06- That the appeal is time barred.
- 07- That the appeal is bad due to no-joinder and non-joinder of necessary parties.

**OBJECTIONS ON FACTS.**

- 01- Pertain to the personal record of the appellant, hence needs no comments.
- 02- Subject to prop hence denied.
- 03- In correct, the appellant has been remained absent from duty with any prior sanction from the competent authority and consequently, after observing all codal formalities he has been removed from service.
- 04- In correct and hence denied. No departmental appeal has been submitted with in the statutory period of 90 days.

**OBJECTIONS ON GROUNDS.**

- A- Incorrect, no departmental appeal has been submitted by the appellant with in statutory period of ninety days. More over the appellant was treated according to law.
- B- Incorrect, the absence of the appellant was deliberate and willful.
- C- Incorrect, the impugned order according to law and it is further submitted that the respondents were bound by duty to issue the impugned order dated 22.12.2012. Which is according to law.

- D- Incorrect, appellant was given full chance of defense but he did not respond any kind of correspondence from the respondent.
- E- Incorrect, the order is according to law.
- F- In correct, before passing the impugned order all codal formalities have been observed.
- G- In correct. The proper procedures have been adopted before passing the order dated 22.12.2012 in show cause notices were issued to appellant vide Fndost: No 3546-47 Dated 16.08.2012 at S.No.02 and Vide Fndost:3746-47 Dated 07.09.2012 at S.No-2, and last show cause notice was issued through press Daily Express Dated 26.10.2012 but the appellant did not resume duty after the expiry of the stipulated period. Show cause notices are annexed as A, B and press clipping as C.
- H- In correct, the appellant was called for personal hearing but he did not respond positively.
- I- In correct and hence denied. The appellant was treated according to law.
- J- The respondent seek permission to raise additional grounds at the time of arguments.

PRAYER

It is therefore, humbly prayed that on acceptance of this comments, the appeal may kindly be dismissed with cost in the favor of respondents please.

RESPONDENTS

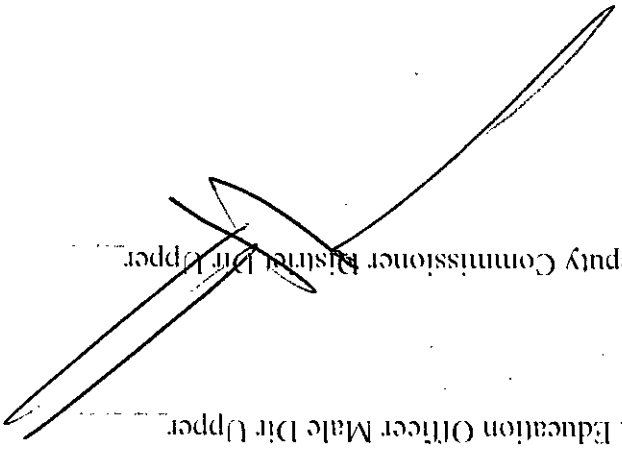
01- The Director Elementary & Secondary Education Peshawar

02- District Education Officer Male Dir Upper

03- The Deputy Commissioner District Dir Upper

*ML*

*Mog*



5m

OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECONDARY EDUCATION DIR UPPER.

39

PH NO.0944-881400 FAX -0944-880411 Email .demisdirupper@gmail.com

No:- 2950-S3 /F. /EDO/ADO(M) Dated Upper Dir the 13 /07/2012

To

Mr. Shah Hussain PST,  
GPS Kharawo Dir.

Annex A

C/O DY: D.O (M) DIR.

Subject: - SHOW CAUSE NOTICE.

Memo:-

It has been reported by the Assistant District Officer Circle Male Dir Upper and Pak Army, that you remained absent from duty w.e.f 15-12-2011 to 08-06-2012 with out permission of the competent authority. Your this practice is against office discipline and amounts to guilty be of habitually absenting yourself from duty with out approval of leave under Section 3 (c) and of Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules 2011 and liable to be removed from service.

You are, therefore, directed to submit your written defense within fifteen days of the receipt of this letter. Your written defense, if any, should reach to this office within the specified period, failing which it shall be presumed that you have nothing to present in your defense and in that case, ex-part action shall be followed against you.

(Abdur Rashid Baloch)  
EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY EDUCATION  
DIR UPPER

CC:-

- 01- The Dy. District Officer Male Dir with the direction to stop the pay of Mr. Shah Hussain PST GPS Kharawo Dir with immediate effect. The pay of absent period if paid may be recovered and deposit into Government treasury under proper challan and intimate this office.
- 02- HQ 105 Bde D.C.O Upper Dir for information please.
- 03- District Coordination Officer Dir Upper.

o/c

District Officer Male  
ELEMENTARY AND SECONDARY EDUCATION  
DIR UPPER

Attested  
Asstt: District Officer  
(E&SE) Dir Upper





**OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECONDARY EDUCATION DIR UPPER.**

PH NO.0944-881400 FAX -0944-880411 Email demisdirupper@gmail.com

No: 3211-12 /F-26/EDO/ADO(P/M) Dated Upper Dir the 31 /07/2012

To

Mr. Shah Hussain PST,  
GPS Kharawao Sub: Dir

*Annex B*

C/O DDO (M) Dir.

May be sent to the PST concerned through registered post on his home address.

Subject: - 2<sup>nd</sup> SHOW CAUSE NOTICE.

Memo:-

Reference this office memo: No.2950 dated 13-07-2012 on the subject noted above.

You are once again directed to resume your duty within fifteen days and submit your compliance report to this office otherwise ex-parte action will be taken against you.

EXECUTIVE DISTRICT OFFICER  
ELEMENTARY AND SECONDARY EDUCATION  
DIR UPPER

CC:-

- 01- The Deputy District Officer male Dir with the direction that clear position of the stoppage of pay of the above mentioned PST may be showed to this office.

DISTRICT OFFICER MALE  
ELEMENTARY AND SECONDARY EDUCATION  
DIR UPPER.

*Asstt. District Officer*  
Asstt: District Officer  
(E&SE) Dir Upper

26/10/2012

www.express.com.pk

# DAILY EXPRESS

FRIDAY, OCTOBER 26, 2012

42

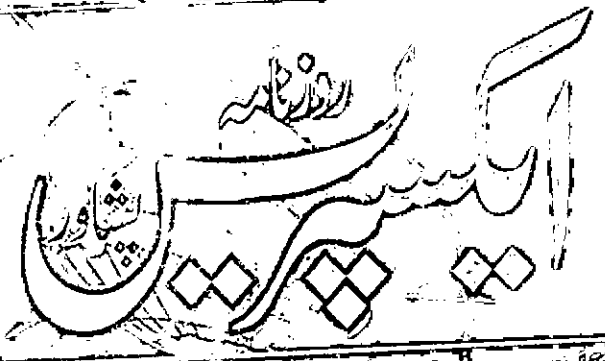
Annex C

## پشاور کی پندرہویں سالگرہ

اظہار رائے کی آزادی کے نام پر سماج کو بہتر بنانا اور...

پشاور کی پندرہویں سالگرہ منانے کے موقع پر پشاور میں کیوں...

پشاور کی پندرہویں سالگرہ منانے کے موقع پر پشاور میں کیوں...



پشاور کی پندرہویں سالگرہ منانے کے موقع پر پشاور میں کیوں...

پشاور کی پندرہویں سالگرہ منانے کے موقع پر پشاور میں کیوں...

### پشاور کی پندرہویں سالگرہ

0927-210758

Also available on www.khyberpakhtunkhwa.gov.pk INF(P)3299

### ڈائریکٹریٹ برائے ایجوکیشن خیبر پختونخوا پشاور

### پندرہویں سالگرہ

آپ کی مراد سید نیوزی اسٹنٹ گورنٹ ڈپٹی کمشنر (سوات) E.O.I. میں...

سوات 01-12-2011 تا 31-05-2012

07-12-2011 تا 17-12-2011

13-03-2012 تا 13-03-2012

25-07-2012 تا 25-07-2012

آپ کو اس وقت کے ذریعے سوات کے سوات ایجنٹ کے پندرہویں...

پندرہویں سالگرہ منانے کے موقع پر پشاور میں کیوں...

پشاور کی پندرہویں سالگرہ

0927-210758

Also available on www.khyberpakhtunkhwa.gov.pk INF(P)3299

### پشاور کی پندرہویں سالگرہ

### پندرہویں سالگرہ

| نمبر | موضوع                                 | محل   | تاریخ      |
|------|---------------------------------------|-------|------------|
| 1    | گورنٹ ڈپٹی کمشنر (سوات) E.O.I. میں... | پشاور | 01-12-2011 |
| 2    | گورنٹ ڈپٹی کمشنر (سوات) E.O.I. میں... | پشاور | 31-05-2012 |
| 3    | گورنٹ ڈپٹی کمشنر (سوات) E.O.I. میں... | پشاور | 07-12-2011 |
| 4    | گورنٹ ڈپٹی کمشنر (سوات) E.O.I. میں... | پشاور | 17-12-2011 |
| 5    | گورنٹ ڈپٹی کمشنر (سوات) E.O.I. میں... | پشاور | 13-03-2012 |
| 6    | گورنٹ ڈپٹی کمشنر (سوات) E.O.I. میں... | پشاور | 25-07-2012 |
| 7    | گورنٹ ڈپٹی کمشنر (سوات) E.O.I. میں... | پشاور | 25-07-2012 |
| 8    | گورنٹ ڈپٹی کمشنر (سوات) E.O.I. میں... | پشاور | 25-07-2012 |
| 9    | گورنٹ ڈپٹی کمشنر (سوات) E.O.I. میں... | پشاور | 25-07-2012 |
| 10   | گورنٹ ڈپٹی کمشنر (سوات) E.O.I. میں... | پشاور | 25-07-2012 |
| 11   | گورنٹ ڈپٹی کمشنر (سوات) E.O.I. میں... | پشاور | 25-07-2012 |
| 12   | گورنٹ ڈپٹی کمشنر (سوات) E.O.I. میں... | پشاور | 25-07-2012 |

پشاور کی پندرہویں سالگرہ

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پشاور کی پندرہویں سالگرہ

0927-210758

پشاور کی پندرہویں سالگرہ

0927-210758

Asstt. P...

(E&S)



**OFFICE OF THE EXECUTIVE DISTRICT OFFICER  
ELEMENTARY & SECONDARY EDUCATION DIR UPPER.**

PHNO.0944-881400 FAX-0944-880411 Email demisdirupper@gmail.com

*Annex D*

**OFFICE ORDER**

Whereas I, Mr. Abdur Rashid Baloch, Executive District Officer E&SE Dir Upper, as competent authority, am of the opinion that the following PSTs have rendered their self liable to be proceeded against as they committed the following acts /omissions with the meaning of rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline ) Rules 2011.

| S.No. | Name & Designation   | Name of School | BPS | Period of Absenteeism |
|-------|----------------------|----------------|-----|-----------------------|
| 01    | Shah Hussain PST     | GPS Kharaw     | 06  | 15-12-2011            |
| 02    | Muhammad Ibrahim PST | GPS Shaltalo   | 09  | Since long            |
| 03    | Fazal Malik PST      | GPS Gorkohi    | 09  | 02-05-2012            |

**Statement of allegations.**

"That they remained absent from the above mentioned dates with out prior sanction of leave as reported by the Deputy District Officer Male Dir & Pak Army. Their acts are against the office discipline and amounts to miss-conduct under rule 3 (b) & (d) of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011.

Whereas show Cause notices was issued to the accused vide this office S.No. (1) Endst No.2950-53 dated 13.07.2012, S.No. (2) Endst No.3546-47 dated 16.08.2012, S.No. (3) Endst No.3548-49 dated 16.08.2012, but they have do not resumed their duties within stipulated period.

Whereas 2<sup>nd</sup> show Cause notice was issued to the accused S.No. (1) Vide This Office Endst No.3211-12 dated 31.07.2012 S.No.(2) Endst: No. 3746-47 dated 07-09-2012 S.No.(3) Endst: No. 3748-49 dated 07-09-2012, but they have do not resume their duties within stipulated period.

Whereas, the last show cause notices were issued to them through press which has been published in Daily Express dated 26-10-2012, but after the expiry of stipulated period the accused failed to resume their duties.

Now therefore, I Mr. Abdur Rashid Baloch, EDO E&SE Dir Upper in the capacity of competent authority am satisfied that the charges against the accused have been proved beyond no doubt. I, as a competent authority under the power conferred upon me under Rule 3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 are hereby impose major penalties of ~~Removal~~ **Removal** from service upon the following PSTs Sub-Division Dir w.e.f 10-11-2012.

| S.No. | Name & Designation   | Name of School |
|-------|----------------------|----------------|
| 01    | Shah Hussain PST     | GPS Kharaw     |
| 02    | Muhammad Ibrahim PST | GPS Shaltalo   |
| 03    | Fazal Malik PST      | GPS Gorkohi    |

*(Signature)*  
**(ABDUR RASHID BALOCH)**  
EXECUTIVE DISTRICT OFFICER,  
E&SE DIR UPPER.

No 7171-73 /F-26/EDO/ADO(Estt)

Dated 22/11 /2012

Copy to the:

- 01- District Accounts officer Dir Upper.
- 02- Deputy District Officer Male Dir Upper with the directions to carry out necessary entry to this effect in the service books of the officials and ensure this office. If pay of absent Period if paid to them, may be recovered and be deposited in Government treasury Officials concerned.
- 03-

*(Signature)*  
Asstt: District Officer  
(E&SE) Dir Upper

*(Signature)*  
EXECUTIVE DISTRICT OFFICER,  
E&SE DIR UPPER

**BEFORE THE KPK, SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No. 1035/2018**

shah Hussain

VS

Education Deptt:

.....

**REJOINDER ON BEHALF OF APPELLANT**

.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-7) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1 No Comments endorsed by the respondent deptt: which means that the respondent deptt: admitted apar-1 of the appeal is correct as service record is already in the custody Deptt:.
- 2 Incorrect. While para-2 of the appeal is correct as mentioned in the main appeal of the appellant.
- 3 Incorrect. While para-3 of the appeal is correct as mentioned in the main appeal of the appellant.
- 4 Incorrect. While para-4 of the appeal is correct as mentioned in the main appeal of the appellant.

**GROUNDS:**

- A) Incorrect. The orders of the respondents are against the law, rules and norms of justice therefore not tenable and liable to be set aside. Further it is added that the departmental appeal was submitted within time from the date of communication.
- B) Incorrect. While para-B of the appeal is correct as mentioned in the main appeal of the appellant.
- C) Incorrect. Incorrect. While para-C of the appeal is correct as mentioned in the main appeal of the appellant.
- D) Incorrect. Incorrect. While para-D of the appeal is correct as mentioned in the main appeal of the appellant.
- E) Incorrect. Incorrect. While para-E of the appeal is correct as mentioned in the main appeal of the appellant.
- F) Incorrect. Incorrect. While para-F of the appeal is correct as mentioned in the main appeal of the appellant.
- G) Incorrect. Incorrect. While para-G of the appeal is correct as mentioned in the main appeal of the appellant.
- H) Incorrect. Incorrect. While para-H of the appeal is correct as mentioned in the main appeal of the appellant
- I) Incorrect. Incorrect. While para-I of the appeal is correct as mentioned in the main appeal of the appellant
- J) Legal.

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

*St Hain*

**APPELLANT**

Through:

**(UZMA SYED)  
Advocate High Court**

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

*St Hain*  
**ATTESTED DEPONENT**



**BEFORE THE KPK, SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No. 1035/2018**

shah Hussain

VS

Education Deptt:

.....  
**REJOINDER ON BEHALF OF APPELLANT**  
.....

**RESPECTFULLY SHEWETH:**

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- I) Incorrect. Incorrect. While para-I of the appeal is correct as mentioned in the main appeal of the appellant.
- J) Legal.



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

*She Hain*

**APPELLANT**

Through:

**(UZMA SYED)  
Advocate High Court**

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder are true and correct to the best of my knowledge and belief.

ATTESTED *She Hain*  
DEPONENT



*6/24/22*

WAKALAT NAMA

IN THE COURT OF Khyber Pakhtunkhwa Service Tribunal  
Peshawar.

Service Appeal  
# 1035/2018

Shah Hussain

Appellant(s)/Petitioner(s)

VERSUS

Director (E & SE) KP, Peshawar and others

Respondent(s)

I/We Appellant do hereby appoint  
**Mr. Ashraf Ali Khattak, Advocate High Court, Peshawar** in the above  
mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

**AND hereby agree:-**

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this \_\_\_\_\_

Attested & Accepted by

Ashraf Ali Khattak

**Ashraf Ali Khattak,**  
Advocate, High Court  
Peshawar

9-B, Haroon Mansion  
Off: Tel: 091-2213445

B. C # 1046-05

cell # 0332-9931676

Shah Hussain  
17/6/18  
Signature of Executants