

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1241 /2022 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/08/2022	<p>The appeal of Mr. Muhammad Ismail resubmitted today by Mr. Abbas Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p style="text-align: right;">By the order of Chairman</p> <p style="text-align: right;">REGISTRAR</p>

The appeal of Mr. Muhammad Ismail Khan SS (Maths) GHSS Gumbat Kohat received today i.e. on 17.08.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Check List is not attached with the appeal.
- 3- Appeal has not been flagged/marked with annexures marks.
- 4- Annexures of the appeal may be attested.
- 5- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2411 /S.T,

Dt. 17/08/2022

M. J. Khan
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Abbas Ali Khan Adv.
High Court Peshawar

Re-submitted after fulfillment of the
 requisite objections.

Abbas Ali Khan
Abbas Ali Khan
Advocate
18-08-2022

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECKLIST

Case Title: Muhammad Ismail vs Court of KPK and others.

S.#	Contents	Yes	No
1.	This appeal has been presented by: <u>Muhammad Ismail through Abba</u>	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	
24.	Whether Security and Process Fee deposited? on		✓
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on		
26.	Whether copies of comments/reply/rejoinder submitted? on		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on		

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

Name:

Abul Aji Khan

Signature:

Abul Aji Khan

Dated:

17-08-2022

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

In RE S.A No. 1241 /2022

Muhammad Ismail Khan SS (Maths) BPS-17 GHSS Gumbat Kohat.

..... **Appellant**

VERSUS

1. The Government of Khyber Pukhtunkhwa through Chief Secretary.
2. The Chief Secretary, Khyber Pukhtunkhwa.
3. Secretary, Elementary & Secondary Education Department Khyber Pukhtunkhwa.
4. Director, Elementary & Secondary Education Department Khyber Pukhtunkhwa.

..... **Respondents**

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3.	Addresses of the parties		8
4.	Copies of Notification dated: 28-5-2021, charge sheet and statement of allegation	A, B & C	9-11
5.	Copy of reply of charge sheet	D	12
6.	Copy of showcause notice and its reply by the appellant	E, F	13-16
7.	Copy of Notification dated 23-11-2021	G	17
8.	Copy of departmental appeal and notification of rejection of appeal	H, I	18-20
9.	Copy of review to the respondent department.	J	21-22
10.	Wakalat Nama		23

Dated: 17-08-2022

Through

Appellant

ABBAS ALI KHAN

&

FAISAL SAIFULLAH

Advocates

High court Peshawar

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BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

In RE S.A No. 1241 /2022

Muhammad Ismail Khan SS (Maths) BPS-17 GHSS Gumbat Kohat

..... Appellant

VERSUS

1. The Government of Khyber Pukhtunkhwa through Chief Secretary.
2. The Chief Secretary, Khyber Pukhtunkhwa.
3. Secretary, Elementary & Secondary Education Department Khyber Pukhtunkhwa.
4. Director, Elementary & Secondary Education Department Khyber Pukhtunkhwa.

..... Respondents

**APPEAL U/S 4 OF THE KHYBER PUKHTUNKHWA
SERVICE TRIBUNAL ACT 1974 AGAINST THE
IMPUNGED ORDER DATED 23-11-2021 FOR
IMPOSING PENALTY OF WITHHOLDING OF
ANNUAL INCREMENT FOR THREE YEARS OF THE
APPELLANT, WHICH IS ILLEGAL , UNLAWFUL
AND AGAINST THE JUSTICE, ON WHICH THE
APPELLANT FILED DEPARTMENTAL APPEAL ON
06-1-2022 WHICH HAS BEEN REJECTED ON 02-3-
2022 ON NO GOOD GROUNDS.**

PRAYER: ON ACCEPTANCE OF THIS APPEAL BOTH THE IMPUNGED ORDERS DATED: 23-11-2021 & 02-3-2022 MAY KINDLY BE SET ASIDE AND THE PENALTY OF WITH HOLDING OF ANNUAL INCREMENT FOR THREE YEARS MAY KINDLY BE UPLIFTED AND THE ANNUAL INCREMENT MAY KINDLY BE RESTORED TO THE APPELLANT WITH ALL BACK BENEFITS. ANY OTHER REMEDY WHICH THE AUGUST TRIBUNAL DEEMS FIT THAT MAY ALSO BE GRANTED IN FAVOR OF THE APPELLANT.

RESPECTFULLY SHEWETH,

1. That the appellant is serving as a subject specialist (Maths) BS-17 with the respondent department at GHSS Gumbat Kohat.
2. That after the appointment, the appellant performed his duty regularly and with full devotion and no complaint whatsoever has been made against the appellant.
3. That while performing his official duty, the respondent department issued a Notification dated: 28-5-2021 to the competent authority to constitute inquiry committee to conduct formal inquiry against the appellant for the alleged charges mentioned in the charge sheet and statement of allegation. (Copies of Notification dated: 28-5-2021, charge sheet and statement of allegation are annexed as Annexure A, B & C).

4. That thereafter, the appellant submitted a written reply of charge sheet to the respondent department on 10-6-2021 and denied all the allegations. **(Copy of reply of charge sheet is annexed as Annexure "D")**.
5. That after formal inquiry has been conducted without providing proper chance of defence to the appellant i.e. cross examination etc, thereafter the respondent department issued a show cause notice to the appellant that the competent authority, Chief Secretary Khyber Pukhtunkhwa has tentatively decided to impose a major penalty of removal from service in connection with the charges leveled against the appellant and directed the appellant to submit his reply to the respondent department, whereas the appellant submitted reply of showcause notice to the respondent department on 19-9-2021 and once again denied the entire allegations. **(Copy of showcause notice and its reply by the appellant are annexed as annexure E & F)**.
6. That in response of showcause notice reply the respondent department issued a notification dated: 23-11-2021 that charges against the appellant have partially been proved and impose a penalty of *Withholding of Annual Increment for three years*. **(Copy of Notification dated 23-11-2021 is annexed as annexure G)**.

(4)

7. That the appellant filed departmental appeal on dated: 06-1-2022 against the impugned order dated 03-11-2021 with the respondent department but the same was rejected on dated: 02-3-2022 by the respondent department and the penalty of withholding of annual increment for three years kept intact.

(Copy of departmental appeal and notification of rejection of appeal are annexed as annexure H & I respectively).

on dated: 19-7-2022

8. That the appellant filed a review against the impugned order dated 02-3-2022 with the respondent department in which no response has been given to the appellant.

(Copy of review to the respondent department is annexed as annexure J).

9. That feeling aggrieved the Appellant prefers the instant service appeal before this Honorable Tribunal on the following grounds inter alia:

GROUND:-

A. That the impugned order dated 23-11-2021 and rejection order 02-3-2022 are void ab-initio order because it has been passed against the rules.

B. That the impugned order is also void and illegal because the appellant had fully performed his official duty and never compromised with his duty and the allegation of habitual late coming is completely baseless and concocted.

C. That the allegations of submitting fake performa and making parodies of the principal are totally false, concocted and baseless, In fact the appellant unquestionably complied with the direction of principal

(5)

within the parameters set up under the rules and regulations.

D. That the appellant had always obtained a prior sanction for casual leave as well as station leave from the principal while leaving for home.

E. That the appellant had never been reported absent by IMU, school record can be checked in this respect, despite the fact that even then two days salary was deducted from the appellant by the principal with the malafide intention which is unlawful and without jurisdiction.

F. That the monthly salary of the appellant is also affected after imposing the penalty by the respondent, which is illegal, unlawful and against the justice.

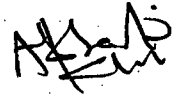
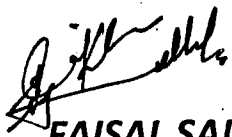
G. That no opportunity of proper defence has been provided to appellant before imposing punishment i.e cross examination, the inquiry has been conducted one sided which is illegal and against the law.

H. That according to the E² and D rules the inquiry report of the inquiry committee shall also be provided to the appellant for his proper defence but no such inquiry report was provided to the appellant.

- I. That the charges has not been proved against the appellant, the penalty of the appellant by converting into minor penalty , not showing any reason that why minor penalty was imposed. The penalty imposed on the appellant is illegal, unlawful against the law which should be set aside.
- J. That according to the judgment of the august Supreme Court 2015 SCMR 795, when order not passed in accordance of law is to be treated as void order and no limitation run against the void order, this principle is also held in the judgment 2007 SCMR 834 of the august Supreme Court.

It is, therefore, most humbly prayed that on acceptance of this appeal, both the impugned orders dated: 23-11-2021 & 02-3-2022 may kindly be set aside and the penalty of with holding of annual increment for three years may kindly be uplifted and the annual increment may kindly be restored to the appellant with all back benefits.

Dated: 17-08-2022

Appellant
Through 
ABBAS ALI KHAN
& 
FAISAL SAIFULLAH
Advocates
High court Peshawar

(7)

BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

In RE S.A No. _____/2022

Muhammad Ismail Khan SS (Maths) BPS-17 GHSS Gumbat Kohat.

..... **Appellant**


VERSUS

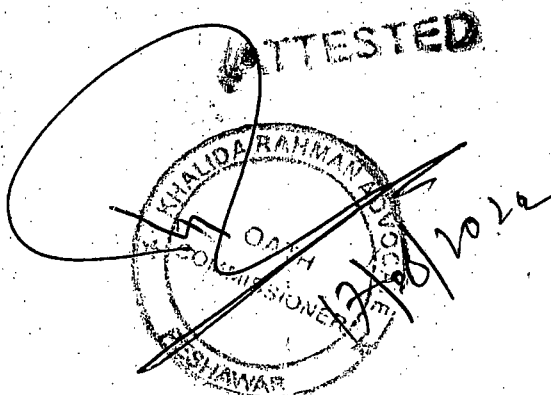
1. The Government of Khyber Pukhtunkhwa through Chief Secretary.
2. The Chief Secretary, Khyber Pukhtunkhwa.
3. Secretary, Elementary & Secondary Education Department Khyber Pukhtunkhwa.
4. Director, Elementary & Secondary Education Department Khyber Pukhtunkhwa.

..... **Respondents**

AFFIDAVIT

I, **Muhammad Ismail Khan SS (Maths) BPS-17 GHSS Gumbat Kohat** 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 Court.


Deponent



BEFORE THE HONORABLE SERVICE TRIBUNAL PESHAWAR

In RE S.A No. _____/2022

Muhammad Ismail Khan SS (Maths) BPS-17 GHSS Gumbat Kohat

..... Appellant

VERSUS

1. The Government of Khyber Pukhtunkhwa through Chief Secretary.
2. The Chief Secretary, Khyber Pukhtunkhwa.
3. Secretary, Elementary & Secondary Education Department Khyber Pukhtunkhwa.
4. Director, Elementary & Secondary Education Department Khyber Pukhtunkhwa.

..... Respondents

APPLICATION UNDER SECTION 5 OF THE LIMITATION ACT, 1963 FOR THE CONDONATION OF DELAY IN THE ABOVE TITLED CASE.

Respectfully Sheweth,

The applicant respectfully submits as under:

1. That the above titled case is pending for adjudication before this Honorable court in which the date of hearing is yet to be fixed.
2. That according to the judgment of the august Supreme Court 2015 SCMR 795, when order not passed in accordance of law is to be

treated as void order and no limitation run against the void order, this principle is also held in the judgment 2007 SCMR 834 of the august Supreme Court.

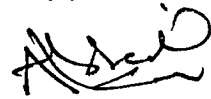
3. That if the case of the applicant is not heard so he will suffer irreparable loss.
4. That the delay in filing the appeal is neither deliberate nor intentional on the part of the applicant but is due to not providing the documents of departmental proceeding by the respondents to the applicant within time.

It is, therefore, most humbly prayed on the acceptance of the instant application if any delay occurred in filling of this appeal that may please be condone.

Dated: 17-08-2022

Through

Applicant



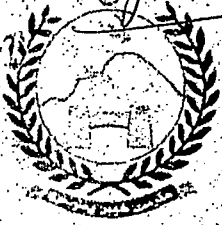
ABBAS ALI KHAN

& Faizullah

FAISAL SAIFULLAH

Advocates

High court Peshawar



Registered

Annexure A

(9)

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the May 28, 2021

NOTIFICATION

No.SO(SME&SED/4-2/20121/M.Ismail, SS GHSS Gumbat Kohat: The Competent Authority/Chief Secretary Khyber Pakhtunkhwa is pleased to constitute Inquiry Committee comprising the following officers to conduct formal inquiry against Mr. Muhammad Ismail, SS (Maths) BS-17 GHSS Gumbat Kohat for the charges mentioned in the Charge Sheet and Statement of Allegations;

- i. Mr. Bashir Ahmad, PMS (BS-18) Additional Deputy Commissioner (G) Kohat.
- ii. Mr. Muhammad Shiraz, DEO(M) BS-19, District Hangu.

2. The inquiry committee shall submit report to the Competent Authority within (30) days positively (Copies of Charge Sheets & Statements of Allegations are enclosed for all concerned).

SECRETARY

Endst: of even No. & Date :-

Copy forwarded to the:

1. Mr. Bashir Ahmad, PMS (BS-18) Additional Deputy Commissioner (G) Kohat (Copy of Charge Sheet & Statement of allegation enclosed)
2. Mr. Muhammad Shiraz, DEO(M) BS-19, District Hangu. (Copy of Charge Sheet & Statement of allegation enclosed)
3. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
4. District Education Officer (Male), Kohat
5. Principal, GHSS Gumbat Kohat
6. Mr. Muhammad Ismail, SS (Maths) BS-17 GHSS Gumbat Kohat (Copy of Charge Sheet & Statement of allegation enclosed)
7. PS to Secretary E&SE Department, Khyber Pakhtunkhwa.
8. Office order file.

(MUJEEB UR RAHMAN)
SECTION OFFICER (SCHOOLS MALE)

(13)

Annexure B

CHARGE SHEET

I, Dr. Kazim Niaz, Chief Secretary, Khyber Pakhtunkhwa as Competent Authority, hereby charge you Mr. Muhammad Ismail Subject Specialist Maths (BS-17) GHSS Gumbat District Kohat as follows: -

That you, while posted as Subject Specialist Maths (BS-17) GHSS Gumbat District Kohat committed the following irregularities:

- i. You are habitual late comer to the school.
- ii. You do not observe the school timings.
- iii. You have submitted fake proforma bearing forged signature of the Principal concerned to the BISE Kohat. Hence committed forgery.
- iv. You publicly challenge the writ of your Principal and make parodies of him.
- v. You do not obtain station leave from your immediate boss, while leaving for home.
- vi. You have been reported "Absent" by IMU and your salary has been deducted on several occasions but you failed to mend your ways.

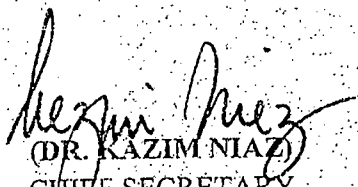
2- By reasons whereof, you appear to be guilty of inefficiency, misconduct and misuse of authority under Rule-3 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

3- You are, therefore, required to submit your written defense within seven days of the receipt of this Charge Sheet to the inquiry officer/ inquiry committee, as the case may be.

4- Your written defense, if any, should reach the inquiry officer/ inquiry committee within specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

5- You may intimate whether you want to be heard in person.

6- Statement of Allegations is enclosed.


(DR. KAZIM NIAZ)
CHIEF SECRETARY
KHYBER PAKHTUNKHWA

Mr. Muhammad Ismail
Subject Specialist Maths (BS-17) GHSS Gumbat District Kohat

(12)

Ammece-D

Respected Inquiry officer Bashir Ahmed ADC (G)
Kohat.

REPLY OF CHARGE SHEET

1. Respected sir, The allegation of habitual late coming is completely baseless and concocted. I have always given rapt and scrupulous attention to the school timings. On some occasions, I might have put up appearance five or ten minutes late which was due to ineluctable and unavoidable necessity which often cropped up due to ongoing construction on the meddamization of the road owing to which vehicular traffic was often packed to suffocation.

2. Respected sir, I have always observed the official school timing regularly. The allegation of not observing school timings is completely baseless.

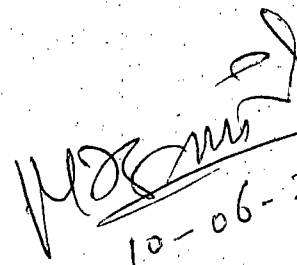
3. Respected sir, Neither I have submitted the fake performa nor have I got the knowledge regarding the submission of the alleged fake Performa. The allegation of fake performa is baseless, pre-posterous, concocted and just to exacerbate my mental agonies.

4. Respected sir, The allegation regarding the writ of the principal is completely and outrightly baseless and just for aggravating my mental miseries and agonies and being a public servant I have unquestionably complied with the directions of the worthy principal within the parameters set up under the rules and regulations, needless to mention record of the school tell its own tale.

5. Respected sir, I have always obtained prior sanction for casual leave, as well as for station leave from worthy principal while leaving for home. The allegation is completely baseless.

6. Respected sir, I have never been reported Absent by IMU, school record can be checked and skimmed in this respect, despite the fact that I was not reported Absent by IMU, even then two days salary was deducted from me by the worthy principal on his own discretion which speak volumes, in unequivocal and loud terms of the mental torture and agonies given to me repeatedly.

Best regards!


10-06-2021

MUHAMMAD ISMAIL
SS (MATHS) BPS 17
GHSS GUMBAT KOHAT.

REGISTERED



(13)
Annexure E

GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

No.SO (SM) E&SED/ 4-2/2021/M.Ismail/SS/GHSS Gumbat Kohat
Dated Peshawar the September 06, 2020

To

Mr. Muhammad Ismail
Subject Specialist (Maths) BS-17,
GHSS Gumbat District Kohat.

Through: Secretary E&SED,
Subject: - SHOW CAUSE NOTICE.

I am directed to refer to the subject noted above and to enclose herewith a copy of Show Cause Notice wherein the Competent Authority (Chief Secretary Khyber Pakhtunkhwa) has tentatively decided to impose upon you the major penalty of "Removal from Service" under Rule-4 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in connection with the charges leveled against you.

2. You are therefore directed to furnish your reply to the Show Cause Notice as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

3. Your reply should reach this Department within Seven (07) days of delivery of this letter otherwise ex-parte action shall be taken against you.

Encl: As Above:

(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS/MALE)

Endst: Even No. & Date:

Copy of the above is forwarded to the: -

1. Director E&SE Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary E&SE Khyber Pakhtunkhwa, Peshawar.

(HAFEEZ UR REHMAN SHAH)
SECTION OFFICER (SCHOOLS MALE)

14

SHOW CAUSE NOTICE

I, Dr. Kazim Niaz, Chief Secretary Khyber Pakhtunkhwa, as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, do hereby serve you, Mr. Muhammad Ismail, Subject Specialist (Maths) BS-17 GHSS Gumbat District Kohat as follows: -

- (i) That consequent upon the completion of inquiry conducted against you by the inquiry committee for which you presented your written defense before the inquiry committee; and
- (ii) On going through the findings and recommendations of the inquiry committee, the material on record and other connected papers including your defense before the inquiry committee: -

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


Inefficiency & Misconduct

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

3. You are, thereof, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desire to be heard in person.

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

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


(DR. KAZIM NIAZ)
CHIEF SECRETARY KHYBER PAKHTUNKHWA
COMPETENT AUTHORITY

Mr. Muhammad Ismail,
Subject Specialist (Maths) BS-17
GHSS Gumbat District Kohat

(15)

Ammeer
"F"

10

THE HONOURABLE CHIEF SECRETARY
KHYBERPAKHTUNKHWA

Through: Secretary Elementary and Secondary Education
SUB: REPLY OF SHOW CAUSE NOTICE

Respected Sir, The allegation of habitual late coming is completely baseless and concocted. I have always given rapt and scrupulous attention to the school timings. On some occasions, I might have been late by five or ten minutes late which was due to innumerable and unavoidable necessity which often cropped up due to ongoing construction on the mechanization of the road owing to which vehicular traffic was often packed to suffocation.

Respected Sir, I have always observed the official school timings regularly. The allegation of non observance of timings is completely baseless.

Respected Sir, Neither I have submitted the fake Performa nor have I got the knowledge regarding the submission of the fake Performa. The allegation of fake Performa is baseless and malicious, concocted and just to exacerbate my mental agony.

Respected Sir, The allegations regarding the writ of the principal is absolutely baseless and concocted. The principal is a highly qualified and experienced officer who has been working in the educational field for many years. He is a highly qualified and experienced officer who has been working in the educational field for many years. He is a highly qualified and experienced officer who has been working in the educational field for many years.

Respected Sir, I have always obtained prior sanction for my absence from the principal while leaving for home. The allegation is completely baseless.

Respected Sir, I have never been reported Absent. My name is not recorded as Absent in the register. Despite the fact that I was not reported Absent by the principal, my salary was deducted from me by the worthy principal on his own discretion which is a gross violation of the rules and regulations of the school. This has caused me a great deal of mental torture and agonies given to me.

1971
16/9/21

(16)

Respected Sir,

last but not the least it is not out of place to mention that earlier District Education Officer kohat
Abdullah Saib paid visit to the prestigious alma mater where in students were examined
respecting the manner and course completion of the subject seconded / assigned to the undersigned.
having been satisfied the learned district Education Officer kohat appreciated and applauded the
meticulous and painstaking efforts of the undersigned and the allegations leveled against the
undersigned were deemed brushed aside.

*It is therefore most humbly prayed that the aforesaid penalty may not kindly be
imposed upon me.*

*Respected sir, I may also be given the opportunity of personal hearing before
your good self.*

BEST REGARDS!

Yours faithfully,

MDS

MUHAMMAD ISMAIL
SUBJECT SPECIALIST (MATHS)
GHS GUMBAT KOTAT.

Mob: 0348-9406144

Better copy

15 "A"

(1)

TO

THE HONOURABLE CHIEF SECRETARY
KHYBERPAKHTUNKHWA

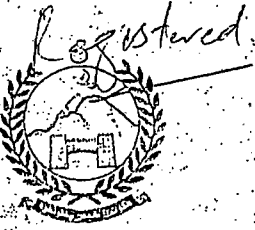
SUB:

REPLY OF SHOW CAUSE NOTICE

1. Respected sir, The allegation of habitual late coming is completely baseless and concocted. I have always given rapt and scrupulous attention to the school timings. On some occasions, I might have put up appearance five or ten minutes late which was due to ineluctable and unavoidable necessity which often cropped up due to ongoing construction on the mecdamization of the road owing to which vehicular traffic was often packed to suffocation.
2. Respected sir, I have always observed the official school timing regularly. The allegation of not observing school timings is completely baseless.
3. Respected sir, Neither I have submitted the fake performa nor have I got the knowledge regarding the submission of the fake Performa. The allegation of fake performa is baseless, pre-posterous, concocted and just to exacerbate my mental agonies.
4. Respected sir, The allegation regarding the writ of the principal is completely and outrightly baseless and just for aggravating my mental miseries and agonies and being a public servant I have unquestionably complied with the directions of the worthy principal within the parameters set up under the rules and regulations; needless to mention record of the school tell its own tale.
5. Respected sir, I have always obtained prior sanction for casual leave, as well as for station leave from worthy principal while leaving for home. The allegation is completely baseless.
6. Respected sir, I have never been reported Absent by IMU, school record can be checked and skimmed in this respect, despite the fact that I was not reported Absent by IMU, even then two days salary was deducted from me by the worthy principal on his own discretion which speak volumes, in unequivocal and loud terms of the mental torture and agonies given to me repeatedly.

Annexure-I

(20)



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION
DEPARTMENT

Dated Peshawar the March 02, 2022

NOTIFICATION

NO.SO(SM)E&SED/4-2/2021/Muhammad Ismail SS : WHEREAS the Elementary & Secondary Education Department proceeded against Mr. Muhammad Ismail, Subject Specialist Maths (BS-17) GHSS Gumbat District Kohat under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011.

2. **AND WHEREAS** the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) after having considered the charges, evidence on record, personal hearing (by Additional Secretary (Admin) Administration Department on behalf of the Competent Authority on 28.10.2021 & 02.11.2021) followed by inquiry report submitted on 26.07.2021 is of the view that charges against the accused have been proved.

3. **AND WHEREAS** the Competent Authority (Chief Secretary, Khyber Pakhtunkhwa) imposed minor penalty of "**withholding of annual increment for three years**" upon Mr. Muhammad Ismail, Subject Specialist Maths (BS-17) GHSS Gumbat District Kohat with immediate effect.

4. **AND WHEREAS** he filed a Departmental Appeal before the Appellant Authority (Chief Minister Khyber Pakhtunkhwa).

5. **NOW, THEREFORE**, In exercise of the powers conferred under section-17 (1) of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011, the Competent Authority (Chief Minister, Khyber Pakhtunkhwa) has rejected/regretted his appeal and this Department Notification NO.SO(SM) E&SED/4-2/2021/Muhammad Ismail SS dated 23.11.2021 regarding "**withholding of annual increment for three years**" is hereby intact.

SECRETARY TO GOVT OF KHYBER PAKHTUNKHWA
E&SE DEPARTMENT

Endst: of even No. & Date

Copy forwarded to the:

- 1- Accountant General, Khyber Pakhtunkhwa, Peshawar.
- 2- Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- District Education Officer (Male), Kohat
- 4- District Accounts Officer, Kohat.
- 5- Principal GHSS Gumbat Kohat.
- 6- PS to Chief Secretary Khyber Pakhtunkhwa Peshawar.
- 7- PS to Secretary, E&SE Department, Khyber Pakhtunkhwa.
- 8- Mr. Muhammad Ismail, Subject Specialist Maths BS-17 GHSS Gumbat District Kohat
- 9- Office order file.

(SYEDA ZAINAB NAQVI)
SECTION OFFICER (SCHOOLS MAI FI)

02-03-22

Then how the principal says that I have deducted salary on basis of imu report of absentee IMU education department

Annexure
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(21)

(1)

To

HONORABLE CHIEF MINISTER KHYBER PAKHTUNKHWA

Through: **CHIEF SECRETARY KHYBER PAKHTUNKHWA**
Secretary Elementary and Secondary Education deptt
Subject: Review Appeal for Exoneration of stoppage Annual increment for three years
i.r.o Muhammad Ismail SS Maths bs17 GHSS gumbat kohat elementary and Secondary education
department.

Respected sir,

Respectfully it is stated that I received the office order regarding the stoppage of the annual increment for three years on 07 dec2021.

Respectfully it is stated that I would like to bring your kind notice that I have been performing my duty by traveling daily from karak to kohat since 2018, I used to get off and on due to the heavy traffic jam caused by the Ongoing construction of road, one of the main allegation upon me due to which I had to suffer Increment penalty. I have performed my duty regularly. Attendance record of register shows that I m regular punctual dutiful and time punctual. Attendance record for month of October 2021 is annexed at page no 04.

Respected sir I have neither submitted any fake proforma in BISE kohat nor performed any duty in examination during the time frame of allegations imposed. So the allegations regarding board Performa is completely baseless. I have recently performed bise kohat HSSC examination 2022 duty as deputy superintendent at Govt degree college takhti nusrati karak I was recommended by the same principal who has blamed me regarding fake performa. (duty offer and recommendations performa duly signed by the same principal of GHSS gumbat kohat is annexed at page no (05,06).

Respected sir I have always taken prior sanction to any leave availed by me and all the allegations regarding unsanctioned leave are baseless. Attendance record is attached. So the allegations regarding unsanctioned leave are completely baseless.

As regarded absenteeism by IMU and pay deduction, the record can be checked which shows and proves that neither I have been reported absent by IMU nor any pay deducted on basis of imu report. The principal has illegally and by the abuse of power deducted my pay which has been subjected later on to inquiry and the inquiry report submitted showed that the pay has been deducted illegally and the salary may be credited back in my favour. The report of the inquiry committee is attached. The District education officer kohat has issued orders on the basis of inquiry report recommendations to the principal that already deducted salary of two days may be released to the Muhammad Ismail SS Maths GHSS gumbat kohat through proper legal process which is ample proof that the allegations leveled against me is baseless. I have no absentee during my service. I have received the already two days deducted salary again through proper official procedure. The same principal of GHSS gumbat kohat who had deducted salary of two days submitted arear source II form for payment of already deducted two days salary on the official order of DEO education kohat to district account office kohat

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19/12/22

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Then how the principal says that I have deducted salary on basis of imu report of absentee. IMU education monitoring authority visits record is annexed at page no 07,08.

Respected sir on the basis of fake allegations of report absent by imu leveled against me by the principal GHSS gumbat kohat for which I had to suffer the penalty of withholding of annual increment for three years which is injustice with me. Further the allegations of report absent by imu by the principal GHSS gumbat kohat has been proved incorrect by inquiry committee. The inquiry committee was substituted by District education officer kohat on basis of complaint logged through citizen portal(inquiry report is annexed at page no (09,10).

Respected sir the principal of GHSS gumbat kohat has illegally deducted salary being present in the school. When I reported the illegal deduction of salary case to PM portal for justice. The inquiry committee recommended that the deduction of salary in this regard is illegal unlawful and unjustified. So the principal has miss used his powers. Also blamed me that you were reported absent by IMU that is why I have deducted salary but actually after conducting inquiry by DEO education kohat the inquiry report showed that allegations was proved incorrect.(inquiry report of inquiry committee is annexed at page no (09, 10). On the basis of fake allegations Penalty of withholding of annual increment for three years is imposed upon me which is injustice with me. All the allegations leveled against me by principal GHSS gumbat kohat are fake baseless and incorrect. Two day's salary release order by DEO education kohat is annexed at page no (11.) All related documents that shows that allegations are fake and baseless are attached with review appeal application .

In the light of all of the above facts I am a hardworking, regular, punctual teacher committed to save the children of the nation. With massive financial crisis , The competent authority chief minister Khyber pakhtunkhwa is requested to please review my appeal .

"Respected sir, your goodself is requested to exonerate the penalty imposed upon me.i.e stoppage of Annual increment for three years. "Also I may be called for personal hearing.

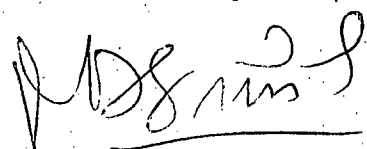
Respected sir I shall be highly obliged and shall pray for your long life and prosperity.

Best Regards!

Muhammad Ismail

Subject specialist Maths bs17

Dated 19-July -2022.



2. 19/07/2022

GHSS GUMBAT KOHAT ELEMENTARY AND SECONDARY EDUCATION DEPARTMENT KPK


Mob: 0348 9406144

Accepted by
 [Signature]





مقدمہ:
 پشاور بار ایسوسی ایشن کے زیر اہمیت اور سرپرستی میں منعقد ہونے والے پشاور بار ایسوسی ایشن کے 17 ویں سالانہ اجلاس کا افتتاحی تقریب کا انعقاد ہوا۔ اس موقع پر پشاور بار ایسوسی ایشن کے صدر ایس ایچ ایم ایف نے خطاب کیا اور پشاور بار ایسوسی ایشن کے کارناموں اور خدمات پر مبارکباد پیش کی۔ ان کے بقول پشاور بار ایسوسی ایشن کے کارکنان اور قاضیوں نے پشاور کے لوگوں کو بہتر عدالتی سہولتیں فراہم کرنے میں اہم کردار ادا کیا ہے۔ ان کا کہنا تھا کہ پشاور بار ایسوسی ایشن کے کارکنان اور قاضیوں نے پشاور کے لوگوں کو بہتر عدالتی سہولتیں فراہم کرنے میں اہم کردار ادا کیا ہے۔ ان کا کہنا تھا کہ پشاور بار ایسوسی ایشن کے کارکنان اور قاضیوں نے پشاور کے لوگوں کو بہتر عدالتی سہولتیں فراہم کرنے میں اہم کردار ادا کیا ہے۔

پشاور بار ایسوسی ایشن
 17th Annual Meeting
 17th Nov 2022

پشاور بار ایسوسی ایشن	
نام: _____ پتہ: _____ محلہ: _____ علاقہ: _____ ڈویژن: _____	 صدر ایس ایچ ایم ایف پشاور بار ایسوسی ایشن

Honorable Service Tribunal Peshawar.

پشاور بار ایسوسی ایشن، پشاور پشاور بار ایسوسی ایشن	ایڈریس: _____ فون: 0333-9091222 ای میل: _____ پشاور بار ایسوسی ایشن
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