

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1402/2018

Date of Institution ... 13.11.2018

Date of Decision ... 30.10.2019

Umar Farooq Shah, (CT) Govt High School Sadiqabad, Nowshera.  
... (Appellant)

VERSUS

The Director, Elementary and Secondary Education, Peshawar and three others.  
... (Respondents)

-----  
Mr. UMAR FAROOQ SHAH, --- In Person.  
MR. M. RIAZ KHAN PAINDAKHEL, --- For respondents  
Assistant Advocate General  
MR. AHMAD HASSAN --- MEMBER(Executive)  
MR. MUHAMMAD AMIN KHAN KUNDI --- MEMBER(Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS.

02. The appellant while arguing his case invited attention to judgment of this Tribunal dated 17.08.2018, whereby directions were given to the respondents for redressal of his grievances. As the respondents failed to act upon the judgment referred to above, therefore, the appellant was compelled to file execution petition. During the pendency of execution petition, impugned order dated 20.06.2018 was passed by the respondents and the appellant was awarded minor penalty of recovery of Rs. 27290/-. He filed departmental appeal on 16.07.2018, which was not decided within the stipulated period, hence, the present service appeal. He further argued that he was penalized by the respondents for filing service appeal in this Tribunal, as was evident from the contents of

the impugned order. He was neither involved in any embezzlement or mis-appropriation of government funds. Financial benefits previously awarded to him were withdrawn by the Audit party. Thus nothing was outstanding against him.

03. Learned Assistant AG argued that the appellant was not entitled to BPS-15 in the light of Finance Department notification dated 26.01.2008, as he was appointed as C.T vide order dated 17.11.2009. Notification dated 26.01.2008 was issued prior to his appointment as onetime benefit allowed to the existing teachers. Subsequently, the audit party through order dated 14.03.2016 made necessary entry in his service book and downgraded him to BPS-14. He was treated according to law and rules.

**CONCLUSION:**

04. The record suggests that vide notification dated 17.11.2009 issued by the then DCO, Nowshera, the appellant was awarded BPS-15 w.e.f 23.07.2009. The pay fixation party while making entry in his service book on 14.03.2016 fixed his pay in BPS-14 instead of BPS-15 and also ordered recovery of the excess amount received by him. The appellant assailed this order of the respondents by filing service appeal no. 758/2016 decided on 17.08.2017, whereby the matter was remitted to the pay fixation party for resolution within a period of six days in accordance with the observations contained in the said judgment. When the respondents failed to comply with the directions of this Tribunal contained in the aforementioned judgment it forced the appellant to file implementation petition. During the pendency of implementation petition the respondents passed impugned order dated 20.06.2018, whereby minor penalty of recovery of Rs. 27290/- was imposed on the appellant. In view of fresh cause of action as a result of said impugned order the implementation was adjourned sine die.

05. The contents of the impugned order as rightly agitated by the appellant are quite interesting as well as astonishing/amazing. They are also against the spirit of E&D Rules

2011. It is pointed out that the appellant was not guilty of mis-conduct, financial corruption, embezzlement and mis-appropriation of government funds. Therefore, there was hardly any occasion for initiating action against the appellant under the rules referred to above. It is pertinent out that BPS-15 was granted to him on the strength of notification dated 17.11.2009 issued by the then DCO, Nowshera and it has also not been disputed that the same was obtained by the appellant through forgery /fraud. As his case was not covered under the Finance Department notification dated 26.01.2008, therefore, the pay fixation party made necessary entry in his service book on 14.03.2016 by fixing his pay in BPS-14 instead of BPS-15 and further ordered recovery of excess amount received by him. Viable option available with the respondents was to have recovered the excess amount, if received by him. The impugned order passed against the appellant arbitrary, whimsical, without lawful authority and against the canons of justice. The respondent failed to act within the parameters of laid down rules/policy.

06. As a sequel to the above, the instant appeal is accepted and the impugned order dated 20.06.2018 is set aside. However, the respondents are placed at liberty to recover any excess amount if drawn by the appellant. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)  
Member

*Muhammad Amin*  
(MUHAMMAD AMIN KHAN KUNDI)  
Member

ANNOUNCED  
30.10.2019

Order

30.10.2019 Appellant in person present. Asst: AG alongwith Mr. Zakiullah, Senior Auditor for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today of this Tribunal placed on file, the instant appeal is accepted and the impugned order dated 20.06.2018 is set aside. However, the respondents are placed at liberty to recover any excess amount if drawn by the appellant. Parties are left to bear their own cost. File be consigned to the record room.

Announced:  
30.10.2019



(Ahmad Hassan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

1402/2018

25.07.2019

Appellant in person and Zakiullah, Senior Auditor for respondents No. 3 & 4 alongwith Mr. Usman Ghani District for the respondents present.

Representative of respondents No. 3 & 4 states that the said respondents rely on the written comments submitted by respondents No. 1 & 2. To come up for arguments before D.B on 16.09.2019. The appellant may furnish rejoinder before next date of hearing, if so advised.

The appellant has submitted an application praying therein for restraining the respondents from the recovery of Rs. 2000/- per month out of his salary.

As in the appeal the order of recovery of Rs. 27290/-, as a minor penalty, has been impugned, the respondents are required not to make the disputed recovery till next date of hearing. Copies of the application handed over to the representative as well as learned District Attorney.



Chairman

16.09.2019

Appellant in person present. Addl: AG for respondents present. Appellant seeks adjournment due to general strike of the bar. Adjourn. To come up for arguments on 30.10.2019 before D.B.



Member



Member

19.06.2019

Appellant in person and Mr. Zakiullah, Senior Auditor for respondent No. 4 alongwith Mr. Kabirullah Khattak, Additional AG present. Written reply on behalf of respondents No. 1 & 2 has already been submitted. Written reply on behalf of respondent No. 3 & 4 not submitted. Representative of respondent No. 4 present in the court requested for further time to submit written reply. Neither representative of respondent No. 3 is present nor written reply on his behalf submitted therefore, notice be issued to respondents No. 3 with the direction to direct the representative to attend the court and submit written reply on the next date. Adjourned but as a last chance to respondents No. 3 & 4 to submit written reply on the next date. Case to come up for written reply/comments on behalf of respondents No. 3 & 4 on 25.07.2019 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

13.03.2019

Appellant in person present. Mr. Kabirullah Khattak, Additional AG alongwith M/S Inayatullah, ADO (Legal) for respondents No. 1 to 3 and Zakiullah, Senior Auditor for respondent No. 4 present. Written reply on behalf of respondents No. 1 to 3 submitted while representative of respondent No. 4 seeks further adjournment for filing of written reply. Adjourned. To come up for written reply/comments on behalf of respondent No. 4 on 26.03.2019 before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

26.03.2019

Learned counsel for the appellant present. Written reply not submitted. Hayat AD representative of the respondent department present and seeks time to furnish written reply. Granted. To come up for written reply/comments on 25.04.2019 before S.B

  
Member

25.04.2019

Appellant in person present. Addl: AG alongwith Mr. Inayatullah, ADEO for respondents present. Written reply/comments on behalf of respondents no. 1 to 3 has already been submitted. Written reply on behalf of respondent no.4 not submitted. Requested for adjournment. Adjourned but as a last chance. Case to come up for written reply/comments of respondent no.4 on 19.06.2019 before S.B.

  
(Ahmad Hassan)  
Member

05.12.2018.

Appellant in person.

Contends that the impugned notification dated 20.06.2018 was issued by the respondents though not within a period of 60 days provided in the judgment of this Tribunal passed in Appeal No. 758/2016, therefore, it was void.

Further contends that in the decision of earlier appeal the respondents were required to resolve the issue of alleged over payment of Rs. 27290/- to the appellant, however, while passing the impugned notification the minor penalty of recovery of the said amount was imposed upon the appellant.

Points agitated require admission of instant appeal for regular hearing. Admit. The appellant is directed to deposit security and process fee within 10 days. Notices be issued to the respondents. Adjourned to 28.01.2019 for submission of written reply/comments before S.B.

Appellant Deposited  
Security & Process Fee

  
Chairman

28.01.2019

Appellant in person present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Inaya-ur-Rehman, ADO for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for adjournment. Adjourned. To come up for written reply/comments on 13.03.2019 before S.B.



  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER



Form- A  
FORM OF ORDER SHEET

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

Case No. 1402/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/11/2018	<p>The appeal of Mr. Umar Farooq Shah resubmitted today by him may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 19/11/18</p>
2-	22-11-2018	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>5-12-2018</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>


P-16

The appeal of Mr. Umar Farooq Shah CT Govt. High School Sadiq Abad Nowshera received today i.e. on 13.11.2018 is incomplete on the following score which is returned to the appellatant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be flagged.
- 2- Annexures of the appeal may be attested.
- 3- 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.
- 4- In the memo of appeal there are interruption between the heading and facts of the appeal which is against the Khyber Pakhtunkhwa Service Tribunal rules 1974. Therefore the continuity be maintained.
- 5- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 6- Three copies/sets of the appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 2220/S.T,

Dt. 13-11/2018.

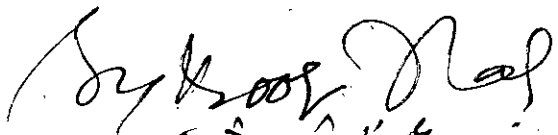
  
REGISTRAR 13/11/18  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Umar Farooq Shah Appellant.

Reply.

Respected Sir, with due respect As<sup>n</sup> Submitted

- (1) Annexures were flagged!
- (2) Annexures are Attested.
- (3) Copies of the Showcause, Reply, Notification & Deptt appeal is placed. No charge sheet & statement of
- (4) the Interruption was removed. (Allegation has been given)
- (5) Index is renewed in accordance S. Tribunal rules 1974.
- (6) The Copies are provided

  
Umar Farooq Shah

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal no. 1402/2018

**UMAR FAROOQ SHAH**      *Versus*   **Govt. of Khyber Pakhtunkhwa etc.**

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Appellant

Umar Farooq Shah

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.....1402...../2018

UMAR FAROOQ SHAH (CT) Govt High School Sadiq Abad (Nowshera)

...APPELLANT

VERSUS

Khyber Pakhtunkhwa Service Tribunal

Diary No. 1631

Dated 13-11-2018

1: DIRECTOR

Elementary & secondary Education (Peshawar)

2: DISTRICT EDUCATION OFFICER (M) Nowshera

3: DISTRICT ACCOUNT OFFICER Nowshera

4: ACCOUNTANT GENERAL KpK, Peshawar

...RESPONDENTS

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST IMPUGNED ORDER/NOTIFICATION DATED 20/6/2018 OF THE DISTRICT EDUCATION OFFICER (M) NOWSHERA FOR THE RECOVERY OF AMOUNT: RS27290 BEING A MINOR PENALTY UNDER EFFICIENCY & DISCIPLINARY RULES 2011, RULE 4 (A) (III) OF THE SERVICE RULES KPK.

A RECOVERY OF RS: 27290 WAS INITIATED FROM THE PAY OF THE APPELLANT DUE TO HIS REDUCTION /DOWNGRADATION FROM BPS 15 to 14 SETTING ASIDE OF DCO NOTIFICATION DTED 17/11/2009

PRAYER:

THAT ON ACCEPTANCE OF THIS SERVICE APPEAL THE IMPUGNED ORDER/NOTIFICATION OF THE RESPONDENTS BE SET-ASIDE AND APPELLANT'S PAY SCALE I.E. BPS-15 MAY PLEASE BE RESTORED SINCE 23/07/009 MOREOVER RECOVERY OF ALLEGEDLY EXCESS PAID AMOUNT MAY ALSO BE DECLARED NULLITY IN THE EYES OF LAW IN CONSEQUENCE WHEREOF APPELLANT MAY PLEASE BE ALLOWED TO GET THE BENEFITS OF DCO NOTIFICATION DATED: 17-11-2009

RESPECTFULLY SHEWETH:

Filed to Registrar 13/11/18 and filed. Re-submitted to-day Registrar 19/11/18

Short facts, giving rise to the present Service Appeal, are as under:

1. The appellant has submitted an Appeal No: 758/2016 Dated 20/07/2016 before this Honorable Tribunal against the Impugned order of provincial pay fixation team Dated: 14/03/2016.
2. That Appeal was decided on 17/08/2017, by partly accepting the Appeal of the Appellant and with the directions to the pay fixation team to take up the matter with the concerned authorities i.e. DCO or his successors /concerned department for resolution with in a period of 60 days from the receipt of this judgment failing which the available legal measures shall be adopted by this tribunal, attached as Annexure A.
3. That the judgment was received by the DEO (M) nowshera DIARY NO: 4945 DATED 31/08/2017 Copy of the DAIRY BOOK is attached as Annexure B.
4. That on 05/01/2018 the Appellant received a Showcase Notice No: 1240-44 Dated 21-12-2017 from the worthy DEO (M) Nowshera, that why the aforesaid penalty should not be imposed upon you, and a reply was demanded in period of 15days. Annexure C.
5. That the reply of the said Showcase Notice was submitted on 12/01/2018. DIARY NO: 975 13/01/2018 Annexure D.
6. That on 3/04/2018 the Appellant submitted an implementation Application before This Honorable Tribunal which is fixed for 19/11/2018. Annexure E.
7. That after submitting the implementation Application the Honorable DEO (M) Nowshera issued a Notification Ends No: 8100-05 DATED 20-06-2018 Annexure F.
8. That a Minor Penalty of recovery of amount RS: 27290 /-was imposed on the Appellant under Efficiency & Discipline Rules, 2011, Rule 4(a) (iii) of the Service rules KpK.

9. That against the impugned notification the appellant preferred his departmental appeal on dated: 16/07/2018. (Annexure G)

10. That the department / Respondents failed to communicate the fate of the departmental appeal to the appellant within requisite period hence, this appeal on the following amongst other grounds:-

GROUNDS

A: That, the impugned Order/Notification is illegal, unlawful, void and ineffective.

B: That the said BPS 15 Granted to the Appellant was just according to the Law and on the Recommendation of that time EDO (M) Nowshera.

C: That the Impugned Order/Notification is badly Time barred.

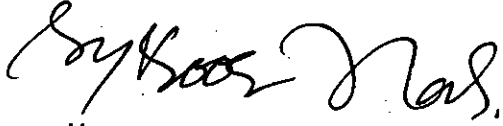
D: That there are no directions from the Honorable Tribunal in their judgment dated 17/08/2017 that the matter would be dealt according to Efficiency and Discipline rules 2011.

E: That the frame work of their action is not according to the obliged manner.

F: That, action of the Department is based on victimization, which was aimed to harass and deny the Appellant from the legal right under Notification dated 17/11/2009.

G: That, Article 4, 25 and 27 of the Constitution of Islamic Republic of Pakistan, 1973 has been violated by the respondents.

It is, thereforerequested that subject Appeal be accepted as prayed for.

  
Appellant

(In person)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

**Service Appeal no.....2018**

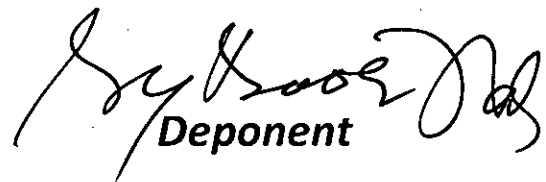
**UMAR FAROOQ SHAH**

**VS**

**Govt. of Khyber Pakhtunkhwa etc.**

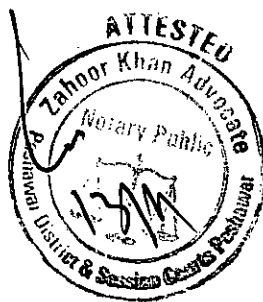
**AFFVIDAVIT**

***I, Umar Farooq Shah, CT Govt High School Sadiq Abad Nowshera do hereby on oath affirm and declare that the contents of the service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honourable Tribunal.***

  
**Deponent**

**Umar Farooq Shah**

**(in person)**



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal no.....2018

UMAR FAROOQ SHAH VS Govt. of Khyber Pakhtunkhwa etc.

ADDRESSES OF PARTIES

APPELLANT

UMAR FAROOQ SHAH, CT GOVT HIGH SCHOOL SADIQ ABAD NOWSHERA

RESPONDENTS

1: DIRECTOR

Elementary & secondary Education (Peshawar)

2: DISTRICT EDUCATION OFFICER (M)

Nowshera

3: DISTRICT ACCOUNT OFFICER

Nowshera

4: ACCOUNTANT GENERAL

KpK, Peshawar



Appellant

(in person)



**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL****PESHAWAR**

Service Appeal No.....2018

**UMAR FAROOQ SHAH****versus****Govt of Khyber Pakhtunkhwa etc****APPLICATION FOR CONDONATION OF DELAY**

Respectfully Sheweth,

1: That the accompanied Service Appeal has been filed today in which no date has yet been fixed.

2: That on 12/11/2018 the Appellant was in a controversy due to the dysfunction Of the Honorable Tribunal, it would not be possible to submit the present Appeal.

3: But after consulting the Ho'nble Advocate Bilal Ahmad (KAKAIZAI) the controversy was cleared.

4: That, the delay, if any, is not intentional or malafide.

5: That, even otherwise the matters of pay, perks and allowances are continuous cause of action which can be agitated any time before any competent forum.

6: That, even otherwise the superior courts had time and again held that matters be decided on merits rather than on technicalities.

It is, therefore, requested that on acceptance of subject Application the delay, if any, be condoned.

*Umar Farooq Shah*  
Applicant/Appellant

(in Person)

**AFFIDAVIT**

I, Umar Farooq Shah do hereby solemnly affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Tribunal.



Deponent: \_\_\_\_\_

*Umar Farooq Shah*

Ann A

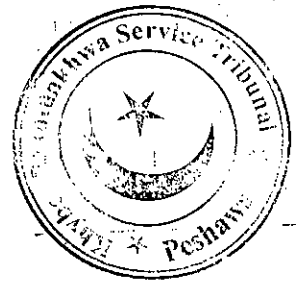
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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 758/2016

Date of Institution ..... 20.07.2016

Date of Decision ..... 17.08.2017



Umar Farooq Shah, CT,  
Mohallah Dheri Khel NSR Kalan.

... (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Education, Education Department, Peshawar and 5 others. ... (Respondents)

MR. BILAL AHMAD KAKAZAI,  
Advocate

For appellant.

MR. MUHAMMAD JAN,  
Deputy District Attorney.

For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. AHMAD HASSAN

CHAIRMAN  
MEMBER (Executive)

**ATTESTED**  
*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN.-

Arguments of the learned

counsel for the parties heard and record perused.

*A Attested*  
*[Signature]*

FACTS

2. The brief facts of the case are that the appellant was given BPS-15 on 17.11.2009 w.e.f 23.07.2009 through a notification issued by DCO on the strength of four notifications mentioned in the former notification. There-after another notification was issued by the Finance Department on 30.06.2015 whereby all the post were up-graded one step but when the appellant applied for benefits of this up-gradation the DDEO verbally directed to get his pay fixed by the Pay Fixation Party first. The Pay Fixation Party made entry in his service book on 14.03.2016 by fixing

his pay in BPS-14 instead of BPS-15 and also ordered recovery of some amounts. Against this entry appellant filed departmental appeal on 15.03.2016 which was not responded to and then the appellant filed the present appeal before this Tribunal. On previous date after hearing the arguments of both the parties at some length the Tribunal had directed the respondents to apprise this Tribunal as to the powers of Pay Fixation Party. This direction was issued on the basis of arguments of the learned counsel for the appellant that the pay fixation party had no power to revert the appellant one step below in his Basic Pay Scale and under the principles of *locus poenitentiae* such order was not maintainable. Today the department has relied upon SR 199 and a letter dated 2.3.1989 given at the footing of SR-199.

ARGUMENTS

3. The learned counsel for the appellant argued that the Pay Fixation Party has no power to change the entries in the service book. That SR 199 never empowers the Pay Fixation Party to change the entries. That the pay fixation party had no power to nullify the order of Departmental Authority who had granted BPS-15 to the appellant.

*M*

4. On the other hand the learned Deputy District Attorney argued that the DCO had wrongly awarded BPS-15 to the appellant as per notification dated 26.1.2008. That the Pay Fixation Party was competent to re-fix the pay in BPS-14 of the

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

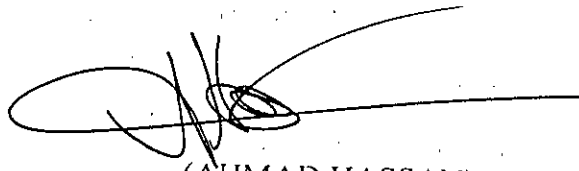
CONCLUSION.

Without adverting to the legality or the propriety of the notification issued by the DCO or the notification relied upon by the Pay Fixation Party, the moot question is that when a departmental authority had issued a notification which in the opinion of Pay Fixation Party was wrong then what should be the course open for the Pay Fixation Party. One option could be that the Pay Fixation Party on its own annul the orders of the departmental authority and other option could be to bring the said

*Attested*  
*Jayram J*

illegality/ irregularity to the notice of the Authority who passed the order. In case second option is resorted to then the departmental authority could either accept his fault or would not accept his fault. In the former case the matter shall be resolved but in the later case the matter can be brought before a forum for resolving the issue that who is at right stance. This Tribunal is of the view that in the event of such conflicts the Accounts Office or the Audit party is obliged to raise the objection and then to take it up with the concerned departmental authority and settle it in the for<sup>as</sup> as is in many audit peras. If option No. 1 is adopted then the order of the competent authority would be nullified without affording him the opportunity of hearing. Going through SR 199 or letter mentioned therein there <sup>is there</sup> is no power with Account Office to change the entry on their own which is made at the order of competent authority. Under this rule Account Office can refuse to attest the wrong entry if made without the order of any authority.

6. As a nutshell this Tribunal by partly accepting this appeal direct the concerned Pay Fixation Party to take up the matter with the concerned office of DCO or his successor/concerned department for resolution in accordance with observations mentioned in option No. 2 above within a period of 60 days from the receipt of this judgment failing which the available legal measures shall be adopted by this Tribunal. Parties are left to bear their own costs. File be consigned to the record.

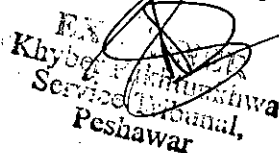


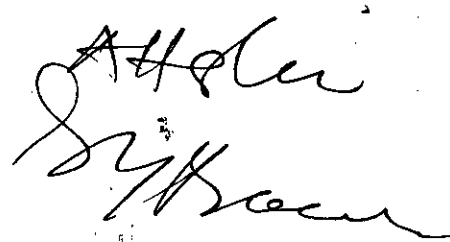
(AHMAD HASSAN)  
MEMBER

  
(NIAZ MUHAMMAD KHAN)  
CHAIRMAN

**ANNOUNCED**  
17.08.2017

Certified to be true copy

  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



D No 4945/31/08/2017

# STAIRY

ANDB

Serial No.	No. and Date of document received	From whom received	File	Special Instructions
4144	S/O	Asstt. Director P.W.D. Dera Ismail Khan	P.W.D. Dera Ismail Khan	P.W.D. Dera Ismail Khan
4145	S/O	Asstt. Director P.W.D. Dera Ismail Khan	P.W.D. Dera Ismail Khan	P.W.D. Dera Ismail Khan
4146	S/O	Asstt. Director P.W.D. Dera Ismail Khan	P.W.D. Dera Ismail Khan	P.W.D. Dera Ismail Khan
4147	S/O	Asstt. Director P.W.D. Dera Ismail Khan	P.W.D. Dera Ismail Khan	P.W.D. Dera Ismail Khan

10  
~~AMBA~~



OFFICE OF THE  
DISTRICT EDUCATION OFFICER (M) (E)  
NOWSHERA

(Office Phone#0923-9220223, Fax#0923-9220228)

No. 1240-44 Dated 21/12/2017

⑪ Annexure C

SHOW CAUSE NOTICE

I. Mr. Fayyaz Hussain District Education Officer (MALE) Nowshera, under the Khyber Pakhtunkhwa Government Servants (Efficiently & Disciplinary) Rules, 2011, do hereby serve you, Mr. Umar Farooq Shah (CT) GMS Sadiq Abad Nowshera as follow:-

1. That consequent upon review committee meeting held on 14-10-2017, that you Mr. Umar Farooq Shah (CT) GMS Sadiq Abad Nowshera received benefits in the light of notification of finance department vide No.FD/SO(FR)10-22/2017 Dated 26-1-2008, for which you were not entitled.
2. a) That at the time of issuance of notification Dated 26-1-2008 you were not in service while the said notification was issued only for the benefits of only in service teachers.  
b) That you filed service appeal before the Khyber Pakhtunkhwa Service Tribunal Peshawar for restoration of BPS-15 and other benefit.  
c) That the Honorable Service Tribunal vide order dated 17-8-2017 directed the respondent/fixation party/District Education Officer to resolve the issue of the appellant within 60 days.
- ii. As a result thereof, I as competent authority, have tentatively decided in the light of recommendation of the Review committee meeting held on 14-10-2017 to impose upon you the penalty of: -
  - a) To withdraw/recall notification dated 17-11-2009 vide No.14/DCO/EA/NSR/7053-60.
  - b) That amount of RS27290 be recovered from you and be deposited in the government treasury.
  - ✓ c) You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desired to be heard in person.
  - d) If no reply to this office is received within two weeks of its delivery, it shall be presumed that you have no defense to put in and in that case Ex-Party action shall be taken against you.
  - e) A copy of the findings and recommendation of the review committee are enclosed.

(Fayyaz Hussain)  
Competent Authority / District Education Officer  
(M) Nowshera

Endst: No. \_\_\_\_\_ /DEO NSR/Estb(S) Dated Nowshera the \_\_\_/\_\_\_/2017

Copy of the above is forwarded for information to the: -

- 1: Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 2: Deputy Commissioner Nowshera.
- 3: Accounts Officer Pay Fixation Party Camp Court Peshawar
- 4: Deputy District Officer, Elementary & Secondary Education, Nowshera.
- ✓ 5: Mr. Umar Farooq Shah (CT) GMS Sadiq Abad Nowshera

*Reviewed*

(Fayyaz Hussain)  
Competent Authority / District Education Officer  
(M) Nowshera

05/11/18 - Head Master  
GMS Sadiq Abad Nowshera

*Umar Farooq Shah*  
*12/12/17*

To

The District Education Officer (M)  
Nowshera

Subj: Reply of the Show Cause Notice No: 1240-44  
Dated 21/12/2017 Received on 05/01/2018.

Respected Sir,

The factual & legal grounds regarding the Show Cause Notice para no a & b that why the aforesaid penalty should not be imposed are narrated as! (Factual Grounds)

(i) The awarded BPS was purely based on the recommendation & approval of that time Respected EDO(M) NSR & DCO as a competent authority.

(ii) The notification FD/50 (FR) 10-22/2007 dated 21-04-2008 was based on Higher qualification i.e BA/BSc, & 9<sup>th</sup> a fact that the Higher qualification is for all the times it can't be for one time only.

Dairy No. 975 of 13-01-2018  
CA. S. S. S. (M) NSR

A. Khan  
Sy Noor



(iii) The finance Deptt Notification No FD/50 (FR) 10-22/2007 Dated 21-04-2008 do not deprive the right of BPS-15 for the CT Teachers. Because there is nothing on that notification that the future appointed teacher for CT Post shall obtain BPS 14.

(iv)

Your honorable virtue has also approved the legibility of Umar Farooq, C.T BPS-15 while presenting his history to the worthy Director of Education KPK Letter No 2433 (Estab/Branch) Dated 07/05/2016.

(A copy of that History paper is enclosed)

2. (LEGAL GROUNDS)

(i) Article 27 of Constitution of Islamic Republic of Pakistan provides a safe guard against such type of discriminatory Actions.

(ii) (Limitation of the Court)

The Hon'ble KPK Services Tribunal has granted a span of time to your

Attorney  
Sydique Na

Good Sely of Godays vide their letter  
No 1930/57 dated 21/8/2017. which was expired  
on 30/11/2017. (A copy of the letter is enclosed)

(iii) Disposing the matter to the Supreme Court  
of Pakistan for seeking justice.

Respected Sir, as your legal advisor was  
not agree with the verdict of the Hon'ble  
Service Tribunal KPK Dated 17-08-2017, therefore  
they disposed the matter in the shape of  
CPHA NO482/2017 which made the issue  
Subjudicious.

Sir, keeping all the facts & ground in  
a view I may request that kindly the  
issue may be solved as disposed to the  
Highest Court of the State i.e Supreme Court.

Thanks.

Your's most obedient

Umar Farooq CI

12/9/18.

By Khooq Noh

ایڈووکیٹ جی ایس ایف

0300-5971072

All the best

By Khooq Noh

(2) (15)

Ann F

APPLICATION FOR IMPLEMENTATION OF JUDGMENT DATED  
17.08.2017 AND INITIATION OF CONTEMPT OF COURT  
PROCEEDINGS AGAINST RESPONDENTS.

Respectfully Sheweth,

1. That, Applicant / Appellant filed the titled Service Appeal in this Honorable Tribunal, which was decided on 17.08.2017, copies of the Order dated 17.08.2017 along with Service Appeal is attached as Annexure A.
2. That, the Respondents were time and again requested to implement the above said Judgment in its letter & spirit but they were reluctant.
3. That, justice delayed is Justice denied.

In view of the above, it is requested that Respondents be directed to implement the Judgment as per observations and directions given in the same without any further delay with such other relief as may deem fit in the circumstances of the case may also be granted.

*AH*

By *Koor Noor*  
Applicant / Appellant

Through:

*Bilal Ahmad Kakaizai*  
BILAL AHMAD KAKAIZAI  
(Advocate, Peshawar)

*Ahmed*  
*(Signature)*



OFFICE OF THE Ann F  
DISTRICT EDUCATION OFFICER (MALE)  
NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)

Notification

1. Whereas, Mr. Umar Farooq Shah (CT) GMS Sadiq abad, in compliance of the Service Tribunal order dated 17/8/2018 passed in SA No.758-16 was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules-2011, on the charges of receiving benefit in the light of notification of finance department vide No. FD/SO (FR) 10-22/2017 dated; 26/1/2008 for which he was not entitled.
2. And whereas, at the time of issuance of finance department notification dated 26/1/2008 you were not in service while the said notification was issued only for one time for the benefit of in service teachers.
3. And whereas, notice was served upon Mr. Umar Farooq Shah (CT) GMS Sadiq abad Nowshera vide this office No. 1240-44 dated 21-12-2017, for submission of reply of showcase notice on his home address within Seven days (07) of the issuance of the notice.
4. And whereas, Mr. Umar Farooq Shah (CT) GMS Sadiq abad Nowshera badly failed to satisfy the competent authority against the allegation levelled against him.
5. And whereas, the authority having considered the charges, evidence on the record and giving the opportunity of personal hearing/appearing in person, to the accused official, is of the view that the charges leveled against him have been proved.
6. Now, Therefore, in exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, rule 4 (a (iii), the Competent Authority is pleased to impose the Minor Penalty of recovery of amount; Rs:27290/- upon Mr. Umar Farooq Shah (CT) GMS Sadiq abad and to deposit it in Government Treasury.

(Fayyaz Hussain)  
District Education Officer (M)  
Nowshera

Endst No: 2100-05 /DEO (M)/NSR/Disc Act/ Mr. Umar Farooq Shah (CT) GMS Sadiq abad Dated 20/6/2018  
6/2018

Copy for information to the:-

1. Director (E&S) Education Govt: of Khyber Pakhtunkhwa Peshawar
2. Deputy Commissioner Nowshera
3. District Accounts Officer Nowshera.
4. Deputy District Education Officer Nowshera
5. Head Master GMS Sadiq abad Nowshera.
6. Mr. Umar Farooq Shah (CT) GMS Sadiq abad Nowshera.
7. Office Copy

20/6/2018  
A. Hussain  
Joy Khan  
2018  
(Competent Authority)  
District Education Office  
Nowshera

To

The District Education Officer (M)  
Nowshera.

Sub-Departmental appeal against the Impugned  
order/Notification No. Endst No. 8100-05 Dated 20-06-16

Respected Sir,

The appellant submits as under!

- (i) That the penalty of recovery of amount  
Rs 27290/- upon me is totally unjustified  
on the following grounds,
  - (a) That there is no certain directions  
in the Hon'ble Service Tribunal KPK order  
Dated 17-08-2017 that the matter would  
be dealt according to the (Efficiency &  
Discipline) Rules 2011.
- (ii) That the (ESD) Rules are applicable against  
those Govt Servants who performs such an  
activity which is liable to be proceeded  
against under these rules, if he is -

D/O 3730

16-07-2016

Copy No

dt

CCO The DEO (M) NSR

A. H. M. S.  
[Signature]

- (a) inefficient or has ceased to be efficient.
- (b) guilty of misconduct.
- (c) guilty of Corruption.
- (d) guilty of habitually absenting
- (e) engaged in any subversive activity.
- (f) entered into plea bargaining under any law of the time being in force and has returned the assets or gains acquired through corruption.

(iii) The penalty which has been leveled against me of the (E.S.D) Rules 2011, rule 4 (a)(iii) does come fit in the above mentioned paras of the charges of the (E.S.D) Rules.

(iv) That minor penalty of (E.S.D) Rules 4 aiii is (recovery of whole or any part of any pecuniary loss caused to Government by negligence or breach of order.

(v) That the appellant neither break any order, nor caused any pecuniary loss to the Govt, by his negligent act.

Attest  
 (Signature)

6

District Government, Nowshera,  
DCO Secretariat.

NO.14/DCO/EA/NSRI/2013-60  
17 November, 2009

NOTIFICATION

In pursuance to Deputy Secretary (Regulation) Finance Department Government of NWFP Peshawar Notification No.FD (PRC) 1-1/89 dated 07-08-1991, No.FD (SR-1)2-123/2004 dated 13-8-2005, No..FD (SR-1)6-4/2005 dated 23-5-2006 and No.FD/SO (FR).10-22/2007 dated 20-01-2008, the competent authority is pleased to accord Sanction for BPS-15 / 14 on passing BA/B.Sc; and are trained in respect of the following teachers of Elementary and Secondary Education Department Nowshera w.e.from the dates mentioned against their names as recommended by the Executive District Officer, (Elementary and Secondary) Education Department Nowshera:-

S.No	Name and Designation	Name of School	BP	Awarding date
1.	Mr Umer Farooq CT	GMS Sadiq Abad	15	23-7-2009
2.	Mr Muhammad Abid Ali CT	GHS Bara Banda	15	1-10-2007
3.	Mst Nelaufar AT	GGHS Kheski Payan	15	23-5-2006

*Sd/-*  
District Coordination Officer  
Nowshera

Endst: Even No. and date.

Copy forwarded for information and necessary action to:-

1. The Deputy Secretary (Regulation) Finance Department Govt of NWFP Peshawar.
2. The Director Elementary & Secondary Education Department NWFP Peshawar.
3. The FDO, Elementary & Secy: Education Department Nowshera.
4. The District Accounts Officer Nowshera.
5. The Principal / Headmaster / Head Mistress concerned.
6. The Teachers concerned.
7. Office Copy.

*Umer Farooq*  
Head Master  
Govt Middle School  
Sadiq Abad Nowshera

*[Signature]*  
Human Resource Development Office  
Nowshera

(vi) That the amount \$27290 received by the appellant was totally just according to the law on the following grounds/

- (a) That, that time EDO(M) Nowshera recommended him for the BPS 15, the
- (b) worthy DEO Nowshera through a notification nominated him for the said BPS 15 & the pay was established
- (c) ed by (on in the context of that notification No: 14/DCO/FA/NSR 7053-60 Dated 17/11/2009) that time Distt Account officer clearly mentioned in the appellant Service Book.

Therefore keeping in view all the above facts the appellant humbly requests that the said notification (Endst No 8100-05) DEO (M) NSR against the appellant may be regarded void & the burdon of the recovery of the amount Rs 27290 may be abolished.

Sy. K. R. Shah,  
16/07/18.

Thanks  
Yours most obediently,  
Umar Farooq Shah C.T.  
G.M. S. Sadiq, Abad.  
Nowshera.  
0300-5971072

Attest  
Sy. K. R. Shah



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal NO. 1402/ 2018**

**Umar Farooq Shah ..... Appellant**

**VERSUS**

**Govt KPK and others ..... Respondents**

**INDEX**

<b>S. No.</b>	<b>Description</b>	<b>Annexure</b>	<b>Page No.</b>
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3	Notification dated 20-6-2018		4
4	Finance Dept Notification dated 26-1-2002		5
5	Promotion Notification		6
6	Personal Hearing		7

**DEPONENT  
17201-2216390-9**

**Umar Farooq Shah ..... Appellant**

**VERSUS**

**Govt KPK and others ..... Respondents**

**Written comments on behalf of respondents are as under.**

**Respectfully Sheweth**

**Preliminary Objections**

1. That the appellant has no cause of action to file the instant appeal.
2. That this Honorable Tribunal has got no jurisdiction to entertain the present appeal.
3. The present appeal is bad for mis-joinder and non-joinder of necessary parties.
4. That the appellant is estopped by his own conduct, by deed and by law to file the instant appeal.
5. That the instant appeal is barred by law.
6. That the appeal is time barred.
7. The appellant has no locus standi to file the instant appeal.

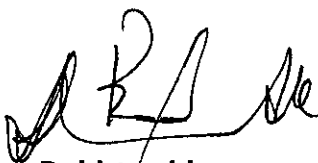
**Factual Objections:-**

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Pertains to record.
5. Pertains to record.
6. Pertains to record.
7. Pertains to record.
8. Pertains to record.
9. Pertains to record.
10. The appeal of the appellant was decided in the requisite period (order is annexed as "A").



- A. Incorrect. The notification is legal lawful and according to rules and policy.
- B. Incorrect. The appellant was not entitled to BPS-15 in the light of finance department notification vide no. FD/SO (FR) 10-22/2017 dated 26-01-2008. The appellant was appointed as Certified Teacher vide order dated 17-11-2009, where is notification dated 26-01-2008 was issued to allow up gradation for incumbent teachers of the posts only. The appellant was not at all entitled to be placed in BPS-15. The BPS-15 was wrongly awarded to the appellant at that time.
- C. Incorrect. The impugned order was passed with in time.
- D. Incorrect. The appellant was proceeded in the light of the option 2 of the judgment dated 17-8-2017.
- E. Incorrect. The action was according to option 2 of the judgment dated 17-8-2017.
- F. Incorrect. The action of the department was according to law and rules.
- G. Incorrect. Articles of the constitution was not violated.

It is, therefore, requested that the present service appeal is being meritless, devoid of force and baseless, may kindly be dismissed.

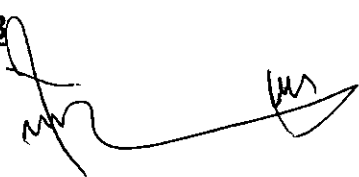
**Respondent No. 1**

Secretary   
E & S Education Khyber Pakhtunkhwa  
Peshawar

**Respondent No. 2**

Director   
E & S Education Khyber Pakhtunkhwa  
Peshawar 

**Respondent No. 3**

District Education Officer  
(Female) Nowshera  
Male 

**Umar Farooq Shah ..... Appellant**

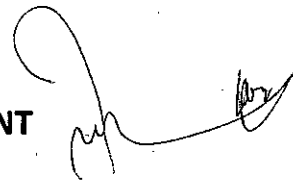
**VERSUS**

**Govt KPK and others ..... Respondents**

**AFFIDAVIT**

**I Fayaz Hussain District Education Officer (Male) Nowshera do solemnly affirm and declared on oath that the contents of the para wise comments on behalf of respondents are true and correct to the best of my knowledge and that nothing has been concealed from this Honorable Court.**

**DEPONENT**





OFFICE OF THE  
DISTRICT EDUCATION OFFICER (MALE)  
NOWSHERA

(Office Phone#0923-9220228, Fax#0923-9220228)

Notification

1. Whereas, Mr. Umar Farooq Shah (CT) GMS Sadiq abad, in compliance of the Service Tribunal order dated 17/8/2018 passed in SA No.758-16 was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules-2011, on the charges of receiving benefit in the light of notification of finance department vide No. FD/SO (FR) 10-22/2017 dated; 26/1/2008 for which he was not entitled.
2. And whereas, at the time of issuance of finance department notification dated 26/1/2008 you were not in service while the said notification was issued only for one time for the benefit of in service teachers.
3. And whereas, notice was served upon Mr. Umar Farooq Shah (CT) GMS Sadiq abad Nowshera vide this office No. 1240-44 dated 21-12-2017, for submission of reply of showcase notice on his home address within Seven days (07) of the issuance of the notice.
4. And whereas, Mr. Umar Farooq Shah (CT) GMS Sadiq abad Nowshera badly failed to satisfy the competent authority against the allegation levelled against him.
5. And whereas, the authority having considered the charges, evidence on the record and giving the opportunity of personal hearing/appearing in person, to the accused official, is of the view that the charges leveled against him have been proved.
6. Now, Therefore, in exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, rule 4 (a (iii), the Competent Authority is pleased to impose the Minor Penalty of recovery of amount; Rs.27290/- upon Mr. Umar Farooq Shah (CT) GMS Sadiq abad and to deposit it in Government Treasury.

(Fayyaz Hussain)  
District Education Officer (M)  
Nowshera

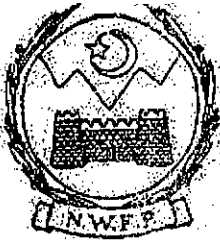
Endst No: 8100-05 /DEO (M)/NSR/Disc Act/ Mr. Umar Farooq Shah (CT) GMS Sadiq abad Dated 20/  
6/2018

Copy for information to the:-

1. Director (E&S) Education Govt: of Khyber Pakhtunkhwa Peshawar
2. Deputy Commissioner Nowshera
3. District Accounts Officer Nowshera.
4. Deputy District Education Officer Nowshera
5. Head Master GMS Sadiq abad Nowshera.
6. Mr. Umar Farooq Shah (CT) GMS Sadiq abad Nowshera.
7. Office Copy

(Competent Authority)  
District Education Office  
Nowshera

06



GOVERNMENT OF  
FINANCE DEPARTMENT

(REGULATION WING)

Dated Peshawar, the 26<sup>th</sup> January, 2008.

Diary No. 82  
Date 28-1-2008

**NOTIFICATION**

NO.FD/SO(FR)10-22/2007. In supercession of this Department's letter No.SO(FR)10-22(B)/2005 dated 01-10-2007 and in pursuance of the decisions of the meeting held under the Chairmanship of Secretary Establishment on 2-1-2008, the Competent Authority is pleased to allow upgradation for the incumbents of the posts as per details given below w.e.f. 1-10-2007:-

S.NO	Existing Designation and Pay Scale	Qualification	Upgraded Scale
1	Primary School Teacher (PST) (BPS-07).	FA/FSc and are trained teachers	BPS-09 (one time only)
2	Primary School Teacher (PST) with requisite experience renamed as Head Teacher/Head Mistress of Primary Schools (BPS-07).	Having 10 years service	BPS-12 (one time only)
3	CT (BPS-09).	BA/BSc and are trained teachers	BPS-15 (one time only)
4	SETs (BPS-16)	With at least ten years service. Upgradation to the post shall be made through DPC as per laid down procedure.	BPS-17
5	Qari/Qaria (BPS-07)	Hafiz Quran with SSC	BPS-12

SECRETARY TO GOVT. OF NWFP  
FINANCE DEPARTMENT

**Endst No. & Date even.**

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

- 1) All the Secretaries in NWFP, Peshawar.
- 2) All the DCOs/EDOs Schools & Literacy Department, NWFP.
- 3) Accountant General, NWFP, Peshawar.
- 4) Director Schools & Literacy NWFP, Peshawar.
- 5) Director of Education FATA NWFP, Peshawar.
- 6) PSO to Chief Minister, NWFP.
- 7) PSO to Chief Secretary, NWFP.
- 8) PS to Secretary Finance Department, NWFP.
- 9) All District/Agency Accounts Officers in NWFP.

*Naib Khan*  
(NAIB KHAN)  
SECTION OFFICER (FR)

*Chief Secretary*  
CHIEF SECRETARY  
GOVT. OF NWFP.

*1630*  
*2/2/08*  
*Chief Secretary*

*28 Jan, 08*  
*2/2/08*

*30/1/08*  
*FR*  
*2/2/08*

6

District Government, Nowshera?  
DCO Secretariat.

NO.14/DCO/E.A/NSRI/2053-60  
17 November, 2009.

NOTIFICATION.

In pursuance to Deputy Secretary (Regulation) Finance Department Government of NWFP Peshawar Notification No.FD (PRC) 1-1/89 dated 07-08-1991, No.FD (SR-1)2-123/2004 dated 13-8-2005, No..FD (SR-1)6-4/2005 dated 23-5-2006 and No.FD/SO (FR).10-22/2007 dated 20-01-2008, the competent authority is pleased to accord Sanction for BPS-15 / 14 on passing BA/B.Sc; and are trained in respect of the following teachers of Elementary and Secondary Education Department Nowshera w.e.from the dates mentioned against their name: as recommended by the Executive District Officer, (Elementary and Secondary) Education Department Nowshera:-

S.No	Name and Designation	Name of School	BP	Awarding date
1.	Mr Umer Farooq CT	GMS Sadiq Abad	15	23-7-2009
2.	Mr Muhammad Abid Ali CT	GHS Bara Banda	15	1-10-2007
3.	Mst Nelaifar AT	GGHS Kheshki Payan	15	23-5-2006

sd/-  
District Coordination Office  
Nowshera

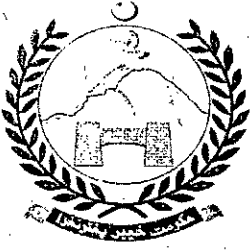
Endst: Even No. and date.

Copy forwarded for information and necessary action to:-

1. The Deputy Secretary (Regulation) Finance Department Govt of NWFP Peshawar.
2. The Director Elementary & Secondary Education Department NWFP Peshawar.
3. The EDO, Elementary & Secy: Education Department Nowshera.
4. The District Accounts Officer Nowshera.
5. The Principal / Headmaster / Head Mistress concerned.
6. The Teachers concerned.
7. Office Copy.

*Umer*  
*Umer*  
Head Master  
Govt. Middle School  
Sadiq Abad Nowshera

*[Signature]*  
Human Resource Development Office  
Nowsh



OFFICE OF THE DISTRICT EDUCATION  
OFFICER(MALE) NOWSHERA

(Office Phoce#0923-9220228, Fax#0923-9220228)

No 6200-01 /Estab: Secy (M) Branch /NSR/ dated:- 24/04 2017.

To,

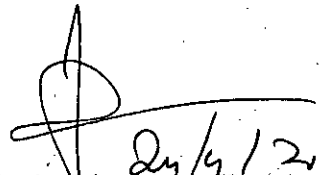
Mr: Umar Farooq Shah CT  
GMS Sadiq Abad Nowshera

Subject: - PERSONAL HEARING.

Memo:-

Reference you reply of the show cause notice issued by this office Endstt: No: 1240-44  
DATED: 21-12-2017, the undersigned is not satisfied with your reply of the show cause notice.

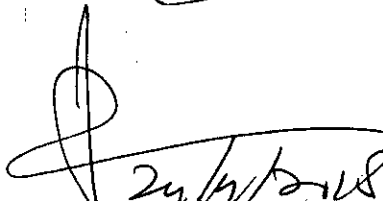
You are, therefore, directed to attend office of the undersigned for personal hearing on  
28-04-2018 at 10: am positively.

  
24/4/2018  
District Education Officer (M)  
Nowshera.

Enen No & dated:

Copy forwarded for information  
Head Master GHS Sadiq Abad Nowshera.

1

  
24/4/2018  
District Education Officer (M)  
Nowshera.



Before The Hon'ble Service Tribunal  
KPK

Subj: Application for Interm relief/  
Suspension of Recovery void Notification  
No: 8001/05 Dated 20/06/2018.

Umar Farooq Shah vs Educ.

Respected Sir,

with due respect It humbly submitted  
that-

- (i) The appellant has filed an appeal against the impugned Notification No 8001/05 Dated 20/06/2018. Appeal No: 142/18 before your good virtue.
- (ii) that according to the Notification a deduction is being made of Rs 2000 per from the salary of the Appellant.
- (iii) The Applicant humbly requests before your Honour to grant an interm relief to stop the deduction till final verdict.

Thanks

Yours most obedient.

Umar Farooq Shah  
25/07/19



OFF.  
DISTRICT EDUC.  
NOWSHERA

ANN F 16  
E  
OFFICER (MALE)

(Office Phone#0923-9220228, Fax#0923-9220228)

Notification

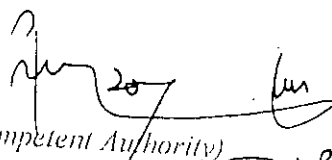
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6. Now, Therefore, in exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, rule 4 (a) (iii), the Competent Authority is pleased to impose the Minor Penalty of recovery of amount; Rs.27290/- upon Mr. Umar Farooq Shah (CT) GMS Sadiq abad and to deposit it in Government Treasury.

(Fayyaz Hussain)  
District Education Officer (M)  
Nowshera

Endst No: 2106-15 /DEO (M)/NSR/Disc Act/ Mr. Umar Farooq Shah (CT) GMS Sadiq abad Dated 20/6/2018

Copy for information to the:-

1. Director (E&S) Education Govt. of Khyber Pakhtunkhwa Peshawar
2. Deputy Commissioner Nowshera
3. District Accounts Officer Nowshera.
4. Deputy District Education Officer Nowshera
5. Head Master GMS Sadiq abad Nowshera.
6. Mr. Umar Farooq Shah (CT) GMS Sadiq abad Nowshera.
7. Office Copy

  
(Competent Authority)  
District Education Office  
Nowshera  
6

10/1/18

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 1989 /ST

Dated 13-11 / 2019

To


The District Education Officer Male,  
Government of Khyber Pakhtunkhwa,  
Nowshera.

SUBJECT: -

**JUDGMENT IN APPEAL NO. 1402/2018. MR. UMAR FAROOQ SHAH.**

I am directed to forward herewith a certified copy of Judgement dated 30.10.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.