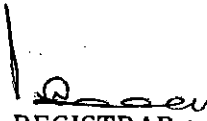




Form-A
FORM OF ORDERSHEET

Court of _____

Case No. 439/2018


| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1 | 03/04/2018 | <p>The appeal of Mr. Karim khan presented today by Mr. Arshad Khan 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;"> REGISTRAR 3/4/18</p> |
| 2- | 11-4-18 | <p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>11-5-18</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> |
| | 09.05.2018 | <p>Due to retirement of the Worthy Chairman, the Tribunal become non-functional. To come up for the same on 08.06.2018 before the S.B at camp court, Swat.</p> <p style="text-align: right;"> Reader</p> |

08.06.2018

Mr. Arshad Khan, Advocate counsel for the appellant present and heard in limine.

Contends that salary of the appellant has been withheld since August, 2010 without showing any reason.

Since there is no final order which could be impugned before this Tribunal, as in the interest of justice, pre-admission notice is given to the respondents with further direction to produce the entire record of the appellant on 06.08.2018 before S.B at camp court, Swat.


Chairman
Camp Court, Swat


06.07.2018

Appellant Karim Khan in person alongwith Arshad Khan, Advocate present. No representative of the respondents is available due to election duty and record was not produced, however, Mr. Muhammad Jan, DDA present for the respondents. Preliminary arguments heard.

Contends that the respondents have withheld the salary of the appellant without any legal justification.

Points raised need consideration. The appeal is admitted for regular hearing, subject to all legal objections, if raised by the respondents. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 03.09.2018 before S.B at camp court, Swat.

Appellant Deposited
Security & Process Fee


Chairman
Camp court, Swat

0309.2018

None for the appellant present. Mr. Abdul Mastan, SDEO alongwith Mr. Usman Ghani, District Attorney for respondents present. Written reply on behalf of respondents not submitted. The latter requested for adjournment. Granted. Case to come up for written reply/comments on 01.10.2018 before S.B at camp court Swat.

(AHMAD HASSAN)
MEMBER
Camp Court Swat

01.10.2018

Clerk of counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present. Written reply not submitted. Learned District Attorney sought some time to submit the same on the next date. Case to come up for written reply/comments on 06.11.2018 before S.B at camp court Swat.

Member
Camp Court Swat

06.11.2018

Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 05.12.2018 at camp court Swat.

Reader

05.12.2018 Clerk to counsel for the appellant and Mr. Usman Ghani learned District Attorney alongwith Mr. Mohsin Khan ADO for the respondents present. Representative of the respondents submitted written reply which is placed on file. Adjourn. To come up for rejoinder if any arguments on 10.01.2019 before D.B at Camp Court Swat.

Member


05.12.2018 Clerk to counsel for the appellant and Mr. Usman Ghani learned District Attorney alongwith Mr. Mohsin Khan ADO for the respondents present. Representative of the respondents submitted written reply which is placed on file. Adjourn. To come up for rejoinder if any arguments on 10.01.2019 before D.B at Camp Court Swat.


Member

Camp Court Swat

10.01.2019 Neither appellant nor his counsel present. Mr. Mian Ameer Qadir, District Attorney for the respondents present. Notice be issued to appellant and his counsel for attendance. Adjourned. To come up for rejoinder and arguments on 07.02.2019 before D.B at Camp Court Swat.


(Ahmad Hassan)
Member

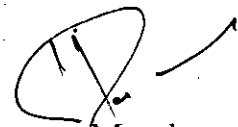

(M. Amin Khan Kundi)
Member
Camp Court Swat

07.02.2019

Learned counsel for the appellant and Mian Amir Qadar learned District Attorney present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 01.04.2019 before D.B at Camp Court Swat.
at the request of learned Counsel for the appellant




Member




Member
Camp Court Swat.

01.04.2019

Appellant absent. Learned counsel for the appellant is also absent. However, clerk of counsel for the appellant present and seeks adjournment. Mr. Fazle Rehman, Vice Principal alongwith Mr. Mian Ameer Qadir, District Attorney for the respondents present. Learned District Attorney stated that the appellant is abroad as per report annexed with reply. To come up for arguments on 02.04.2019 before D.B at Camp Court Swat.




(M. Amin Khan Kundi)
Member
Camp Court Swat




(M. Hamid Mughal)
Member
Camp Court Swat

02.04.2019

Counsel for the appellant and Mr. Mian Ameer Qadir, District Attorney for the respondents present. Learned counsel for the appellant submitted application for adjourn sine-die of the present service appeal. Copy of the same is handed over to learned District Attorney. Adjourn. To come up for reply and arguments on application on 10.06.2019 before D.B at Camp Court Swat.



(M. Amin Khan Kundi)
Member
Camp Court Swat



(M. Hamid Mughal)
Member
Camp Court Swat

10.06.2019

Learned counsel for the appellant present, seeks withdrawal of application for adjournment sine die of the present service appeal and submitted application to this effect. Allowed. Application for adjournment sine die shall be treated as withdrawn. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 02.09.2019 before D.B at Camp Court Swat.



Member
Camp Court, Swat.



Member
Camp Court, Swat.

02.09.2019

Appellant ~~absent~~ Learned counsel for the appellant absent. Mian Amir Qadir, DDA for respondents present. Case called but no one appeared on behalf of the appellant. Consequently, the present appeal is hereby, dismissed in default. Nor order as to costs. File be consigned to the record room.



(Ahmad Hassan)
Member



(M. Hamid Mughal)
Member
Camp Court Swat

Announced:
02.09.2019

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR**

Service Appeal No 639 of 2018

Karim Khan (Appellant)


VERSUS

Govt. of KPK through Secretary & others (Respondents)

INDEX

| S # | Description | Annexure | Pages # |
|-----|---|----------|---------|
| 1. | Appeal with certificate | --- | 1-9 |
| 2. | Addresses of the parties & Affidavit | --- | 10-11 |
| 3. | Application for condonation of delay with affidavit | --- | 12-13 |
| 4. | Copy of order dated 04-02-2017 | A | 14 |
| 5. | Copy of office order dated 19-07-2017 | B | 15 |
| 6. | Copies of office order dated 11-09-2017, arrival report & charge report | C | 16-18 |
| 7. | Copy of application | D | 19 |
| 9. | Copy of the application | E | 20 |
| 10 | Copy of corrigendum dated 09-10-2017 | F | 21 |
| 11 | Copy of charge report | G | 22 |
| 12 | Copy of corrigendum | H | 23 |
| 13 | Copy of application 19-10-2017 19-10-2017 | I | 24 |
| 14 | Copy of inquiry report dated 07-02-2018 | J | 25-27 |
| 15 | Copies of writ petition & judgment dated 21-03-2018 | ***** K | 28-42 |
| 16 | Wakalatnama | ***** | 43 |

Appellant


Karim Khan

Through Counsel


ARSHAD KHAN

Advocate, High Court

Office: Opposite Grassy
Ground Saidu Sharif, Swat

Cell No: 0300-5985653

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR**

Service Appeal No 439 of 2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 470

Date 03-4-2018

Karim Khan son of Shah Khail

Resident of Chungai, Shamoza, Tehsil Barikot,

District Swat

.....Appellant

VERSUS

1. Govt. of KPK through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
3. District Education Officer (M) District Swat.
4. Abdul Mastan SDEO (M) Tehsil Barikot, District Swat.

.....Respondents

SERVICE APPEAL UNDER SECTION 4,
OF THE KPK SERVICE TRIBUNAL ACT,
1974, AGAINST THE action & inaction of
the respondent No. 3 WHEREBY the
appellant's salary has been with held
since august, 2017 till date, issuing
premature and illegal transfer / posting
from one station to another and
Department Appeal filed by the appellant
on 19-10-2017, which is still pending

Filed to-day

Registrar

3/4/18

before the Respondent No. 2, hence, the instant appeal.

PRAYER IN APPEAL

On acceptance of this appeal, to issue directions to the respondent department.

- i) To release the salary of Appellant since august 2017 till date.
- ii) To issue directions to the respondent No. 3 to make adjustment of the Appellant at GPS School Zara Khela.
- iii) To handover the service book illegally retained by the respondent No. 3.
- iv) Any other relief which this Honorable Court deems fit and proper in the circumstances may also be very kindly granted.

Respectfully Sheweth,

The facts of the instant case are as under:-

- 1) That the appellant is a regular employee of the Education Department currently posted at GPS Dedawar, Tehsil Barikot, District Swat.
- 2) That the appellant applied for the grant of leave which was granted to the appellant for the period of 01-03-2017

to 15-12-2017 under the relevant rules. (Copy of order dated 04-02-2017 is attached as annexure "A")

- 3) That the appellant went on leave, in the meanwhile the respondent No. 4 with mala-fide intention and out of personal grudges made a complaint against the appellant, consequently the respondent No. 3 cancelled the leave granted to the appellant vide office order dated 19-07-2017. (Copy of office order dated 19-07-2017 is attached as annexure "B")
- 4) That upon the cancellation of the leave the Appellant had reported back, in compliance of the office order issued by the respondent No. 3 and assumed his duty at GPS Dedawar on 03-08-2017. (Copies of office order dated 11-09-2017, arrival report & charge report are attached as annexure "C")
- 5) That the appellant till date is performing his duties, but the salary of the appellant has not been released by the respondent department, hence the appellant filed written request to the respondent No. 3 to the effect to make adjustment of the appellant so as to release the salary of the appellant. (Copy of application is attached as annexure "D")
- 6) That in meanwhile the centre incharge / respondent No. 04 collected service book of all teachers of Illaqa Shamozaï for allocation of annual increment of the year 2016,

including the appellant. Later on, the appellant needed his service book for necessary entries in DAO office, therefore, the appellant approached the respondent No. 4 office for collection of service book, respondent No. 4 out of personal grudges with the appellant withheld the original service book, and said that the same has been lost in his office. The appellant again made an application to the respondent No. 3 for handing over the original service book, but of no avail. (Copy of the application is attached as annexure "E")

- 7) That after bringing into notice the aforementioned harassment at the hands of respondent No. 4, the appellant had been further humiliated by making another premature and illegal transferred of the Appellant from GPS Dedawar to GPS Zara Khela vide corrigendum dated 09-10-2017. (Copy of corrigendum dated 09-10-2017 is attached as annexure "F")
- 8) That despite of usurping the statutory right of the Appellant, the appellant assumed duty at GPS Zara Khela on 10-10-2017. (Copy of charge report is attached as annexure "G")
- 9) That the wrath of the respondent No. 4 does not end here, and after one week another corrigendum issued by the respondent No. 3 vide which again the adjustment order of the appellant was placed at GPS Bar Cham, Rangila on

dated 16-10-2017. (Copy of corrigendum is attached as annexure "H")

- 10) That the appellant agitated the maltreatment, harassment and humiliation by filing department^{al} appeal before the respondent No. 2 against the action & omission adverse to the rights of the appellant, but the same is not been decided, and remains pending before the authority. (Copy of application ¹⁹⁻¹⁰ 2017 are attached as annexure "I")
- 11) That in the meanwhile departmental proceedings also been initiated on the charges of dual duties, the inquiry report was submitted, wherein the appellant has been exonerated of the charges leveled upon the complaint of respondent No. 4, and it was held in the aforesaid inquiry report that the allegation of respondent No. 4 are based on malevolent intentions, hence the recommendation for punitive action against the respondent No. 4 was also suggested. (Copy of inquiry report dated 07-02-2018 is attached as annexure "J")
- 12) That it is depressing to mention that despite of the aforementioned inquiry report neither the salary of the appellant has been released nor the adjustment order related to posting of the appellant has been acted upon, and a service book of the Appellant has also not been recovered, and the respondent No. 4 still working as

SDEO Barikot, Swat despite of clear recommendation by the inquiry officer.

- 13) That after the result of the inquiry in favour of the appellant, the respondent No. 3 did not implement the recommendation of the inquiry report, therefore, the appellant went to the Honorable Peshawar High Court for redressal of his grievances. But the Honorable Court held that the relief sought in the writ petition pertains to the "terms & condition" of service, hence having no jurisdiction to entertain the same and held to approach this Honorable Tribunal. (Copies of writ petition & judgment dated 21-03-2018 are attached "K")
- 14) That the appellant have no other proper remedy, except to file the appeal this Honorable Tribunal Court, on the following grounds..

GRUNDS:-

- A) That the action of respondents are unlawful, against the law, arbitrary and against the norms of justice.
- B) That the august Apex Court of the County have laid guiding principles in many judgments that authority cannot stop salary

even at the time of suspension so the act of respondents are contrary to those guidelines therefore it is liable to set aside.

- C) That it is admitted position that the Appellants were still working in the department and salaries has not been released to them without any reason, so the act of respondents as with holding of salaries of the Appellants is not in accordance with law.
- D) That the sheer abuse of the powers and consequent harassment of the Appellant at the hand of the respondent No. 4 is gross violation of fundamental right of the Appellant.
- E) That the stoppage / non-payment of salary since august, 2017, is an inhuman treatment on the part of respondents No. 3 and 4 and the Appellant has been relegated to the status of bonded labour.
- F) That withholding the service book of the Appellant and frequent transfer / posting speak volume of the misuse, and arbitrary exercise of power on the part of respondents

No. 3 & 4, which need the interference of this honorable court.

- G) That the high handedness of the respondent No. 4 is evident from the facts that the despite of clear recommendation related to release of salary of the Appellant, and reverting the respondent No. 4 from SDO post have not been implemented so far.
- i) That further grounds, with leave of this Honorable Court, would be raised at the time of arguments before this Honorable Court.

PRAYER

It is therefore humbly prayed that on acceptance of this appeal, to issue directions to the respondent department.

- i) To release the salary of Appellant since august 2017 till date.
- ii) To issue directions to the respondent No. 3 to make adjustment of the Appellant at GPS School Zara Khela.
- iii) To handover the service book illegally retained by the respondent No. 3.

iv) Any other relief which this Honorable Court deems fit and proper in the circumstances may also be very kindly granted

Appellant


Karim Khan

Through Counsel


ARSHAD KHAN
Advocate, High Court

CERTIFICATE:

No such like appeal earlier has been filed by the Appellant on the subject matter before this Honorable Court.

Appellant


Karim Khan

Through Counsel


ARSHAD KHAN
Advocate, High Court

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR**

Service Appeal No _____ of 2018

Karim Khan (Appellant)

VERSUS

Govt. of KPK through Secretary Education Department & others

..... (Respondents)

ADDRESSES OF THE PARTIES

APPELLANT

Karim Khan son of Shah Khail Resident of Chungai, Shamozaï,
Tehsil Barikot, District Swat

Mob No: 03462409677 .

Nic No: 15602-1553077-1

Respondents

2. Govt. of KPK through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
3. District Education Officer (M) District Swat.
4. Abdul Mastan SDEO (M) Tehsil Barikot, District Swat.

Appellant

Karim
Karim Khan

Through Counsel

A. I.
ARSHAD KHAN
Advocate, High Court

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR**

Service Appeal No _____ of 2018

Karim Khan (Appellant)

VERSUS

Govt. of KPK through Secretary Education Department & others

..... (Respondents)


AFFIDAVIT

I, Karim Khan son of Shah Khail Resident of Chungai, Shamoza, Tehsil Barikot, District Swat, do hereby solemnly affirm and declare on oath that the contents of the above titled appeal is true and correct to the best of my knowledge and belief.


DEPONENT

ATTESTED
~~Tariq Aziz Advocate~~
OATH COMMISSIONER
District Courts Swat.
Licence No-2455
131.....Date 30-3-18

Identified by


Arshad Khan
Advocate High Court

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR**

Service Appeal No _____ of 2018

Karim Khan (Appellant)

VERSUS

Govt. of KPK through Secretary Education Department & others

..... (Respondents)

Application for Condonation of delay in submission of the
above captioned service appeal

Respectfully Sheweth!

1. That the captioned appeal has filed today.
2. That the delay occurred in filing the captioned service appeal was due to filling of writ petition with bona-fide intention in a Court without jurisdiction , so the delay in filling instant appeal should be condoned.

It is, therefore, humbly prayed that by the acceptance of instance application delay in filing the captioned appeal may kindly be condoned.

Appellant,
Karim
Karim Khan
Through Counsel



**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR**

Service Appeal No _____ of 2018

Karim Khan (Appellant)

VERSUS

Govt. of KPK through Secretary Education Department & others

..... (Respondents)

AFFIDAVIT

I, Karim Khan son of Shah Khail Resident of Chungai, Shamoza, Tehsil Barikot, District Swat, do hereby solemnly declare & affirm on oath that the contents of the above application are true and correct to the best of my knowledge & belief.

Karim

Deponent

Identified by

[Signature]

Arshad Khan
Advocate High Court

~~ATTESTED~~
~~Tariq Aziz Advocate~~
OATH COMMISSIONER
District Courts Swat.
Licence No-3455
13.2.....Date 30/2/18

Annex "A"

14



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWAT

GRANT OF LEAVE

Sanction is hereby accorded to the grant of Extra ordinary leave in respect of **Mr. Karim Khan SPST GPS Deduwar District Swat** for the period with effect from **01/03/2017 to 15/12/2017 (275 days)** without pay as admissible to him under the leave rules 1981.

Necessary entries to this effect should be made in his S/Book and leave account from which are returned herewith.

(MOHAMMAD AMIN)
DISTRICT EDUCATION OFFICER (M)
SWAT

4643-45


Endst: No _____ / PF/66/Karim Khan/PST/M

Dated: 4/2/2017

Copy of the above is forwarded:-

1. The District Comptroller of Accounts Swat at Saidu Sharif.
2. The SDEO (M) Babozai Swat.
3. The SDEO (M) Barikot Swat.
3. The ASDEO Circle Concerned.
4. The teacher Concerned.


DISTRICT EDUCATION OFFICER (M)
SWAT

C-T-C

ARSHAD KHAN
ADVOCATE
HIGH COURT

Annex "B" (15)



OFFICE OF THE DISTRICT EDUCATION
OFFICER (M) SWAT
(9240228-9240209)

(9)

OFFICE ORDER.
CANCELLATION OF LEAVE.

Consequent upon the report of Sub Divisional Officer (M) circle Barikot vide his letter No.123-24 dated 18.3.2017 and gone abroad/performing double services as seaman of Mr.Karim Khan SPST GPS Dedawar.

The leave already sanctioned with effect from 01.03.2017 to 15.12.2017 (275 days) without pay vide this office Endst:No.4643-45/P.F/66/Karim Khan/SPST/M Dated 04/02/2017 is hereby cancelled with immediate effect in the interest of public service & the official concerned is directed to join his duty immediately otherwise disciplinary actions be taken against him.

Necessary to this effect should be made in his original service book and other necessary documents.

(Mohammad Amin)
DISTRICT EDUCATION OFFICER (M)
SWAT

Dated 18/3/2017.

Endst:No. 10835-40 /PF/66/Karim Khan/SPST/DEO/M.

Copy forwarded to:

- 1- PA to Director E&SE KPK Peshawar.
- 2- DMO Swat.
- 3- The District comptrollers of Account Swat at Saidu Sharif.
- 4- The Sub Divisional Education Officer (M) Primary Swat w/r to his No & dated cited above & with the direction to ensure the attendance of the teacher concerned under intimation to this office.
- 5- P.A to District Education Officer (M) Swat the local office.
- 6- The teacher concerned.

~~DISTRICT EDUCATION OFFICER (M)
SWAT~~

C-T-L
ARSHAD KHAN
ADVOCATE
HIGH COURT

Annex "C" (16)



**OFFICE OF THE DISTRICT EDUCATION
OFFICER (M) SWAT
(9240228-9240209)**

OFFICE ORDER.

Consequent upon the cancellation of leave vide this office order issued under Endst:No.10835-40/P.F/66/Karim Khan/SPST dated 19.07.2017 already sanctioned vide this office Endst:No.4643-45 dated 04.02.2017 w.e.f 01.03.017 to 15.12.2017 in respect of Mr.Karim Khan SPST GPS Dedawar, The above named teacher is hereby adjusted at school GPS Dedawar w.e.f 03.08.2017 in the interest of public service.

Necessary entry to this effect should be made in his original service book accordingly.

(Mohammad Amin)
DISTRICT EDUCATION OFFICER (M)
SWAT

Endst:No:1353-55/PF/66/Karim Khan/SPST/DEO/M.

Dated 11/9 /2017

Copy forwarded to:

- 1- The District comptrollers of Account Swat at Saidu Sharif.
- 2- The Sub Divisional Education Officer (M) Barikot Swat w/r to his No.311 dated 27/09/2017.
- 3- P.A to District Education Officer (M) Swat the local office.
- 4- The teacher concerned.


DISTRICT EDUCATION OFFICER (M)
SWAT

C-T-C

**ARSHAD KHAN
ADVOCATE
HIGH COURT**

Arrival Report (170)

Certified that Mr. Karim Khan SPST
GPS Dedawar arrived at afternoon of
this day, Date: 03/08/2017. He was on leave
w.e.f 01/03/2017 to 15/12/2017 vide letter No. —
4643-45 Dated: 04/02/2017. The said leave was
cancelled by the same office Endst: NO: 10835
He availed only Five months of his Ten
Months Leave and he obeyed the order of
the office and he arrived at GPS Dedawar
on the date mentioned above.

Karim Khan
03/08/2017
Karim Khan SPST
GPS Dedawar.

[Signature]
C.T.L
District Edu Officer (IA)
Tehsil Babuzai Swat.

[Signature]
Head master,
Govt. Primary School
Dedawar, Swat
HEAD MASTER
GPS DEDAWAR.

[Signature]
ARSHAD KHAN
ADVOCATE
HIGH COURT

ARSHAD KHAN
ADVOCATE
HIGH COURT

Charge Report (18)

Certified that Mr. Karim Khan SPST
Govt. Primary School Dedawar took
over charge at Govt Primary School
Dedawar at afternoon of this day.
Date 03/08/2017.

Karim Khan
SPST GPS Dedawar.

Arshad Khan
Head Master,
Govt. Primary School
Dedawar, Swat
HEAD MASTER
GPS DEDAWAR.

C-T-C
Arshad Khan
ARSHAD KHAN
ADVOCATE
HIGH COURT

To

Annex "D"



(19)

The District Education Officer (M) SWAT.

Subject: Original Service book missing in Barikot Circle.
Sir,

Most respectfully it is stated that I am a teacher at "GIPS DEDAWAR" Shamozai Swat. Centre Incharge "MAZHARULHAQ" Collected service books of all teachers of Shamozai centre for annual increment 2016, in which my original service book also included. Now I need my original service book for necessary entries of fixation in DAO Swat. The SDEO Concerned does not want to give me my service book, & he is of the view that "original service book has lost in his office". The same saying has been coming since last few months. He made it a personal issue.

Therefore I request the high authority to make sure that the SDEO Barikot Circle office must find out my original service book urgently & without minor delay to make necessary entries of fixation party of Peshawar & for releasing salary which is not active.

If it is not possible kindly issue me new service book as soon as possible.

I shall be very thankful to you for your this act of kindness.

Your obediently.

Karim
15/09/2017

KARIM KHAN (SPST)

GIPS DEDAWAR (SWAT)

C-T-L

Arshad
ARSHAD KHAN
ADVOCATE
HIGH COURT

ARSHAD KHAN
ADVOCATE
HIGH COURT

خدمت جناب DEO ایجوکیشن (سرڈان) سوات - "Annex E" عنوان: ایمل نمبر کے Adjustment

28
199

جناب عالی! گزارش کی جاتی ہے کہ میں "کریم خان" ڈیڈ 19 مارچ 2017 میں سیکول میں جبکہ SPST ڈیوٹی انجام دے رہا ہوں۔

میں دفتر سے اسے دس مہینے "10 Months" یعنی 275 دن کی چھٹی کی اجازت لی تھی جسکی اندر سمٹ نمبر "45-4643-Endst.N" بتاریخ 04/02/2017 کو منظور ہوئی تھی۔ اور اس کا دوبارہ یکم مارچ 2017 سے لیکر پندرہ دسمبر 2017 تک تھا۔

چند مخالف عناصر میرے خلاف کارروائی کر رہے ہیں میری منظور شدہ چھٹی کو منسوخ کرانے کی مہم چلا رہے ہیں۔ منسوخ کی اطلاع ہوتی ہے میں نے افسران بالائی حکام کی تعمیل کرتے ہوئے فوراً حاضر ہوا اور اپنی ڈیوٹی دوبارہ 03/8/2017 سے Join کر کے احسن طریقے سے GPS Dedawat میں انجام دے رہا ہوں۔

(Cancellation order اور Leave order) دلو ایمل کرنا کیس کی لف میں۔

آپ صاحبان سے عاجزانہ درخواست کی جاتی ہے کہ میرے Adjustment کی حکم ہر دو فرما دیں تاکہ تنخواہ نکھ لوئے لیکر مزید کارروائی کی جائے۔ یہ مہینہ سہ ماہی ہوگی۔

کریم خان SPST
GPS ڈیڈ 19 مارچ 2017

Report of the SDEO
Barikat
Swat

11/8/17
Distt. Education Officer (VI)
District Swat.

C-T-C
ARSHAD KHAN
ADVOCATE
HIGH COURT

Annex "F"

(21)



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

CORRIGENDM.

Please read Zarakhela instead of GPS Dedawar in the adjustment order of Karim Khan SPST issued vide this office order under Endst:1353-55/P.F/66/Karim Khan dated 11/09/2017 in the interest of public service.

(MOHAMMAD AMIN)
DISTRICT EDUCATION OFFICER
MALE SWAT

Dated 9/10/2017

Endst: NO. 2811-13

Copy forwarded to :-

1. District Comptroller of Accounts Swat.
2. The SDEO (M) Circle Barikot Swat.
3. Teachers concerned.
4. PA to DEO Swat

DISTRICT EDUCATION OFFICER
MALE SWAT

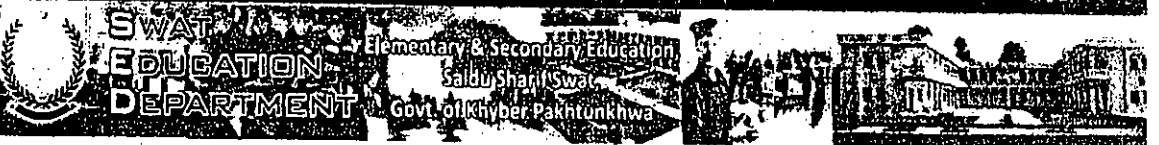
C-T-C
ARSHAD KHAN
ADVOCATE
HIGH COURT

Amma "G"



22

17/1



CHARGE REPORT

Certified that Mr./ Miss. KARIM KHAN ✓ Son/daughter of SHAH KHAIL
CHUNGAI is hereby ^{Transferred} appointed against the post of SPST
 based in BPS: 14 at (School Name) GPS ZARAKHELA
 the District Education Officer Endstt No: 2811-13 Dated 09-10-2017

dated: 10-10-2017

KGMW
 Signature of the Official
 Swat, KP Pakistan

FOR HEAD OF THE SCHOOL ONLY

Certified that we have on the (fore/afternoon) Fore of this day (date) 10-10-2017
 and gave a charge of post SPST in above mentioned school to this charge report holder,
 received his/her require documents file for school record.

Z-Shah
 Head Master,
 Govt. Primary School,
 Zarakhela, Distt: Swat.

Seal & Signature
 Head of the School

- Copy of the above is forwarded to:
- Head of the concern school.
 - ASDEO Circle Office
 - The Sub Divisional Education Officer (SDEO) Swat.
 - District Education Officer (DEO) Office Swat.
 - Concern for his/her Record.

C-T-L
Arshad Khan
 ARSHAD KHAN
 ADVOCATE
 HIGH COURT

Amazex 'H3

23

18



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

CORRIGENDUM

Please read 'Barcham Rangila' instead of 'GPS Dedawar' in the adjustment order of Mr. Karim Khan issued vide No.1353-55 11/09/2017 and this office corrigendum order issued vide No.28.11-13 dated 9.10.2017 is hereby cancelled in the interest of public service.

Note:- All terms and conditions will remain the same.

(MOHAMMAD AMIN)
DISTRICT EDUCATION OFFICER
MALE SWAT

Dated 16/10/2017

Endst. NO. 3162-63

Copy forwarded to :-

1. District Comptroller of Accounts Swat.
2. The SDEO (M) Circle Barikot Swat.
3. Teachers concerned.
4. PA to DEO Swat

DISTRICT EDUCATION OFFICER
MALE SWAT

C-T-L Affirmed to be true copy of the original.

ARSHAD KHAN
ADVOCATE
HIGH COURT

Sub Divnl. Edu. Officer (M)
Tehsil Barikot District Swat



محترم و عالی شان سربراہان کونسل شہسوزی تحصیل بہرپور کو
جناب صاحب ایڈووکیٹ آرشد خان سکندر ایس سکولز ہونو بہرپور شہسوزی تحصیل بہرپور

انگریزی اور ہندی میں سکولز کے بارے میں شکایت
میں نے اس سے پہلے کئی بار شکایت کی ہے لیکن کوئی نتیجہ نہیں نکل سکا
اس لیے میں آپ سے درخواست کرتا ہوں کہ اس بار شکایت پر توجہ دی جائے

اور جناب عبدالستھان کا نام مناسب ہو۔

محترم و عالی شان سربراہان کونسل شہسوزی تحصیل بہرپور کو
میں نے اس سے پہلے کئی بار شکایت کی ہے لیکن کوئی نتیجہ نہیں نکل سکا
اس لیے میں آپ سے درخواست کرتا ہوں کہ اس بار شکایت پر توجہ دی جائے

Director
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

میں نے اس سے پہلے کئی بار شکایت کی ہے لیکن کوئی نتیجہ نہیں نکل سکا
اس لیے میں آپ سے درخواست کرتا ہوں کہ اس بار شکایت پر توجہ دی جائے
میں نے اس سے پہلے کئی بار شکایت کی ہے لیکن کوئی نتیجہ نہیں نکل سکا
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میں نے اس سے پہلے کئی بار شکایت کی ہے لیکن کوئی نتیجہ نہیں نکل سکا
اس لیے میں آپ سے درخواست کرتا ہوں کہ اس بار شکایت پر توجہ دی جائے
میں نے اس سے پہلے کئی بار شکایت کی ہے لیکن کوئی نتیجہ نہیں نکل سکا
اس لیے میں آپ سے درخواست کرتا ہوں کہ اس بار شکایت پر توجہ دی جائے

SPST
محترم و عالی شان سربراہان کونسل شہسوزی تحصیل بہرپور
میں نے اس سے پہلے کئی بار شکایت کی ہے لیکن کوئی نتیجہ نہیں نکل سکا
اس لیے میں آپ سے درخواست کرتا ہوں کہ اس بار شکایت پر توجہ دی جائے

SPST
Please immediately solve his problem at your level
19/10/2017

C-T-C

ARSHAD KHAN
ADVOCATE
HIGH COURT

Annex "J" (25)



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

No. 813 /F. No.9/Enquiry of Abdul
Karim SPST District Swat
Dated Peshawar the 7/2 /2018.

To,

The District Education Officer (M)
Swat.

Subject: - **COMPLAINT AGAINST MR. ABDUL MUSTAN SDEO.**

I am directed to refer to your letter No.5582 dated 29.11.2017 on the subject noted above and to ask you to implement the recommendation S.No.2, 3 and 4 of the enquiry office conducted through Assistant Director local Directorate (E&SE) under intimation to this office immediately.

[Signature]
Deputy Director (Estab.)
Elementary & Secondary Edu.
Khyber Pakhtunkhwa Peshawar.
22/11/18

Endst: No. _____ /

Copy forwarded to the:-

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

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

C-T-C

[Signature]
**ARSHAD KHAN
ADVOCATE
HIGH COURT**

(26)

SUBJECT: ENQUIRY REPORT P 14

Introduction:

The undersigned has been nominated as enquiry officer vide Directorate of Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar Notification **Endsu: No.** 6375-77 dated 27/12/2017 to hunt out the facts in the light of the request of District Education Officer (M) Swat letter No.5582 dated 28-11-2017 which is self-explanatory (F/A).

Case History:

A letter was submitted by District Education Officer (M) Swat, wherein, it was mentioned that an enquiry committee constituted consisting upon Mr. Zulfikar ul Mulk Dy. DEO (M) Swat as Chairman & Mr. Mohsin ADEO (Establishment Secondary) as member to enquire the matter regarding complaint against Mr. Abdul Mastaan SDEO (M) Barikot and Karim Khan SPST for his long absence/dual duties etc.

Meanwhile, the alleged Mr. Abdul Mastaan SDEO (M) Barikot submitted an application requesting that he is not satisfied with enquiry committee and demanded for conduction an impartial enquiry regarding the subject issue.

It is further mentioned in there, that a complaint was submitted by Mr. Karim Khan SPST regarding personal grudges with the earlier mentioned SDEO and he was complaining that his missing service book may kindly be recovered and his salary be released.

Procedure:

In compliance with the notification of the Directorate of E&SE and to find out the factual position of the case the undersigned proceeded as follows:

Checking of record:

All the available record has been thoroughly checked and enclosed herewith wherever necessary for further proceedings (F/B).

Statement/opinion of the Ex-Enquiry Officers:

For a crystal clear findings the undersigned met with the Ex-enquiry committee to record their opinion regarding the case and proceed further on the track (F/C).

Statement of the alleged SDEO:

A structured questionnaire was served to Mr. Abdul Mastaan the alleged SDEO and record his reply (F/D).

Statement of the Mr. Karim Khan SPST:

To justify the case, a similar natured questionnaire was also served to the teacher concerned for recording his reservations (F/E).

Findings:

Following findings drawn after conducting enquiry:

1416
29/11/18

B/L
25/11/2018

C.T.L

And
ARSHAD KHAN
ADVOCATE
HIGH COURT



27

- 1) According to available record and evidence, the allegation labeled by Mr. Abdul Mustaan SDEO against Mr. Karim Khan ~~were~~ baseless as they were not supported with any documentary proof.
- 2) Mr. Abdul Mustaan failed to provide any evidence which shows Mr. Karim Khan has ever been abroad.
- 3) Charges of dual duty of Mr. Karim Khan could not be proved.
- 4) Charges framed against the said teacher shows malevolent intentions.
- 5) Cancellation of sanctioned leave without pay of 275 days before availing completely and thrice adjustments of the teacher concern during a month shows personal dislikes.
- 6) The teacher concerned proved a regular official through documental proof yet again his salary was not released up till now.

Conclusion:

After following the procedural sequence mentioned above, snooping into the matter through documentary evidences the under signed came to the conclusion that:

1. Charges labeled against Mr. Karim Khan SPST were not proved.
2. The above findings reflected that there were personal grudges between SDEO concerned and Mr. Karim Khan SPST.

Recommendations:

Keeping all the facts in view, it is recommended that:

1. Since Mr. Abdul Mustaan SDEO (M) Barikot failed to prove any charge **labeled** against Mr. Karim Khan SPST hence, he may be reverted to his original post of Subject Specialist and may never be appointed on any managerial post in future.
2. The salary of Mr. Karim Khan SPST may be released with immediate **effect along** with all benefits.
3. The teacher concern may be adjusted at his original duty station.
4. **The teacher concern may be kept under strict observations on his duty place in future.**

Enquiry Officer

Assistant Director (G)

Directorate of Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

C-T-C

ARSHAD KHAN
ADVOCATE
HIGH COURT

**BEFORE THE PESHAWAR HIGH COURT MINGORA BENCH (DARUL QAZA) AT SWAT.
OPENING SHEET FOR WRIT PETITION**

Case No. _____
Date of Filing: 10 /2018
District: Swat

| Case type: <u>Writ Petition</u> | | Nature of Original Proceedings: <u>Initial</u> | | | | |
|---------------------------------|------------|--|------------|------------|--|--|
| Original Order | | Review/Appellate/Revision | | Order | Bench | |
| Forum | Date | S. No. | Forum | Date | | |
| <u>Nil</u> | <u>Nil</u> | <u>Nil</u> | <u>Nil</u> | <u>Nil</u> | <input type="radio"/> Interlocutory <input type="radio"/> Final Order | <input type="radio"/> Single Bench <input type="radio"/> Divisional Bench <input type="radio"/> Full Court |
| | | | | | | |
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| | | | | | | |

- Petitioner(s)*: Karim Khan son of Shah Khail Resident of Chungai, Shamoza, Tehsil Barikot, District Swat
Cell No: 0346-2409677 CNIC No: 15602-1553077-1
- Petitioner (s) Counsel*: Arshad Khan Advocate, High Court
Office: Opposite Grassy Ground Saidu Sharif, Swat
Cell No: 0300-5985653 CNIC No: ~~15602-253985-7~~
156020-253985-7
- Respondent (s) *: Govt. of KP through Secretary & others
Mobile No. Nil CNIC: Nil
Address: as mentioned in the heading of writ petition

**Original Order / Action / Inaction Complained of:
Against the action / inaction of respondents**

Prayer (In brief): On acceptance of this writ petition, to issue directions to the respondent department.

- To release the salary of petitioner since august 2017 till date.
- To issue directions to the respondent No. 3 to make adjustment of the petitioner at GPS School Zara Khela.
- To handover the service book illegally retained by the respondent No. 3. Any other relief which this Honorable Court deems fit and proper in the circumstances may also be very kindly granted.

Law/Rules governing the original proceedings/Action/Inaction:
Writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973.

Signature of Petitioner or Counsel Arshad Khan Dated: 19-2-2018

C-T-C

Arshad Khan
**ARSHAD KHAN
ADVOCATE
HIGH COURT**

**BEFORE THE PESHAWAR HIGH COURT MINGORA
BENCH (DARUL QAZA) AT SWAT**

W.P No _____ M of 2018

Karim Khan son of Shah Khail

Resident of Chungai, Shamoza, Tehsil Barikot,

District Swat

.....Petitioner

VERSUS

1. Govt. of KPK through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
3. District Education Officer (M) District Swat.
4. Abdul Mastan SDEO (M) Tehsil Barikot, District Swat.

.....Respondents

**WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973.**

Respectfully Sheweth,

The facts of the instant case are as under:-

- 1) That the petitioner is a regular employee of the Education Department currently posted at GPS Dedawar, Tehsil Barikot, District Swat.

C-T-C
Arshad Khan
**ARSHAD KHAN
ADVOCATE
HIGH COURT**

- 2) That the petitioner applied for the grant of leave which was granted to the petitioner for the period of 01-03-2017 to 15-12-2017 under the relevant rules. (Copy of order dated 04-02-2017 is attached as annexure "A")
- 3) That the petitioner went on leave, in the meanwhile the respondent No. 4 with mala-fide intention and out of personal grudges made a complaint against the petitioner, consequently the respondent No. 3 cancelled the leave granted to the petitioner vide office order dated 19-07-2017. (Copy of office order dated 19-07-2017 is attached as annexure "B")
- 4) That upon the cancellation of the leave the petitioner had reported back, in compliance of the office order issued by the respondent No. 3 and assumed his duty at GPS Dedawar on 03-08-2017. (Copies of office order dated 11-09-2017, arrival report & charge report are attached as annexure "C")
- 5) That the petitioner till date is performing his duties, but the salary of the petitioner has not been released by the respondent department, hence the petitioner filed written request to the respondent No. 3 to the effect to make adjustment of the petitioner so as to release the salary of the petitioner. (Copy of application is attached as annexure "D")

C-T-C
Arshad Khan
ARSHAD KHAN
ADVOCATE
HIGH COURT

- 6) That in meanwhile the centre incharge / respondent No. 5 collected service book of all teachers of Illaqa Shamozaï for allocation of annual increment of the year 2016, including the petitioner. Later on, the petitioner needed his service book for necessary entries in DAO office, therefore, the petitioner approached the respondent No. 4 office for collection of service book, respondent No. 4 out of personal grudges with the petitioner withheld the original service book, and said that the same has been lost in his office. The petitioner again made an application to the respondent No. 3 for handing over the original service book, but of no avail. (Copy of the application is attached as annexure "E")
- 7) That after bringing into notice the aforementioned harassment at the hands of respondent No. 4, the petitioner had been further humiliated by making another premature and illegal transferred of the petitioner from GPS Dedawar to GPS Zara Khela vide corrigendum dated 09-10-2017. (Copy of corrigendum dated 09-10-2017 is attached as annexure "F")
- 8) That despite of usurping the statutory right of the petitioner, the petitioner assumed duty at GPS Zara Khela on 10-10-2017. (Copy of charge report is attached as annexure "G")
- 9) That the wrath of the respondent No. 4 does not end here, and after one week another corrigendum issued by the

respondent No. 3 vide which again the adjustment order of the petitioner was placed at GPS Bar Cham, Rangila on dated 16-10-2017. (Copy of corrigendum is attached as annexure "H")

- 10) That the petitioner agitated the maltreatment, harassment and humiliation by filing written application before the respondents No. 2 & 3, but the same was not been responded. (Copies of applications dated 19-10-2017 & 21-11-2017 are attached as annexure "I")
- 11) That in the meanwhile departmental proceedings also been initiated on the charges of dual duties, the inquiry report was submitted, wherein the petitioner has been exonerated of the charges leveled upon the complaint of respondent No. 4, and it was held in the aforesaid inquiry report that the allegation of respondent No. 4 are based on malevolent intentions, hence the recommendation for punitive action against the respondent No. 4 was also suggested. (Copy of inquiry report dated 07-02-2018 is attached as annexure "J")
- 12) That it is depressing to mention that despite of the aforementioned inquiry report neither the salary of the petitioner has been released nor the adjustment order related to posting of the petitioner has been acted upon, and a service book of the petitioner has also not been recovered, and the respondent No. 4 still working as

C.T.L.
ARSHAD KHAN
ADVOCATE
HIGH COURT

SDEO Barikot, Swat despite of clear recommendation by the inquiry officer.

- 13) That the petitioner have no other proper remedy, except to file the instant writ petition in this Honorable Court, on the following grounds..

GRUNDS:-

- A) That the action of respondents are unlawful, against the law, arbitrary and against the norms of justice.

- B) That the august Apex Court of the County have laid guiding principles in many judgments that authority cannot stop salary even at the time of suspension so the act of respondents are contrary to those guidelines therefore it is liable to set aside.

- C) That it is admitted position that the petitioners were still working in the department and salaries has not been released to them without any reason, so the act of respondents as with holding of salaries of the petitioners is not in accordance with law.

C-T-C
Arshad Khan
ARSHAD KHAN
ADVOCATE
HIGH COURT

- D) That the sheer abuse of the powers and consequent harassment of the petitioner at the hand of the respondent No. 4 is gross violation of fundamental right of the petitioner.
- E) That the stoppage / non-payment of salary since august, 2017, is an inhuman treatment on the part of respondents No. 3 and 4 and the petitioner has been relegated to the status of bonded labour.
- F) That withholding the service book of the petitioner and frequent transfer / posting speak volume of the misuse, and arbitrary exercise of power on the part of respondents No. 3 & 4, which need the interference of this honorable court.
- G) That the high handedness of the respondent No. 4 is evident from the facts that the despite of clear recommendation related to release of salary of the petitioner, and reverting the respondent No. 4 from SDO post have not been implemented so far.
- H) That as per consistent view of the superior courts matters salary, and pension of civil servant can right to be looked in to by the High Court in original jurisdiction, hence, the

C-T-C
ARSHAD KHAN
ADVOCATE
HIGH COURT

bar contained in Article 212 does not attracted to the instant petition in this Honorable Court to adjudicate upon the matter.

- I) That in view of the above legal and factual position as well as poor condition of the petitioners, there is no speedy and efficacious remedy for petitioners except to invoke the Constitution jurisdiction of this Honorable Court for redressal of his genuine grievances.
- i) That further grounds, with leave of this Honorable Court, would be raised at the time of arguments before this Honorable Court.

PRAYER

It is therefore humbly prayed that on acceptance of this writ petition, to issue directions to the respondent department.

- i) To release the salary of petitioner since august 2017 till date.
- ii) To issue directions to the respondent No. 3. to make adjustment of the petitioner at GPS School Zara Khela.


C-T-L
Arshad
ARSHAD KHAN
ADVOCATE
HIGH COURT

- iii) To handover the service book illegally retained by the respondent No. 3.
- iv) Any other relief which this Honorable Court deems fit and proper in the circumstances may also be very kindly granted.

INTERIM RELIEF

It is further prayed that this honorable court may kindly be issue direction to respondent No. 3 to release the salary of petitioner forthwith.

**Petitioner
Through Counsel**


ARSHAD KHAN
Advocate, High Court

LIST OF BOOKS IN CONCERNED WRIT

- a. Constitution Islamic Republic of Pakistan, 1973.
- b. Case Law as per need.



ADVOCATE

CERTIFICATE:

(As per directions of my clients) No such like Writ petition earlier has been filed by the petitioners on the subject matter before this Honorable Court.

C-T-C


ARSHAD KHAN
ADVOCATE
HIGH COURT


ADVOCATE

(37)

**BEFORE THE PESHAWAR HIGH COURT MINGORA
BENCH (DARUL QAZA) AT SWAT**

W.P No 219 M of 2018

Karim Khan son of Shah Khalil

Resident of Chungai, Shamoza, Tehsil Barikot,

District Swat

.....Petitioner



VERSUS

1. Govt. of KPK through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
3. District Education Officer (M) District Swat.
4. Abdul Mastan SDEO (M) Tehsil Barikot, District Swat.

.....Respondents

**WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973.**

Respectfully Sheweth,

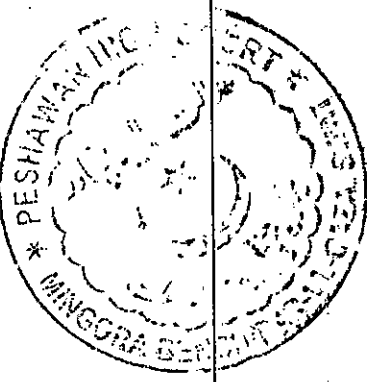
The facts of the instant case are as under:-

- 1) That the petitioner is a regular employee of the Education Department currently posted at GPS Dedawar, Tehsil Barikot, District Swat.

PESHAWAR HIGH COURT, MINGORA BENCH/
DAR UL QAZA, SWAT
FORM OF ORDER SHEET

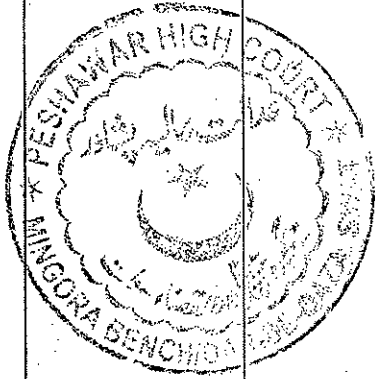
Court of

Case No..... of.....

| Serial No. of order or proceeding | Date of Order or Proceedings | Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary. |
|--|------------------------------|---|
|  | 21.03.2018 | <p><u>W.P. No. 219-M/2018</u></p> <p>Present: Mr. Arshad Khan, Advocate for the Petitioner.</p> <p style="text-align: center;">***</p> <p><u>MOHAMMAD IBRAHIM KHAN, J.-</u> Karim Khan</p> <p>the Petitioner herein, is imploring the constitutional jurisdiction of this Court with the following perspective prayer:-</p> <p style="text-align: center;"><i>"It is therefore humbly prayed that on acceptance of this writ petition, to issue directions to the respondent department:-</i></p> <ol style="list-style-type: none"> 1. To release the salary of Petitioner since august 2017 till date. 2. To issue directions to the Respondent No. 3 to make adjustment of the Petitioner at GPS School Zara Khela. 3. To handover the service book illegally retained by the Respondent No.3. 4. Any other relief which this Honorable Court deems fit and proper in the circumstances may also be very kindly granted. |

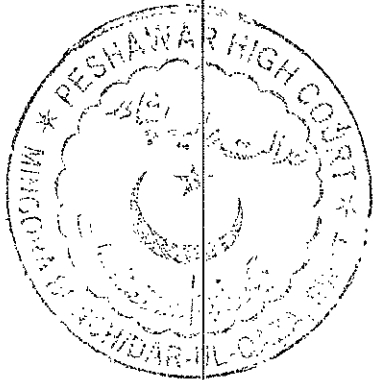
2. Arguments of learned counsel for the Petitioner heard in motion and available record perused with his able assistance.

3. From perusal of the record and contention raised by learned counsel for the Petitioner, it transpires that in essence the Petitioner is aggrieved from his repeated transfer orders from one school to another during the shortest span of time. He has also prayed for release of his salary coupled with request for adjustment at the school of his choice i.e. GPS Zara Khela and handing over of service book for necessary entries. But as the above-referred matters relate to terms and conditions of his service, for which the competent forum is the Khyber Pakhtunkhwa Service Tribunal constituted under Service Tribunals Act, 1973. The jurisdiction of all other Courts including the High Court is specifically ousted because of the provision contained in Article 212 (2) of the Constitution. So, the prayers of the Petitioner in view of *ibid* Article



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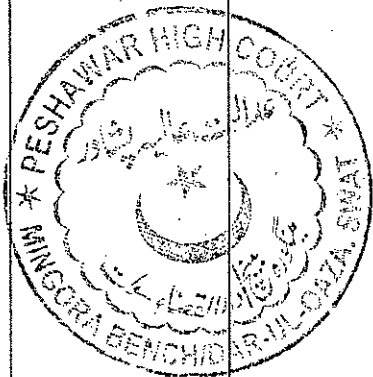
212 (2) could not be acceded to, which reads as under: -



(2) Notwithstanding anything hereinbefore contained where any Administrative Court or Tribunal is established under clause (1), no other court shall grant an injunction, make any order or entertain any proceedings in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal extends and all proceedings in respect of any such matter which may be pending before such other court immediately before the establishment of the Administrative Court or Tribunal; other than an appeal pending before the Supreme Court, shall abate on such establishment.

Handwritten signature/initials

4. Similarly, Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974



provides a complete procedure to the Petitioner in such like circumstances. According to the said Section any civil servant aggrieved by any final order upon presentation or departmental appeal, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his/her service, may within thirty days of the communication of such order to his/her or within six months of the establishment of the appropriate Tribunal; whichever is later, prefer an appeal before the Tribunal having jurisdiction in the matter.

5. As admittedly transfer is one of the terms and conditions of civil servant as defined in Chapter-II Section 10 of Civil Servants Act, 1973, therefore, this Court lacks jurisdiction to entertain the writ petition challenging the transfer orders.

6. Consequently, this writ petition being not maintainable before this Court is hereby dismissed in limine. However, the Petitioner

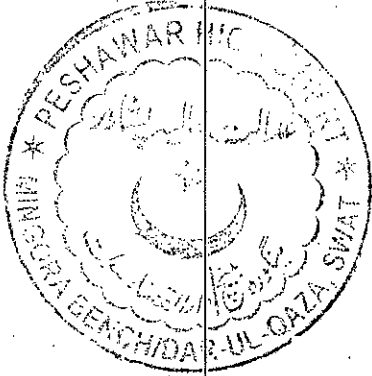
(42)

would be at liberty to approach the proper forum for redressal of his grievances, if need be.

Announced
Dt.21.03.2018.

~~JUDGE~~

[Signature]
JUDGE



S.No. 28
Name of Applicant U. I. Khan
Date of Presentation of Applicant 26.3.18
Date of Completion of Copies 26.3.18
No of Copies 60
Mugshot Fee 10/-
Fee Charged 10/-
Date of Delivery of Copies 26.3.18

Certified to be true copy

[Signature]
EXAMINER

Peshawar High Court, Minicora/Dar-ul-Qaza, Swat
Dar-ul-Qaza Swat

26/3/18

Office
22/03/18

بعدالت جناب سروس ٹریبیونل خیر بخشوا / پشاور -

منجانب

2018

مورخہ 30/3/18

مقدمہ کسٹم خان بنام گورنمنٹ

دعویٰ سروس ایبل

جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنے طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ آن مقام اریٹرو کسٹم خان اور کسٹم خان کے اصرار پر صاعی کورٹ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ بر حلف دینے جواب دہیا و اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف اپیل کی برآمدگی اور منسوخ مذکور کے کھل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اسکا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

2018

ماہ مارچ

الرقوم 30

العبد

گواہ شد

العبد

العبد

گواہ شد

العبد

Attested and Accepted by Asswad Khattar Adv
کیلئے منظور ہے۔

(کسٹم خان)

بمقام پشاور

Service Appeal No 439/2018

KARIM KHAN SON OF SHAH KHAIL RESIDENT OF CHUNGAI, SHAMOZAI, TEHSIL
BARIKOT DISTRICT SWAT

..... Appellant

VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Elementary &
Secondary Education Khyber Pakhtunkhwa, Peshawar & others.

..... Respondents

JOINT PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 -- 4

RESPECTFULLY SHEWETH:

The Respondents Submit as under:-

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of action / locus standi.
2. That the instant Service Appeal is badly time barred.
3. That the Appellant has concealed material facts from this honorable tribunal in the instant service appeal.
4. That the appellant has not come to this honorable tribunal with clean hands.
5. That the appellant has already been removed vide order dated 31-07-2018, hence the instant appeal become infructuous.
6. That the appellant has been treated as per law, rules & Policy.
7. That the instant appeal is not maintainable in its present form.
8. That the appeal is bad for mis-joinder & non-joinder of the necessary parties.
9. That the Appellant is not competent to file the instant appeal against the Respondents.
10. That there is no final order as required by section 4 of K.P Service Tribunal Act 1974.

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FACTUAL OBJECTIONS.

1. That the appellant was posted as SPST (BS-14) at GPS Barchum Rangela, Shamoza Tehsil Barikot, District Swat on 16-10-2017 but he remained absent from duty since 14-11-2017 without proper sanction of leave from the Competent Authority. The Appellant has been removed from service with immediate effect on 31-07-2018 under efficiency & Discipline Rules, 2011 due to his willful Absence from duty **(Copies of attached as Annexure A,B & C).**

2. That the Sanctioned leave for the period of 01-03-2017 to 15-12-2017 was cancelled on 19-07-2017 by the Competent Authority on the written complaint of the SDEO (Male) Tehsil Barikot, District Swat and the appellant was directed to join his duty. The SDEO (M) Tehsil Barikot submitted the absence reports on 18-03-2017, 17-11-2017, 05-12-2017 about the Appellant. As per complaints of the SDEO (M) Barikot, the Appellant remained absent from duty because he is also Serving as a Seaman.

The appellant has Dual Services i.e Teacher & Seaman. As per FIA Report the appellant arrived on 04-08-2017 at Peshawar international Airport through Flight no G9566 under Document number PP4100773. After Cancellation of leave by the Competent Authority. **(Copies of FIA Travel History Report, Absence Reports of SDEO, and Cancellation of leave are attached as Annexure D,E,F,G,H & I)**

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←
3. That the leave of the Appellant was cancelled on the written complaints of SDEO (M) Tehsil Barikot, District Swat as clarified in the foregoing paras of these comments.
 4. That According to FIA Report, the Appellant arrived from abroad on 04-08-2018, at Peshawar international Airport through flight No G9566. That appellant is also Serving as a Seaman which is clear from the Reports of SDEO (M) Tehsil Barikot, District Swat & FIA Report. The Appellant arrived Pakistan on 04-08-2017 and shown his arrival & Charge Reports at GPS Dedawar, Swat on 03-08-2017 which are fake & bogus.
 5. That the salaries of the Appellant cannot be released due to his willful Absence from duty since 14-11-2017 from GPS Barchum Rangela and his Service as Seaman. The Appellant has been removed from service on 31-07-2018 with immediate effect due to his absence willful absence from duty.
 6. Incorrect & Denied. The original Service Book of the Appellant is in the safe custody of SDEO (M) office Tehsil, Barikot, District Swat.
 7. Incorrect & Denied. That the Appellant was transferred on need base to GPS Zarakhela and then to barcham Rangela within the same Union Council (Shamozai) by the Competent Authority. The appellant remained Absent from Duty from GPS Barchum Rangela Since 14-11-2017.
 8. Correct up to the extent of Adjustment of the Appellant by the Competent Authority at GPS Zarakhela.

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9. That the appellant was adjusted at GPS Barchum Rangela on 16-10-2017 on need base by the Competent Authority. That the Appellant remained absent from duty without proper permission & Sanction of leave from the Competent Authority.
10. Correct up to the extent of Application to the Appellant Authority.
11. That the appellant remained absent from duty since 14-11-2017, hence the respondent department initiated Departmental Proceedings against the appellant under (E&D) rules, 2011. The SDEO (M) Tehsil Barikot visited GPS Barcham Rangela on 14-11-2017, 29-11-2017, 01-03-2018 and 30-06-2018 and the Appellant was found absent from duty without any proper permission from the Competent Authority during these visits.

The Deputy DEO (M) Swat & SDEO (M) Tehsil Barikot jointly visited GPS Barchum Rangela on 16-05-2018. During the visits the Appellant was found absent from duty since 14-11-2017. Show Cause Notice was served upon the Appellant & after observing the Codal formalities, the appellant was removed from service with immediate effect on 31-07-2018
(Copies of Logbook are attached as Annexure J,K,L,M & N)

12. That the Appellant remained absent from duty since 14-11-2017. That as per reports of SDEO (M) Tehsil Barikot, the Appellant is also a Seaman as clarified in the proceedings Paras of these comments. The Appellant salary cannot be released

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due to his willful absence from duty, Job as a Seaman & his removal from Service. Moreover, the appellant original service book is in the safe custody in the office of SDEO (M) Tehsil Barikot, District Swat. Being a Seaman the Appellant habitually remains absent from duty & do not take interest in the Teaching Profession.

13. That the writ petition no 219-M/2018 filed by the appellant before the Honorable Peshawar High Court, Mingora Bench / Daral Qaza, Swat has been dismissed in limine. **(Copy of Judgment dated 21-03-2018 is attached as Annexure Q)**

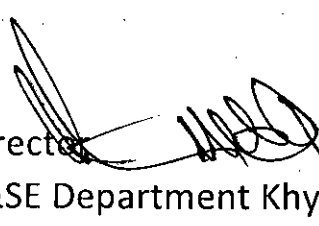
14. That the instant Case is not maintainable before the Honorable Service Tribunal, Peshawar.

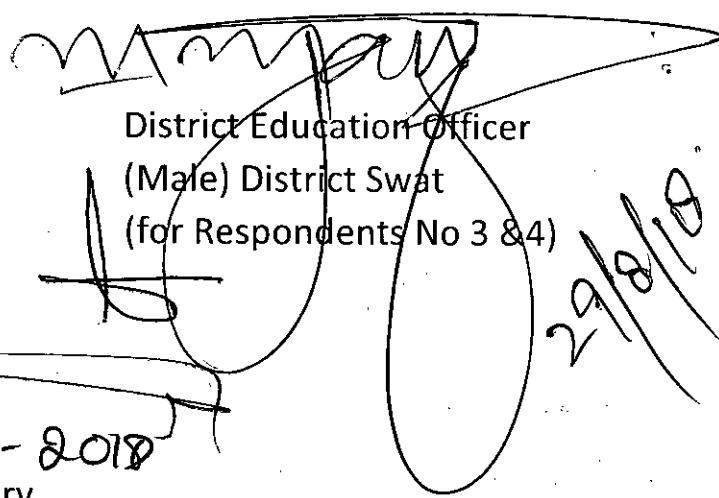
Grounds:

- A. Incorrect & Denied. That the actions of the Respondents are lawful, legal and based on rules.
- B. That the salary of the Appellant has been stopped due to his willful absence from duty & service as a Seaman abroad. Dual Jobs are not allowed under the rules.
- C. That the Appellant salary has been stopped due to his willful absence from duty from GPS Barchum Rangela Since 14-11-2017 without any proper permission & Sanction of Leave from the Competent Authority.
- D. Incorrect & Denied. The detailed Reply of this Para has been in the preceding Paras.

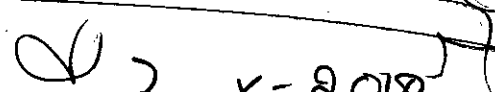
- 15/10/18
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- E. The detailed Reply of this para has been given in the preceding Paras of these comments along with documentary Proof/Evidence.
- F. Incorrect & Denied. The service Book of the Appellant is in the safe custody of the SDEO (M) Tehsil Barikot, District Swat. The Appellant has been adjusted within the same Union Council on need base & in the interests of Students.
- G. That the Appellant Salary cannot be release due to his willful absence from duty and dual Job as a Seaman and his removal from Service.
- H. That further grounds, with leave of this Honorable Service Tribunal would be raised at the time of arguments.

In view of the above made submissions, it is requested that this Honorable Tribunal may very graciously be pleased to dismiss the instant Service Appeal with cost in favor of the respondent Department.



Director
E&SE Department Khyber
Pakhtunkhwa, Peshawar


District Education Officer
(Male) District Swat
(for Respondents No 3 & 4)

29/10/18


2 - X - 2018
Secretary

E&SE Department Khyber
Pakhtunkhwa, Peshawar



BEFORE THE HONORABLE KHYBER PAKHTUNKHAWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 439/2018

KARIM KHAN SON OF SHAH KHAIL RESIDENT OF CHUNGAI, SHAMOZAI, TEHSIL
BARIKOT DISTRICT SWAT

..... Appellant


VERSUS

The Government of Khyber Pakhtunkhwa through Secretary Elementary &
Secondary Education Khyber Pakhtunkhwa, Peshawar & others.

..... Respondents

AFFIDAVIT

I, Muhammad Saeed the Representative of department solemnly affirm & declare on oath that all the contents of these Joint parawise comments are true and correct to the best of my Knowledge and belief. Nothing has been kept concealed from this honorable service Tribunal, as provided to me by the concerned Dealing Clerk / Assistant.


Deponent 29/8/18

Annex-A.



OFFICE OF THE DISTRICT EDUCATION
OFFICER (M) SWAT
(9240228-9240209)

OFFICE ORDER.

Consequent upon the cancellation of leave vide this office order issued under Endst:No.10835-40/P.F/66/Karim Khan/SPST dated 19.07.2017 already sanctioned vide this office Endst:No.4643-45 dated 04.02.2017 w.e.f 01.03.017 to 15.12.2017 in respect of Mr.Karim Khan SPST GPS Dedawar, The above named teacher is hereby adjusted at school GPS Dedawar w.e.f 03.08.2017 in the interest of public service.

Necessary entry to this effect should be made in his original service book accordingly.

(Mohammad Amin)
DISTRICT EDUCATION OFFICER (M)
SWAT

Endst:No:1353-55/PF/66/Karim Khan/SPST/DEO/M.

Dated 11/9 /2017

Copy forwarded to:

- 1- The District comptrollers of Account Swat at Saidu Sharif.
- 2- The Sub Divisional Education Officer (M) Barikot Swat w/r to his No.311 dated 27/09/2017.
- 3- P.A to District Education Officer (M) Swat the local office.
- 4- The teacher concerned.

DISTRICT EDUCATION OFFICER (M)
SWAT

Adjustment at
GPS Dedawar w.e.f 3/8/2017 after
cancellation
of leave
dated 11/9/2017

Annex-A.

2

OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

CORRIGENDM.

Please read Zarakhela instead of GPS Dedawar in the adjustment order of Karim Khan SPST issued vide this office order under Endst:1353-55/P.F/66/Karim Khan dated 11/09/2017 in the interest of public service.

(MOHAMMAD AMIN)
DISTRICT EDUCATION OFFICER
MALE SWAT
Dated 9/10/2017

Endst: NO. 2811-13

Copy forwarded to :-

1. District Comptroller of Accounts Swat.
2. The SDEO (M) Circle Barikot Swat.
3. Teachers concerned.
4. PA to DEO Swat

DISTRICT EDUCATION OFFICER
MALE SWAT

Adjustment at
GPS Zarakhela
Dated 9/10/2017



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT

Annex-A

CORRIGENDUM

Please read Barcham Rangila instead of GPS Dedawar in the adjustment order of Mr. Karim Khan issued vide No.1353-55 11/09/2017 and this office corrigendum order issued vide No:28.11-13 dated 9.10.2017 is hereby cancelled in the interest of public service.

Note:-All terms and conditions will remain the same.

(MOHAMMAD AMIN)
DISTRICT EDUCATION OFFICER
MALE SWAT

Dated 16/10/2017

Encl: NO. 3162-63 /

Copy forwarded to :-

1. District Comptroller of Accounts Swat.
2. The SDEO (M) Circle Barikot Swat.
3. Teachers concerned.
4. PA to DEO Swat.

DISTRICT EDUCATION OFFICER
MALE SWAT

Assured to be true copy of the original

Sub Divnl. Edu. Officer (M)
Tehsil Barikot District Swat

Corrigendum of Adjustment
at GPS Barcham Rangila
16/10/2017

NOV-2017

رجسٹر حاضری مدرسہ بین

Annex-B

Absence in Attendance Register

بی بی ایس لائٹنگ اور برقی

بابت ماہ نومبر

4

| اصغر دوست | | کریم خان | | | نور علی | | | عزیز الحق | | | تاریخ | |
|-----------|--------|----------|-----------|-------|---------|-------|-------|-----------|-------|-------|-------|-------|
| جوگندار | | SPST | | | PST | | | PSHT | | | بہارہ | |
| آد | دستخط | آد | دستخط | آد | دستخط | آد | دستخط | آد | دستخط | آد | دستخط | تاریخ |
| P | C | Leave | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 1 | |
| P | Korid | 01/35 | Korid | 8/30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 2 | |
| P | 077 | دستی | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 3 | |
| P | Korid | 01/35 | Korid | 8/30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 4 | |
| P | S | U | N | D | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 5 | |
| P | Korid | 01/35 | Korid | 8/30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 6 | |
| P | Korid | 01/35 | Korid | 8/30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 7 | |
| P | C | Leave | C - Leave | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 8 |
| P | Korid | 01/35 | Korid | 8/30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 9 | |
| P | Korid | 11/35 | Korid | 8/30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 10 | |
| P | Korid | 01/35 | Korid | 8/30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11 | |
| P | S | U | N | D | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 12 | |
| P | ? | ? | ? | ? | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 13 | |
| P | Absent | Absent | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 14 | |
| P | Do | - | Do | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 15 |
| P | Do | - | Do | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 16 |
| P | Do | - | Do | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 17 |
| P | Do | - | Do | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 18 |
| P | S | U | N | D | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 19 | |
| P | Do | - | Do | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 20 |
| P | Do | - | Do | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 21 |
| P | Do | - | Do | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 22 |
| P | Do | - | Do | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 23 |
| P | Do | - | Do | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 24 |
| P | Do | - | Do | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 25 |
| P | Absent | Absent | SUNDAY | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 26 |
| P | Do | - | Do | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 27 |
| P | Do | - | Do | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 28 |
| P | Do | - | Do | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 29 |
| P | Do | - | Do | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 30 |
| P | Do | - | Do | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 11:35 | 8:30 | 31 |

Checked by: Officer (M) Barikot District Swat

Checked by: Officer (M) Barikot District Swat

قسم رخصت حال سابقہ میزان حال سابقہ میزان حال سابقہ میزان حال سابقہ میزان حال سابقہ میزان

LPS Baruchum Rangala

Annex-B



OFFICE OF THE
DISTRICT EDUCATION OFFICER
(MALE) SWAT.

Annex-C

5

NOTIFICATION

1. Whereas Mr. Karim Khan SPST GPS Barcham Rangela Swat, was proceeded against the Khyber Pakhtunkhwa Government servant (Efficiency & Discipline) Rules 2011 for the charges mentioned in the show cause notice and as per visit remarks of Dy District Education Officer (M) of this office dated 16.5.2018.
2. Whereas reported by the Sub Divisional Education Officer (M) Barikot vide his letter No.362 dated 5.12.2017 that you were found absent from your duty since 14.11.2017 without any proper sanction of leave from the competent authority.
3. Whereas a show cause notice was served upon you on your home address vide this office Endst: No.14195-99 dated 08.06.2018
4. Whereas your reply dated 12.6.2018 to the show cause notice dated 8.6.2018 was found unsatisfactory.
5. Whereas the District Education Officer (M) Swat being competent authority after having considered the charges and evidences on the record against you were proved.
6. Now, Therefore I Nawab Ali District Education Officer (M) Swat being competent authority do hereby impose upon you the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011 " the major penalty of "REMOVAL FROM SERVICE" under Rules 4 (b) (iii) with immediate effect in the interest of public service.

(NAWAB ALI)
DISTRICT EDUCATION OFFICER (M)
SWAT

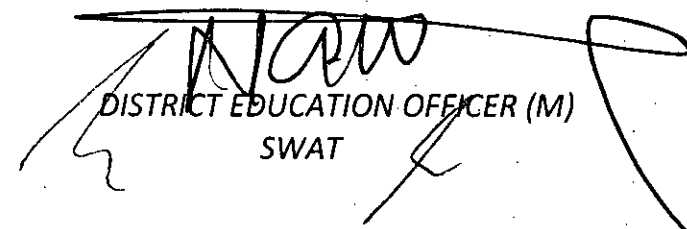
Endst: No: 754-60 /P.F/Show Cause Notice/PST/DEO/M.

Dated 31/7/2018.

Copy forwarded to:

- 1- The Director Elementary & Secondary Education KPK Peshawar w/r to his letter No2580/F.No.9/Enquiry of Abdul Karim with the request that the pay can not be drawn due to removal from service being absent from duty since long.
- 2- The District comptrollers of Account Swat at Saidu Sharif.
- 3- The District Monitoring Officer Swat.
- 4- The Sub Divisional Education Officer (M) Barikot Swat with the direction to make necessary entry in original service book under intimation to this office.
- 5- ASDEO (M) concerned with the direction to serve the order on the accused teacher.
- 6- P.A to District Education Officer (M) Swat the local office.
- 7- The teacher concerned.

31/7/2018


DISTRICT EDUCATION OFFICER (M)
SWAT

31/7/18



FIA Report

Annex-D

40
6

OFFICE OF THE DEPUTY DIRECTOR
FEDERAL INVESTIGATION AGENCY
IMMIGRATION AIRPORT PESHAWAR
PH: 091-9213372

Immigration 20178 151

Dated: 2/3/2018

The Sub Divni: Edu: Officer (M)
Tehsil Barikot District Swat.

PASSPORT COPY OF KARIM KHAN PST SINC (27-12-199 TO DATE)

Please refer to your office letter No 313 dated 14-02-2018 on the subject noted

Enclosed please find herewith Travel History in the name of Karim Khan s...
Khel holder of CNIC No. 1560215530771, provided by Assistant Director IBMS Peshawar
for kind perusal and further necessary action.


For / DEPUTY DIRECTOR / FIA
IMMIGRATION BKIA PESHAWAR

Copy to the:

Director FIA KP Peshawar w.r. to your office endorsement No. FIA / KPK / 2018/1634 dated 15-02-2018.

OFFICE OF THE SUB:DIV:EDU; OFFICER(M) TEHSIL BARIKOT SWAT

No: 123-24

Dated: 18/3/2017

To,

The District Education Officer (M)
Gul Kada Swat

Subject: Report for cancellation of long leave (275) days in r/o Mr Karim Khan SPST
GPS Dedawar Tehsil Barikot swat.

Memo:

Long leave (275) days has been granted to Mr Karim Khan SPST GPS Dedawar Tehsil Barikot through your office order. Endst: 4643--45 /PF/66/karim khan/PST/M dated: 04-02-2017

Detail report is penned down about the matter.

1-As it is must and legal to submit service book, in case of taking long leave, but Mr Karim Khan has by passed the office of the undersigned, because service book does not reflect any official proceeding, through it is lying over here in the office yet.

2-The teacher was first posted at GPS Gato tangay and was transfered to GPS Dedawar by the former DEO (M) swat Hafiz Dr M Ibrahim by dint of shirking work and exploiting his legal duties, with the aim of bringing him under close observation of the visiting officers. Further more he is playing double game and performing services as seaman while showing no interest in Govt: duties, resultantly he has been lacerating both Govt treasure and killing the precious time of the innocent kids of the nation.

3-The teacher concerned has a bad reputation through out his service period and also availed long leave before if his S/B is seen. So he is not deserved of such sort of long leave to be granted.

The undersigned would like to draw your kind considration toword the matter to call Mr Karim Khan back to his duties as it is his utmost responsibility and leave granted may kindly be cancelled.


SUB:DIV:EDU; OFFICER (M)
TEHSIL BARIKOT SWAT

Copy forwarded for information and necessary action Deputy District officer(M) swat.


SUB:DIV:EDU; OFFICER (M)
TEHSIL BARIKOT SWAT

NO: 347

Dated: 17/11/2017

Annex-F

~~957~~

17/11/2017

7

To

The District Education Officer (M. Swat)

Subject: Special report in r/o Mr. Karim Khan SPST GPS Rangila (Bar Cham)

Memo:

I have the honour to bring in your kind notice that Mr. Karim Khan SPST GPS Rangila Bar Cham Teh: Barikot has been coming fraudulent, stained, shirker and corrupt since his taking over charge in the Education Deptt: He shows no interest to execute his bounden duty and often remains absent from his duties. He is playing double game and performing services as seaman while showing no interest in Govt: duties, resultantly he has been lacerating both Govt: treasure and killing the precious time of the innocent kids of the nation.

He often brushed aside the directions given and made fun of it showing his stubbornness, refractoriness and disobedience.

The detail of his irregularities and fraudulence throughout his service period from the available record is penned down as:

| Dates | Nature of Leave | Position of Leave | Remarks |
|----------------------------|-------------------|-------------------|---|
| 8 & 9/3/2000 | On duty | | No proof |
| 21 to 31 /3/2000 | On duty (11 days) | | No proof |
| 1/7/2000 to 3/7/2000 | C/Leave | | C/Leave availed on 3/7/2000 and summer vacation began from 4/7/2000 so as per rules he availed the leave for the whole month. |
| 18,19,20,21, and 22/9/2000 | On duty | Unauthorized | No proof |
| 23/12/2000 | C/Leave | | C/L availed on 23/12/2000 and winter vacations began from 24/12/2000 so as per rules he availed |

~~Supdt (E)~~
For immediately
put up on file
Naw
17/11/17

~~3579~~
18/11/17

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (M) TEHSIL BARIKOT SWAT

8

~~20~~

~~45~~

| | | | |
|---|--|--------------|---|
| 3,10,13,14,15,16,17,19,20/3/2001 | C/Leave | Unauthorized | Unauthorized leave w.e.f 23/12/2000 to 28/2/2001 |
| 16/4/2001 to 25/4/2001 | On duty (10 days) | Unauthorized | Against Leave Rules |
| 16,18,20,21,22,23,24,25,27,28,29,30, and 31 /8/2001 | C/Leave | Unauthorized | Against the leave rules |
| Sep 1 to Nov 16/2001 | In the attendance register his boxes are lying blank | | Against the leave rules |
| March 1 to March 31/2002 | Absent for the whole month | | No sign and no entries in the attendance register for the mention period |
| March 2002 to March 2003 | Absent / disappeared | | Marked absent by the circle ASDEO and SDEO (M) as well. |
| 10/5/2014 to 14/5/2014 | On duty | Unauthorized | No sign and no entries in the attendance register |
| 4,5,7,8,9,10,11,12,18,19,23,24,28,29/6/2004 | C/L | Unauthorized | No proof |
| 15/12/2005 & 16/12/2005 | Absent | | Against the leave rules |
| Sep, Oct and Nov 2013 | Absent | | Marked absent by circle ASDEO |
| March to June 17/2013 | Absent | | Marked absent by circle ASDEO |
| 25/8/2014 to 29/8/2014 | C/L | Unauthorized | Was marked absent by cluster in charge Mr. Zafarudin principal CHSS Shamoza |
| 12/5/2015 to 16/5/2015 | On duty | | No proof |
| | | | No proof |

OFFICE OF THE SUB: DIVISIONAL EDUCATION OFFICER (M) TEHSIL BARIKOT SWAT

| | | | |
|-----------------------------|--------|--------------|---|
| 13/10/2015 to 31/10/2015 | Absent | Unauthorized | Marked absent in the attendance register by ASDEO and SDEO as well. |
| 1/11/2015 to March 2016 | Absent | Unauthorized | No proof and No entry |

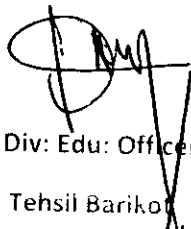
Beside this he has availed 7 times long leave on different occasion which entry has been made in his service book except the long leave that he had got fraudulently from the office of the DEO (M) vide order Endst NO 4643-45 PF/66/ Karim Khan/PST/M dated 04/02/2017.

As it is must and legal to submit service book in case of taking long leave, but Mr. Karim Khan has bypassed the office of the under signed, because service book does not reflect any official proceeding, though it is lying over here in the office of the under signed yet.

He was not deserved of such sort of leave to be granted. So a report regarding the matter was submitted to DEO (M) swat by this office vide letter Endst No 123-24 dated 18/03/2017 for the cancelation of leave and taking strict disciplinary action.

Although the leave was canceled by DEO (M) swat vide order Endst No 10835-40 dated 19/7/2017 and the teacher was called back to his duties but not an inquiry was conducted nor any punishment was given to him.

Reverend Sir! The under signed would like to say that the afore-said teacher has actually a bad reputation in department and in the public as well. So you are requested to take stern disciplinary action and give him exemplary punishment so that he may not repeat such a habitual exercise in the coming future.


Sub: Div: Edu: Officer (M)
Tehsil Barikot

Annex-6



10

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) SWAT

GRANT OF LEAVE

Sanction is hereby accorded to the grant of Extra ordinary leave in respect of **Mr. Karim Khan SPST GPS Dedawar District Swat** for the period with effect from **01/03/2017 to 15/12/2017 (275 days)** without pay as admissible to him under the leave rules 1981.

Necessary entries to this effect should be made in his S/Book and leave account from which are returned herewith.

(MOHAMMAD AMIN)
DISTRICT EDUCATION OFFICER (M)
SWAT

4643-45
Endst: No _____ / PF/66/Karim Khan/PST/M

Dated: 4/2/2017

Copy of the above is forwarded:-

1. The District Comptroller of Accounts Swat at Saidu Sharif.
2. The SDEO (M) Babozai Swat.
3. The SDEO (M) Barikot Swat.
3. The ASDEO Circle Concerned.
4. The teacher Concerned.


DISTRICT EDUCATION OFFICER (M)
SWAT

Leave Sanction GPS Dedawar
4/2/2017.



OFFICE OF THE DISTRICT EDUCATION
OFFICER (M) SWAT
(9240228-9240209)

Annex-
H.

11

**OFFICE ORDER.
CANCELLATION OF LEAVE.**

Consequent upon the report of Sub Divisional Officer (M) circle Barikot vide his letter No.123-24 dated 18.3.2017 and gone abroad/performing double services as seaman of Mr.Karim Khan SPST GPS Dedawar.

The leave already sanctioned with effect from 01.03.2017 to 15.12.2017 (275 days) without pay vide this office Endst:No.4643-45/P.F/66/Karim Khan/SPST/M Dated 04/02/2017 is hereby cancelled with immediate effect in the interest of public service & the official concerned is directed to join his duty immediately otherwise disciplinary actions be taken against him.

Necessary to this effect should be made in his original service book and other necessary documents.

(Mohammad Amin)
DISTRICT EDUCATION OFFICER (M)
SWAT

Dated 19/7/2017.

Endst:No. 10835-40 /PF/66/Karim Khan/SPST/DEO/M.

Copy forwarded to:

- 1- PA to Director E&SE KPK Peshawar.
- 2- DMO Swat.
- 3- The District comptrollers of Account Swat at Saidu Sharif.
- 4- The Sub Divisional Education Officer (M) Primary Swat w/r to his No & dated cited above & with the direction to ensure the attendance of the teacher concerned under intimation to this office.
- 5- P/A to District Education Officer (M) Swat the local office.
- 6- The teacher concerned.

~~Signature~~
DISTRICT EDUCATION OFFICER (M)
SWAT

Cancellation of
Sanctioned leave
19/7/2017

Annex-I

12

23/10/17

From:

The Enquiry Office/Principal GHSS Shamoza Swat.

To,

The DEO(M) Swat
At Saidu Sharif.

**Subject: ENQUIRY REPORT ABOUT MISPLACEMENT OF SERVICE BOOK
NAMELY Mr.MUHAMMAD KARIM SPST GPS DEDAWAR SWAT.**

Date of Enquiry: 14th & 18th October 2017.

Place of Enquiry: GPS Dedawar & SDEO (M) Circle Barikot Swat.

Caption of Enquiry: To probe into the matter of misplacement regarding Service Book.

Memo:

It is stated for your kind information that vide your Office No:2244-45 Dated: 28/09/2017 received on 08/10/2017. I visited the concerned offices to probe into the matter.

Procedure of Enquiry: To bring out facts. The following procedure was adopted.

- Mr.Muhammad Karim SPST GPS Dedawar was enquired orally and he also provided written statements in the form of questioners. He was directed to keep entire record of your Service. The Head Teacher of GPS Dedawar also shown attendance register - (Annexure-A)
- I also visited SDEO(M) Circle Barikot for this purpose. The SDEO(M) shown original Service Book of Mr.Muhammad Karim Khan SPST GPS Dedawar and requested that Service Book is incomplete thus attested photocopy of Service Book received from his office (Annexure-B+C)
- It was also observed that the said teacher is transferred to GPS ~~Shamoza~~ ^{Zarandaha} Vide Corrigendum No:2811-13 Dated:09/10/2017. (Annexure-D)

Conclusion:

The undersigned reached to the following conclusion. *hat*

1. Mr.Muhammad Karim recently readjusted at GPS Dedawar, and then at GPS ~~Shamoza~~ ^{Zarandaha} Swat.
2. Original Service Book is in the office of SDEO(M) Circle Barikot Swat.

Recommendation:

on the basis of findings and conclusion the following are recommendations.

- ✓ Necessary entries may please be made in original Service Book.
- ✓ The teacher concerned may be directed to keep record in written form while handling Service Book to any office/Concerned.
- ✓ The case may please be closed/filed regarding misplacement of Service Book.

30/9/17
28/10/17

Signature
Principal
PRINCIPAL, Govt. Higher Secondary School
G.H.S.S, Shamoza Swat
Distt: Swat.

visit by
SDEO (M)

Tehsil
Barikot (حصہ دوم)

Annex-J

لاگ بک

13

81

رپورٹ کی روشنی میں سکول انٹارٹ
نے جو کارروائی کی

رائے / رپورٹ معاہدہ

رپورٹ کی روشنی میں سکول
نے جو کارروائی کی

29/11/2017

29/11/2017

The undersigned visited the school on 29/11/2017 at 10 AM. The school was functional, the teaching learning process was in pleasant environment.

The school consist of three teachers one is headmaster, and the other two are @ Karam Khan and Naved Ali.

It is my secret visit to this school. That Karam Khan spst was absent on both the occasions.

Now he is absent since 13-11-2017 he is still absent.

The head teacher is arrogant and punctual.

He is not interested in his assign duties.

So I recommended him to the high upa to remove him from services under E & D rules 2011. And make full length recovery from him of his absent period, which is more than 100 days full service.

- 1) Copy to D.C.C.M. Swat.
- 2) Copy to Deputy Commissioner Swat
- 3) Copy to Anti Corruption KPK.

Sub Div. Edu. Office
Tehsil Barikot District Swat

Visit by
SDEO (M)
Tehsil Barikot

لاگ بک

Annex-K

14

1-3-18

رپورٹ کی روشنی میں
نے جو کارروائی کی

راٹے / رپورٹ معاہدہ

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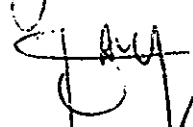
The undersigned visited the school on 1-03-2018. The school was functional.

But the head teacher of the school Mr. Aziz Ahmad was absent although he had his sign in his box of attendance register but was intentionally absent and also marked in search time. but it was too early about 10:40 AM.

So he is directed to explain the reason of his will full absence.

The other teacher Karim was also absent. He is also will full absent since long.

1) advised the teacher to take keen interest in the teaching learning process of the students.


1-03-2018
Sub Divnl: Edu: Officer (M)
Tehsil Barikot District Swat.

Visit by
SDEO (M)

Tehsil
Barikot

(حصہ دوم)

لاگ بک

Annex-L

15

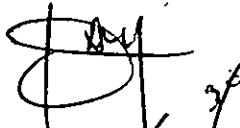
رپورٹ کی روشنی میں
نے جو کارروائی

رہنہ / رپورٹ معاہدہ

30/6/18

The undersigned visited
the school on 30 June 2018.
Law school was functional.
The school staff consist of
three teachers, two were
present, but Karim Khan
is still absent from his
duties.
He is directed to attend his
duties, otherwise strict dis-
iplinary action will be taken
against him; and I recommend
him to remove him from
his services under ESID
rules 2011.

30 June
2018


Sub Divnl. Edu. Officer (M)
Tehsil Barikot District Swat

Joint visit by
Dy-DEO (M) Swat &
SDEO (M) Tehsil Barikot

LPS Barchimp
Rangela

لاگ بک

16

Annex-M

رپورٹ کی روشنی میں سکول امتحان کے
نے جو کارروائی کی

رائے / رپورٹ معائنہ

رپورٹ کی روشنی میں
نے جو کارروائی

16/5/2018

The undersigned visited LPS Chawli on 16-5-2018 11:00 AM, along with Mustaan sb SDEO (M) Barikot. At entrance gate, the chawli was found and he was absent, this In teachers only 2 teachers were found present - Mr. Karim Khan was found absent since 14-11- He has been marked and kept absent by the SDEO (M), 2 during this period. The student was

| Kd | 1st | 2nd | 3rd | 4th | 5th |
|----|-----|-----|-----|-----|-----|
| 21 | 25 | 19 | 18 | 16 | |
| 23 | 30 | 26 | 25 | 24 | |

The undersigned inspected the class and observed that dumps of FT are scattered here and there the class rooms. The covered area the school is less than the require 2 Kanals. The school was found very dirty. The teaching was not conceptual and SLO based and the students cannot be

لاگ بک (حصہ دوم)

17

راٹے / رپورٹ معائنہ

رپورٹ کی روشنی میں
نے جو کارروائی

dispense
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for last
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Simple lessons and the teaching is found not conceptual and comprehensible. The CRC & PTR has not been utilized properly. No quotations are on record for the purchase of Solar panel. According to PSHT, some amount is cash in hand, which is 28500 which exceeds the prescribed limit. The following camp/spot decisions are hereby ordered.

- 1- Show cause to be issued to Karim Khan for the absent period and previous reports.
- 2- 10 day pay deduction is ordered from the Chawkidar for his absence and dirty school.
3. PSHT is hereby directed to explain his absence on 29/3/18 and loose discipline and

16-5
DU/DEO
Sw

لاگ بک (حصہ دوم)

18

76

رپورٹ کی روشنی میں سکول انٹنارٹ
نے جو کارروائی کی

رائے / رپورٹ معائنہ

رپورٹ کی روشنی میں سکول
نے جو کارروائی کی

16/5/2018

dirty conditions and dispersed
position of the ETB within 3
days.

4. Bank statement, expenditure
and PTC record for last
3 years may be provided
to SDEO for audit.
5. SDEO is directed to implement
the decisions.

16-5-2018
SDEO (M)
Barikuc
Swat

16-5-
Dy/OEO
Swat

OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE) 70
DISTRICT SWAT 19

Email: emisswat@gmail.com, Phone No. 09469240228

Office order/ Show Cause Notice:

Annex-N

I, Nawab Ali District Education officer (M) Swat, the Competent Authority under the Khyberpukhtun Khawa Government Servant Efficiency & Disciplinary, Rules 2011, do hereby serve upon you, Mr Karim Khan PST GPS Cham Rangila Swat, this show cause notice as follows:-

1. Consequent upon the report of DDEO (M) Swat, recorded on the school logbook of GPS Cham Rangila, Dated: 16-5-2018, you Mr Karim Khan PST GPS Cham Rangila have committed the following shortcomings while your service.
2. You remained wilful absent from your duty since 14-11-2017.
3. You did not comply your posting order No. 3162-63, Dated: 16-10-2017, in letter and spirit.
4. As per previous record and report of the concerned SDEO, you are irregular, non-punctual and disobedient teacher and you have you have proceeded abroad Pakistan while in your service several times without proper permission and leave.
5. You proved an inefficient, disobedient, corrupt and subvert teacher and have wasted the precious time of the students.

While going through the material on record, my personal observation and report of the concerned officers, the allegations levelled against you have been proved under the provisions of E& D Rules 2011.

As a result thereof, I as the Competent Authority, have tentatively decided to impose upon you one or more penalties mentioned in Rule 4 (b), (i) to (iv) of the ibid Rules.

You are, therefore, required to show cause as to why major or minors penalty provided in the aforesaid Rules should not be imposed upon you and also intimate whether you desire to be heard in person.

If no reply to this office is received within 07 days of delivery of this show cause, it shall be presumed that you have no defense to put in and in that case Ex-parte action will be taken against you.

(Nawab Ali)
District Education Officer (M)

Endorsement No. 14195-99

Dated: 07/16/2018 Swat.

Copies for information and necessary action forwarded to the:

1. Director Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Commissioner Swat.
3. The DMO Swat District Swat.
4. DDEO (M) Swat with reference to his report dated 16-5-2018.
5. P.A to District Education Officer (M) Swat local Office.
6. SDEO (M) Barikot, with the directions to provide the relevant record with his own comments and to hand over show cause notice to the teacher concerned properly, under intimation to this office.
7. Official concerned.
8. Office file.


Deputy District Education Officer (M)
Swat.

(37)

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74

**BEFORE THE PESHAWAR HIGH COURT MINGORA
BENCH (DARUL QAZA) AT SWAT**

Annex-0

W.P No 219 M of 2018

Karim Khan son of Shah Khalil

Resident of Chungai, Shamoza, Tehsil Barikot,

District Swat

.....Petitioner



VERSUS

1. Govt. of KPK through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
2. Director Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
3. District Education Officer (M) District Swat.
4. Abdul Mastan SDEO (M) Tehsil Barikot, District Swat.

.....Respondents

**WRIT PETITION UNDER ARTICLE 199 OF
THE CONSTITUTION OF ISLAMIC
REPUBLIC OF PAKISTAN, 1973.**

Respectfully Sheweth,

The facts of the instant case are as under:-

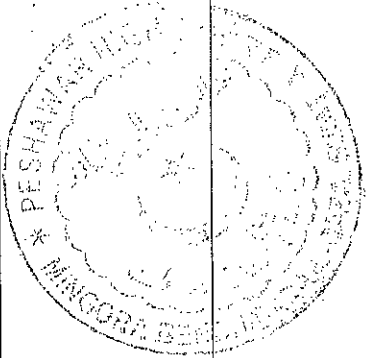
- 1) That the petitioner is a regular employee of the Education Department currently posted at GPS Dedawar, Tehsil Barikot, District Swat.

~~(38)~~ ~~79~~
PESHAWAR HIGH COURT, MINGORA BENCH/
DAR UL QAZA, SWAT
FORM OF ORDER SHEET

Court of

Case No. of

21

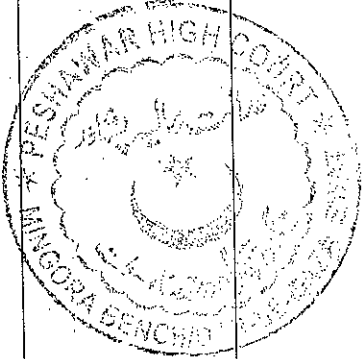
| Serial No. of order or proceeding | Date of Order or Proceedings | Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary. |
|--|------------------------------|--|
|  | 21.03.2018 | <p><u>W.P. No. 219-M/2018</u></p> <p>Present: Mr. Arshad Khan, Advocate for the Petitioner.</p> <p style="text-align: center;">***</p> <p><u>MOHAMMAD IBRAHIM KHAN, J.-</u> Karim Khan</p> <p>the Petitioner herein, is imploring the constitutional jurisdiction of this Court with the following perspective prayer:-</p> <p style="text-align: center;"><i>"It is therefore humbly prayed that on acceptance of this writ petition, to issue directions to the respondent department:-</i></p> <ol style="list-style-type: none">1. To release the salary of Petitioner since august 2017 till date.2. To issue directions to the Respondent No. 3 to make adjustment of the Petitioner at GPS School Zara Khela.3. To handover the service book illegally retained by the Respondent No.3.4. Any other relief which this Honorable Court deems fit and proper in the circumstances may also be very kindly granted. <p style="text-align: center;"><i>Wal</i></p> |

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22

2. Arguments of learned counsel for the Petitioner heard in motion and available record perused with his able assistance.

3. From perusal of the record and contention raised by learned counsel for the Petitioner, it transpires that in essence the Petitioner is aggrieved from his repeated transfer orders from one school to another during the shortest span of time. He has also prayed for release of his salary coupled with request for adjustment at the school of his choice i.e. GPS Zara Khela and handing over of service book for necessary entries. But as the above-referred matters relate to terms and conditions of his service, for which the competent forum is the Khyber Pakhtunkhwa Service Tribunal constituted under Service Tribunals Act, 1973. The jurisdiction of all other Courts including the High Court is specifically ousted because of the provision contained in Article 212 (2) of the Constitution. So, the prayers of the Petitioner in view of *ibid* Article



1/2

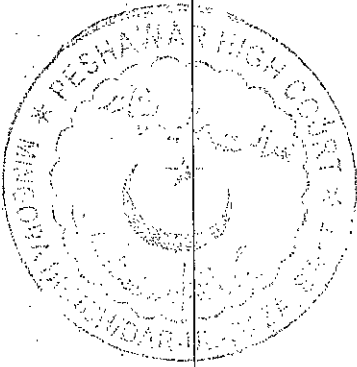
~~110~~~~71~~

212 (2) could not be acceded to, which reads as under: -

23

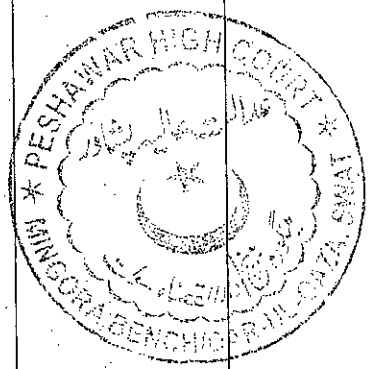
(2) Notwithstanding anything hereinbefore contained where any Administrative Court or Tribunal is established under clause (1), no other court shall grant an injunction, make any order or entertain any proceedings in respect of any matter to which the jurisdiction of such Administrative Court or Tribunal extends and all proceedings in respect of any such matter which may be pending before such other court immediately before the establishment of the Administrative Court or Tribunal; other than an appeal pending before the Supreme Court, shall abate on such establishment.

4. Similarly, Section 4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974



~~(11)~~~~10~~

26



provides a complete procedure to the Petitioner in such like circumstances. According to the said Section any civil servant aggrieved by any final order upon presentation or departmental appeal, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his/her service, may within thirty days of the communication of such order to his/her or within six months of the establishment of the appropriate Tribunal; whichever is later, prefer an appeal before the Tribunal having jurisdiction in the matter.

5. As admittedly transfer is one of the terms and conditions of civil servant as defined in Chapter-II Section 10 of Civil Servants Act, 1973, therefore, this Court lacks jurisdiction to entertain the writ petition challenging the transfer orders.

6. Consequently, this writ petition being not maintainable before this Court is hereby dismissed in limine. However, the Petitioner

~~(42)~~

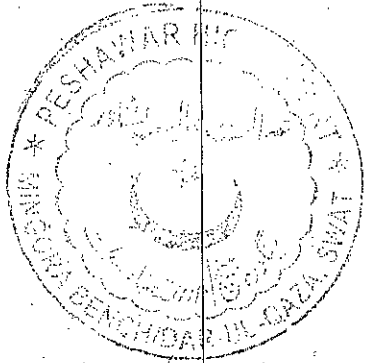
~~42~~
(25)

would be at liberty to approach the proper forum for redressal of his grievances, if need be.

Announced
Dt. 21.03.2018.

JUDGE

JUDGE



S.No. 28
Name of Applicant U. I. Khan
Date of Presentation of the Petition 26.3.18
Date of Copy of Order of Court 26.3.18
No of Copies 6 P
Fees Paid 12/-
Date of Delivery of Copies 26.3.18

Certified to be true copy

EXAMINER

Muhammad Nadeem Khan, A. S. P. Peshawar Bench of the High Court of Swat
Peshawar Bench of the High Court of Swat

26/3/18

Office
22/03/18

(For use in Police Department only)

~~18~~

26

Heirs,

Service Book
of Mr. Karim Khan
Bor Chum Rangla
Suamgo Swat

- 1.
- 2.
- 3.

Verification Roll No. dated received back

Passed F.Sc. Exam, in 1992,
under Roll NO. 19211 obtaining
457 Marks out of 1100. and was
placed in grade D.

passed S.S.C (Science) Exam
under Roll NO 33547 obtaining
out of 850. and was placed
in grade "B"

[Signature] Left thumb-impression. *[Signature]*
Sub Divisional Edu. Officer (M) Sub Divisional Edu. Officer (M)
SWAT. SWAT.

| Qualification | Date | Qualifications | |
|-------------------|--|----------------------|--|
| English | passed B.A Exam, 2002 under Roll no. 31387 obtaining 26 marks out of 550 and was placed in grade "D". | First Arts | passed P.T.C. Exam in obtaining 739 marks and was placed in 15. The result was declared B. L. or B. A. 13.5.97. He was at Elementary Col Swat as regular Pleadership examination His Roll No was |
| Pashtu | <i>[Signature]</i> | | |
| Urdu | <i>[Signature]</i> Dy. Distt: Edu. Officer (M) SWAT. | Training School | <i>[Signature]</i> Sub Divisional Edu. Officer SWAT. |
| Plan-drawing | passed B.Sc Exam in Session 2002 (15) under Roll no. 2628 scoring | Other qualifications | |
| Finger print | 228 marks out of 550 marks and was placed in 7th division | | |
| Drill-instructing | <i>[Signature]</i> Dy. Distt: Edu. Officer (M) SWAT. | | |
| Court duties | | | |
| Reserve duties | | | |

Note:—The entries in this page should be renewed or re-attested at least every five years and the signature lines 9 and 10 should be dated.

1. Name *M2. Karim Khan*

Dy. Distt. Edu. Officer (SWAT.)

2. Race *AFGHAN*

3. Residence *village chungai p.o Zarakhela Teh: Barikot Distt: SWAT*



4. Father's name and residence *M2. Shah Khel village chungai p.o Zarakhela Teh: Barikot Distt: SWAT*

5. Date of birth by Christian era as nearly as can be ascertained *.. 2.1. 1971 (2nd January N.H x seventy one)*

6. Exact height by measurement *5-7*


7. Personal marks for identification *NIL*

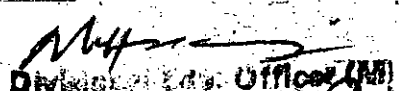
8. Left hand thumb and Finger impression of (non-gazetted) officer

Little Finger.  Ring Finger 

Middle Finger.  Fore Finger 

Thumb. 

9. Signature of Government servant 

10. Signature and designation of the Head of the Office, or other Attesting Officer.

Sub Divisional Edu. Officer (M)
BAIDU SHARIF, SWAT.

90
Mark
Tours

10
Tours
with

26
66

| 1 Name of Post | 2 Whether substantive or officiating and whether permanent or temporary | 3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R. | 4 Pay in substantive Post | 5 Additional Pay for officiating | 6 Other emolument falling under the term "Pay" | 7 Date of Appointment | 8 Gov |
|---|--|--|---|-------------------------------------|---|--------------------------|----------|
| Post P.T.C. GPS Shinkay (Shankar) Sawai | Substantive Permanent | | BPS-7 Rs. 1480-81-2695 Rs. 1480/- | | | 1/3/2000 | Karu |
| do | do | Rs. 1642/- | | | | 1/3/2000 | Karu |
| do | do | Rs. 1723/- | | | | 1/12/2000 | Karu |
| do | do | Rs. 1723/- | | | | 16/11/2001 | Karu |
| do | do | Rs. 1804/- | | | | 1/12/2001 | Karu |
| PTC GPS Shinkay | Substantive Permanent | BPS-7 | Rs. 1480-81-2695 Rs. 1480/- | | | 1/3/2000 | Karu |
| do | do | Rs. 1642/- | | | | 1/3/2000 | Karu |
| do | do | Rs. 1723/- | | | | 1/12/2000 | Karu |
| Adjusted do | do | Rs. 1723/- | | | | 16/11/2001 | Karu |
| do | do | Rs. 1804/- | | | | 1/12/2001 | Karu |

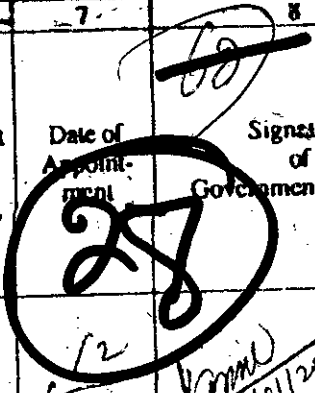
| 9 | 10 | 11 | 12 | 13 Leave | | 14 | 15 |
|---|--|--|--|---|--|--|---|
| Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8 | Date of termination of appointment | Reason of termination (such as promotion, transfer, dismissal, etc.) | Signature of the head of the office or other attesting Officer | Nature and duration of leave taken | Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government | Signature of the head of the office or other attesting off. | Remarks |
| | | | | | Period | Government to which debitable | |
| <p><i>Mulla</i> S.D.E.O. (M) SAIDU SHARIF</p> | <p>Allowed 2 Adv. inc. on P.A. w.e.f. 1-3-2000</p> | | <p><i>Mulla</i> S.D.E.O. (M) SAIDU SHARIF</p> | | | | <p>Appointed against P.C. post vide D.E.O. (M) primary Swat office Encl No. 6094-6214 dated 27/12/1999 shown on S.No. 41.</p> |
| <p><i>Mulla</i> S.D.E.O. (M) SAIDU SHARIF</p> | <p>30/11/2000</p> | <p>Ann. Done</p> | <p><i>Mulla</i> S.D.E.O. (M) Saidu Sharif</p> | | | | |
| <p><i>Mulla</i> S.D.E.O. (M) Saidu Sharif</p> | <p>30/11/2000</p> | <p>Ann. Done</p> | <p><i>Mulla</i> S.D.E.O. (M) Saidu Sharif</p> | | <p>Sanction of Adv. inc. Allowed 2 adv. inc. on P.A. in the 3rd Div on c.p. 1-3-2000 vide D.E.O. (M) Swat Encl No 3823-24 dated 12/8/2000 at S.No. 6</p> | <p><i>Mulla</i> Sub Div. Officer (M) SAIDU SHARIF, SWAT</p> | |
| <p><i>Mulla</i> S.D.E.O. (M) Saidu Sharif</p> | <p>All Entries revised due to cutting.</p> | | <p><i>Mulla</i> S.D.E.O. (M) Saidu Sharif</p> | | | <p><i>Mulla</i> Sub Div. Officer (M) Saidu Sharif Sub Div.</p> | |
| <p><i>Mulla</i> Dy. D.O. (M) Pry: Swat</p> | <p>Allowed 2 Adv. inc. on P.A. w.e.f. 1-3-2000</p> | | <p><i>Mulla</i> Dy. D.O. (M) Swat</p> | | | | |
| <p><i>Mulla</i> Dy. D.O. (M) Pry: Swat</p> | <p>30/11/2000</p> | <p>Ann. Done</p> | <p><i>Mulla</i> Dy. D.O. (M) Pry: Swat</p> | <p>Vokes No 1215 Dated 8-1-2001 Drawn difference of pay w.e.f. 1-3-2000 to 30-9-2000</p> | | | |
| <p><i>Mulla</i> Dy. D.O. (M) Swat</p> | <p>31/8/2001</p> | <p>Proceeded on Eff. w.o. pay</p> | <p><i>Mulla</i> Dy. D.O. (M) Pry: Swat</p> | <p>Total Rs. 1213/-</p> | | <p><i>Mulla</i> Distt. Officer (M) Swat</p> | |
| <p><i>Mulla</i> Dy. D.O. (M) Pry: Swat</p> | <p>30/11/2001</p> | <p>Ann. Done</p> | <p><i>Mulla</i> Dy. D.O. (M) Pry: Swat</p> | | | | |
| <p><i>Mulla</i> Dy. D.O. (M) Pry: Swat</p> | <p>12/1/2001</p> | <p>Revision of pay scale at 1/1/2001</p> | <p><i>Mulla</i> Dy. D.O. (M) Pry: Swat</p> | <p>Serial Verified w.e.f. to 30-9-2001 from Acq. Roll & other Record of this office</p> | | | |
| <p><i>Mulla</i> Dy. D.O. (M) Pry: Swat</p> | <p>W.e.f. 16-11-2001</p> | <p>Ann. un-availled</p> | <p><i>Mulla</i> Dy. D.O. (M) Pry: Swat</p> | <p>Sanction is hereby accorded to the grant of earn leave w.e.f. 31-8-2001 to 23-12-2001 vide D.O. (Adv. Insp. Encl No. 3988-92 dated 29-12-2001.</p> | | <p><i>Mulla</i> By: Distt. Officer (M) Pry: Swat</p> | <p>1</p> |
| <p><i>Mulla</i> Dy. D.O. (M) Pry: Swat</p> | <p>23-12-2001</p> | <p>Ann. hereby cancelled</p> | <p><i>Mulla</i> Dy. D.O. (M) Pry: Swat</p> | | | | |

(14)
27

| 1 Name of Post | 2 Whether substantive or officiating and whether permanent or temporary | 3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R. | 4 Pay in substantive Post | 5 Additional Pay for officiating | 6 Other emolument falling under the term "Pay" | 7 Date of Appointment | 8 Governor |
|-------------------------------|--|--|------------------------------|-------------------------------------|---|--------------------------|---------------|
| PTC. GPS Shankay. | Sub: Posts. | - | Rs 2700/- | ✓ | | 12/2001 | Kari |
| A | do | | Rs 2700/- | ✓ | | 3/2002 | Kari |
| Adjusted do - | do | | Rs 2700/- | ✓ | | 3/2003 | Kari |
| | | | | ② FA | | | |
| | | | Pay fixed at Rs 2700/- | | 5820 | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Adjusted at GPS Shankay | do | | Rs 2700/- | | | 03/2003 | K |
| A | do | | Rs 2820/- | ✓ | | 01/12/2003 | K |

② FA
Accounts Officer
Pay Director Party HWPP, Poshwal

| Signature and designation of the head of the office or other attesting officer in columns 1 to 8 | Date of termination of appointment | Reason of termination (such as promotion, transfer, dismissal, etc.) | Signature of the head of the office or other attesting Officer | Nature and duration of leave taken | Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government | | Signature of the head of the office or other attesting officer | Reference to records, measure, or praise of Government Service | |
|--|------------------------------------|--|--|---|---|--|--|--|--|
| | | | | | Period | Government to which debitable | | | |
| <i>[Signature]</i> Dy: D.O. (M) Pry: Swat | 28-2-2002 | Proceeded | <i>[Signature]</i> D.D.O. (M) Pry: Swat | | | Sanction accorded to the grant of leave w.e.f. 31-8-2001 to 23-11-2001 = 115 days in full pay vide D.O. (M) Pp. 87 & 88, nos. 1531-33 dt. 8-10-2001. | | | |
| <i>[Signature]</i> D.D.O. (M) Pry: Swat | 28-2-2003 | Adjusted | <i>[Signature]</i> D.D.O. (M) Pry: Swat | | | | | | |
| <i>[Signature]</i> D.D.O. (M) Pry: Swat | 28-2-2003 | Entry revid | <i>[Signature]</i> D.D.O. (M) Pry: Swat | | | | | | |
| | | | | | | Dy: Distt: Officer (M) Pry: Swat. | | | |
| | | | | | | Report on Pay Fixation in Revised P.P. No. 7-2222-120-582 @ Rs. 2700/- W.e.f. 1-12-2001 vide P.O. (P.T.C.) 1-1/2001 dated 27-10-2001 Pay in Existing Scale Rs. 7... on 30-11-2001 Rs. 1722 Annual Increment in existing pay scale Rs. 81... TOTAL PAY Rs. 1804/- Next Annual Increment on 1-12-2001 Rs. 2700/- Next Annual Increment on 1-12-2002 Rs. 2820/- | | | |
| <i>[Signature]</i> Distt: Officer Pry: Swat | 30-11-2003 | Amman | <i>[Signature]</i> D.D.O. (M) Pry: Swat | | | (Sanction to the grant of 15/leave Sanction is hereby accorded to the grant of Earned leave w.e.f. 1-3-2002 to 365 days without pay vide E.D.O. by/edu order dated 15/4/02 dated 15/4/02 | | | |
| <i>[Signature]</i> | 30-11-2003 | Amman | <i>[Signature]</i> D.D.O. (M) Pry: Swat | | | Dy: Distt: Officer (M) Pry: Swat. | | | |
| C.A. No. 8433... Drawn difference of pay w.e.f. 1-3-2003... to 30-11-03... due to... Total Rs. 20,520/- | | | | Adjusted at GPS, Shinkai w.e.f. 1-3-2003, vide D.O. Smt No. 1393-95 dt. 28-5-03 | | | | <i>[Signature]</i> Dy: Distt: Officer (M) Pry: Swat. | |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------------------|---|---|-------------------------|--------------------------------|--|---------------------|--|
| Name of Post | Whether substantive or officiating and whether permanent or temporary | If Officiating, State (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R. | Pay in substantive Post | Additional Pay for officiating | Other emolument falling under the term "Pay" | Date of Appointment | Signature of Government |
| P.T.C. | | | | | | |  |
| G.P.S. Shankar | Subs/ per | | Rs. 2940/- | | | 12 1/2/06 | Kannu 13/01/2006 |
| do | do | R.B.P.S No-7 (2555-140-6755) | Rs. 3395/- | | | 7 1/2/05 | Kannu |
| do | do | | Rs. 3535/- | | | 12 1/2/05 | Kannu |
| do | do | | Rs. 3535/- | | | 15 11/06 | Kannu |

Departmental Pay Fixation in Revised

Pay Scale No. ---
 @ Rs. 2840-160-7240
 WEF 1-7-2007 vide FD (PRC) 1-1-2007
 Dated Peshawar the July 20 2007

Pay in Existing Scale No. 7... on 30-6-07 Rs. 3537/-
 Equal/Next Stage in Revised Pay Scale... Rs. 3607/-
 Pay Fixed on 1-7-2007. Rs. 3607/-
 With Next Annual Increment on 1-12-2007 Rs. 4227/-

Dy: Distt: Officer (M)
 Pzy: Swat

3395/05
 4060/07
 5207/08

OFFICE OF THE ACCOUNTANT GENERAL
 PESHAWAR
 PAY FIXED IN THE R.B.P.S 2005

RS 2555-140-6755
 3395
 1-12-2005

Signature and designation of the head of the office or other attesting officer in columns 1 to 4
 Date of termination of appointment
 Reason of termination (such as promotion, transfer, dismissal, etc.)
 Signature of the head of the office or other attesting Officer
 Name and duration of leave taken
 Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government
 Signature of the head of the office or other attesting officer
 Reference to Government

| | | | | | | |
|---------------------------|------------|---------------------|---------------------------|---|---------------------------|---|
| Dy: D.O. (M) Pri: Swat | 30-6-2005 | Scale Revised | Dy: D.O. (M) Pri: Swat | Departmental Pay Fixation Pay Scale No. 7 Rs. 2555 - 6755 | Dy: D.O. (M) Pri: Swat | Revised 1-2005 2940/- 3395/- 3395/- |
| Dy: D.O. (M) Pri: Swat | 30-11-2005 | Ann: 2nd | Dy: D.O. (M) Pri: Swat | Pay Fixation Rs. 7 3395/- | Dy: D.O. (M) Pri: Swat | 3395/- 3535/- |
| Dy: D.O. (M) Pri: Swat | 9-3-06 | Proceeding on Leave | Dy: D.O. (M) Pri: Swat | Pay Fixation Rs. 7 3395/- | Dy: D.O. (M) Pri: Swat | 3535/- |

Dy: D.O. (M)
 Pri: Swat
 30-4-2006
 Ann: 2nd
 not allowed
 D.D.O. (M)
 Pri: Swat

T 452 pay all...
 7/2 wef 15-11-06 to 31-07-07
 Rs 1664/-
 left off 460/-
 net 1604/-
 15/11/06
 31/07/07

UNDERTAKING
 I Mr. Karam Khan working
 as P.T.C. - Post of...
 do hereby declare that the...
 effect of the...
 recovery from my Pension...

(3) Sanction accorded to the
 grant of leave wef 10-3-06
 to 14-11-06 = 250 days W/O
 pay with EDO (S+L) Swat
 Endst. No. 8403-4 dated
 2-11-06

ATTESTED
 Signature of Govt. Servant
 Dy: District Officer (M)
 Primary, Swat Saidu Sharif

693/3/10
 133 pay for 2/07 adjusted
 4/9
 10/07

Dy: District Officer (M)
 Primary, Swat Saidu Sharif
 Return from leave dated
 at SPS Shukray wof 13/11/06
 EDO S/C Endst. No. 239 at 2/10

| 1 Name of Post | 2 Whether substantive or officiating and whether permanent or temporary | 3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R. | 4 Pay in substantive Post | 5 Additional Pay for officiating | 6 Other emolument falling under the term "Pay" | Date of Appointment Sign Government |
|------------------------------|--|--|------------------------------|-------------------------------------|---|--|
| GPS ^{PT} Shinkay | Sub /per | | Rs 3535/- | BPS 7 (2555-1140-6755) | | 12/2006 <u>Kom</u> |
| do | do | | Rs 4060/- | BPS 7 (2840-160-7740) | | 12/2007 <u>Kom</u> |
| do | do | | Rs 4220/- | | | 12/2007 <u>Kom</u> |
| do | H | | Rs 4325/- | BPS 9 (3820-230-10720) | | 12/2007 <u>Kom</u> |
| do | H | | Rs 4135/- | | | 12/08 <u>Kom</u> |
| do | | | 5200/- | | | 12/08 <u>Kom</u> |
| do | | | 5430/- | | | 12/08 <u>Kom</u> |

cutting attached

GRANT OF LEAVE
Dy. District Officer (M)
Schools & Literacy, Swam

Sanction is allowed to the effect of leave from 20-12-2011 to 19-10-2012 (365) days with and vide EDO DLS, Swam, no. 7648-44 dated 07-10-11.

| Signature and attestation of the head of the office or other attesting officer in columns 1 to 8 | Date of termination of appointment | Reason of termination (such as promotion, transfer, dismissal, etc.) | Signature of the head of the office or other attesting Officer | Period and duration of leave taken | Leave on average pay upto four months for which leave salary is debitable to another Government | | Signature of the head of the office or other attesting officer | Recorded as or correct or practice Government |
|--|------------------------------------|--|--|------------------------------------|---|-------------------------------|--|---|
| | | | | | Period | Government to which debitable | | |
| <i>[Signature]</i> D.D.O. (M) Pry: Swat. | 30/6/2007 | Scale Revised | <i>[Signature]</i> D.D.O. (M) Pry: Swat. | | | | | |
| <i>[Signature]</i> D.D.O. (M) Pry: Swat. | 11/11/2007 | AMM up graded | <i>[Signature]</i> D.D.O. (M) Pry: Swat. | | | | | |
| <i>[Signature]</i> D.D.O. (M) Pry: Swat. | 10/15-12-07 | Emt/Priso | <i>[Signature]</i> D.D.O. (M) Pry: Swat. | | | | | |
| <i>[Signature]</i> D.D.O. (M) Pry: Swat. | 30/6/08 | Flawed | <i>[Signature]</i> D.D.O. (M) Pry: Swat. | | | | | |
| <i>[Signature]</i> D.D.O. (M) Pry: Swat. | 30/4/08 | not allow | <i>[Signature]</i> D.D.O. (M) Pry: Swat. | | | | | |
| <i>[Signature]</i> D.D.O. (M) Pry: Swat. | 30/9/09 | Moved on leave | <i>[Signature]</i> D.D.O. (M) Pry: Swat. | | | | | |

Departmental Pay Fixation in Revised Pay Scale No-09
 @ Rs. 3185-150-8885 /
 w.e.f. 1-10-2007 vide No. FD/EC(FR)10-27/2007
 Dated Peshawar 26-11-2007
 Pay in existing Pay Scale No. 07 @ Rs. 20947
 Equal/Next Stage in revised Pay Scale No. 09 Rs. 4220
 Pay Fixed on 1-10-07 Rs. 41351
 With next annual increment on 1-12-07 Rs. 4220
 By: Distt. Officer (M) Schools & Literacy, Swat

UNDERTAKING
 I Mr. *Karim Khan* working against ~~PST~~ Post at GPS/GMPS ~~Shikhan~~ do hereby given an undertaking to the effect that if any over Payment is made to me as a result of in correct Fixation of my Pay. ~~or~~ It will be made good by recovery from my Pay/Pension/Gratuity.

ATTESTED *[Signature]* Signature of Govt: Server

By: Distt. Officer (M) Primary Swat.

CP.F-125
13/9
Pay my 15000 to 31/1/08
Rs 28955/- paid
[Signature]
13/9

Office of the Accountant General
 Khyber Pakhtun Khwa Peshawar
 Pay Fixed in the Revised Basic Pay Scales
 R.B.P.S. 2940/607744B
 Pay Fixed @ Rs 4060/- w.e.f. 01-07-2007
 Adj. 3820-230-10720 B9
 Pay Fixed @ Rs. 5200/- w.e.f. 01-08-2007
 R.B.P.S. 6200-240-10720 B9
 Pay Fixed @ Rs 9600/- w.e.f. 01-07-2007
 Date of Next increment 01-07-2007

| Name of Post | Whether substantive or officiating and whether permanent or temporary | State (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R. | Pay in substantive Post | Additional Pay for officiating | Other emolument falling under the term "Pay" | Date of Appointment |
|--------------------------------|---|---|-------------------------|--------------------------------|--|---------------------|
| PST EPS Shimkey Adjusted | | | 5430/- | | | 12/09 Kamra |
| " | | | 5660/- | | | 12/09 Kamra |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | 5660/- | | | 8/2010 Kamra |
| D-9 | | | 5890/- | | | 12/2010 Kamra |
| (6) | | | 9620/- | | | 7/2011 Kamra |

30

Sanction is hereby accorded to the grant of E.O.L. w.e.f. 20-10-11 to 19-10-2012, vide E.O. (EGS) Edn. Sindh, Enclt: No. 7642-44, Dated: 27-10-2011.

Absence period w.e.f. 20-10-12 to 25-11-12 (37 days) is hereby sanctioned as leave without pay, vide D.E.O. (EGS) Enclt: No. 5596/EGS/PP/PST(M) Dated: 17-1-2013.

(such as promotion, transfer, dismissal, etc.)
 head of the office or other assisting Officer
 duration of leave taken
 upto four months for which leave salary is debitable to another Government
 Government to which debitable

D.D.O. (M)
 Prg: Swat.
 30/11/09
 Annu. Incr.
 Sanction accorded to the govt of leave 1¹⁰/₀₉ to 30¹¹/₀₉ = 61 days on full pay, vide FDO (St) Swat Endst: No. 5300 date: 13-10-09.

D.D.O. (M)
 Prg: Swat.
 31/10
 Shifted to cluster
 c.p 153
 14/6
 Draw L.S & Allow:
 Wef. 1¹⁰/₂₀₀₉ to 30¹¹/₂₀₀₉ amounting to Rs 21852-
 less @ 971-
 net Rs = 20881-
 Adjustment
 Adjusted at G/S, Shimla wef. 1-12-09, vide FDO (St) Swat Endst: No. 10914-15 date: 8-12-09.

D.D.O. (M)
 Prg: Swat.
 30/11/10
 Annual Incr.
 D.D.O. (M)
 Prg: Swat.
 30/6/2011
 Scale Renewal
 5-11
 Retire

D.D.O. (M)
 Prg: Swat.
 19/10/2011
 S.D.E. (M)
 Prg: Swat.
 11/11/12
 Draw - Prg: Swat. wef. 25/11 To 31/12/2011
 63612-
 @ 1280-
 net 34841/

Taken by 475 dated 31/12/11
 Drawn by 475 dated 31/12/11
 Wef. 1/1/12 to 31/12/11
 on a/c of Convenience
 615
 19/15
 D.A.O.
 30-11-2012
 31-12-2011

| Name of Post | Whether substantive or officiating and whether permanent or temporary | Officiating state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R. | Pay in substantive Post | Additional Pay for officiating | Other emolument falling under the term "Pay" | Date of Appointment |
|---------------|---|---|-------------------------|--------------------------------|--|---------------------|
| ST Shankay | Sub Perm | BPS-12 (700-220) | Rs. 10500/- | 50 | 31 | 26/12 |
| 4 | 4 | BPS 14 (8000-26300) | Rs. 10500/- | | | 01/12 |
| | | | Rs. 11050/2 | | | 3/13 |
| | | | Rs. 11660/2 | 4 | | 3/13 |
| P.S.T. BPS | | | Rs. 12270/- | | | 12/13 |
| ato Tomjai | | | Rs. 12270/2 | | | 18/06 |
| | | | Rs. 11660/2 | | | 20/14 |

Recovery of pay
 Pay & allowances were
 1/9/14 to 31/1/15 has been
 with challan no. 35 dt.
 16/3/15 amounting to
 Rs. 12700/2

Sub Divl. Edu. Officer
 Primary, S...

| Signature of the head of the office or other attesting officer in attestation of columns 1 to 8 | Date of termination of appointment | Reason of termination (such as promotion, transfer, dismissal, etc.) | Signature of the head of the office or other attesting Officer | Leave | | Signature of the officer attesting | Name and duration of leave taken | Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government | |
|---|------------------------------------|--|--|--------|-------------------------------|------------------------------------|----------------------------------|---|--|
| | | | | Period | Government to which debitable | | | | |
| <i>S.D.E.O(M) Pry. Swat</i> | 30/11/12 | No. mer | <i>S.D.E.O(M) Pry. Swat</i> | | | | | cf no 1961 dt 15-4-13 | |
| <i>S.D.E.O(M) Pry. Swat</i> | 28/13 | promoted to 14 | <i>S.D.E.O(M) Pry. Swat</i> | | | | | Drawn regular pay roll as wef 26/12 to 31/13 | |
| <i>S.D.E.O(M) Pry. Swat</i> | 12/2013 | promoted to 14 | <i>S.D.E.O(M) Pry. Swat</i> | | | | | cf no 1587/94-L | |
| <i>S.D.E.O. (M) Balde Sharif</i> | 31/13 | Drawn due of B. 42, 14, 15 w.e.f 1/2/13 to 30/4/13 | <i>S.D.E.O. (M) Pry. Swat</i> | | | | | Gross Rs. 3118 Net Rs. 85.45 | |
| <i>S.D.E.O. (M) Pry. Swat</i> | | | <i>S.D.E.O. (M) Pry. Swat</i> | | | | | [Sanction BPS-14] | |
| <i>S.D.E.O. (M) Pry. Swat</i> | | | <i>S.D.E.O. (M) Pry. Swat</i> | | | | | Promoted to BPS-14 vide DEO (M) Swat Enst No 6781-85 Dated 26/02/2013 at S.No 642 | |
| <i>S.D.E.O. (M) Pry. Swat</i> | | | <i>S.D.E.O. (M) Pry. Swat</i> | | | | | Sub Divnl. Edu. Officer (M) Primary, Swat. | |
| <i>S.D.E.O. (M) Pry. Swat</i> | | | <i>S.D.E.O. (M) Pry. Swat</i> | | | | | Departmental Pay Fixation in Revis Pay Scale No-14 | |
| <i>S.D.E.O. (M) Pry. Swat</i> | | | <i>S.D.E.O. (M) Pry. Swat</i> | | | | | Promoted wef 01-07-2012 vide M (B&AY/1-18/E&SE/2912 Dated Peshawar 11/07/12 | |
| <i>S.D.E.O. (M) Pry. Swat</i> | | | <i>S.D.E.O. (M) Pry. Swat</i> | | | | | Pay in Existing pay scale No-12 Rs 10500 | |
| <i>S.D.E.O. (M) Pry. Swat</i> | | | <i>S.D.E.O. (M) Pry. Swat</i> | | | | | Equal Next Stage in R2S No-14 Rs 11050 | |
| <i>S.D.E.O. (M) Pry. Swat</i> | | | <i>S.D.E.O. (M) Pry. Swat</i> | | | | | Pay Fixed on Rs 11050 | |
| <i>S.D.E.O. (M) Pry. Swat</i> | | | <i>S.D.E.O. (M) Pry. Swat</i> | | | | | Pay with Pre-mature Increment Rs 11660 | |
| <i>S.D.E.O. (M) Pry. Swat</i> | | | <i>S.D.E.O. (M) Pry. Swat</i> | | | | | Sub Divnl. Edu. Officer (M) Primary, Swat. | |

Sanction is accorded to the grant of leave with out pay wef 01-09-2013 to 17-6-2014 = (290) days vide DEO (M) Swat Enst No 7843-45/PA/PS/TCM Dated 27/12/2014

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32

| 1 Name of Post | 2 Whether substantive or officiating and whether permanent or temporary | 3 If Officiating, state (i) Substantive appointment, or (ii) whether service counts for pension under Art. 371 C.S.R. | 4 Pay in substantive Post | 5 Additional Pay for officiating | 6 Other emolument falling under the term "Pay" | 7 Date of Appointment |
|--------------------------|--|--|------------------------------|-------------------------------------|---|--------------------------|
| SPST B-14 G/S Dadawal | | | | | | 12 01/14 |
| do | Sub | BPS-10 (10340-790-34040) | Rs = 12880/- | | | 7 12/15 |
| do | do | | Rs = 16660/- | | | 12 12/15 |
| do | do | | Rs = 17450/- | | | |
| | | | | | | |
| | | | | | | |
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| | | | | | | |

| Signature and position of the head of office or other officiating officer in sections 1 to 8 | Date of termination of appointment | Reason of termination (such as promotion, transfer, dismissal, etc.) | Signature of the head of the office or other attesting Officer | Leave | | Signature of the head of the office or other attesting officer |
|--|------------------------------------|--|--|----------------------------------|---|--|
| | | | | Name and duration of leave taken | Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government | |
| | | | | | Period | Government to which debitable |
| | | | (7) | | Office order (EOL) | |
| <i>[Signature]</i> S.D.E.O(M) Pvt. Swat | 30/6/2015 | Secd. Resigned | <i>[Signature]</i> S.D.E.O(M) Pvt. Swat | | Sanction is hereby accorded to the grant of absence period w.e.f. 1-10-2015 to 29-2-2016 is hereby converted to the leave without pay. Subsequently he is adjusted to EPS Dehrawal w.e.f. 1-3-2016 vide BO (H) Govt No. 8665-68 dated 18/11/2016. | |
| <i>[Signature]</i> S.D.E.O(M) Pvt. Swat | 30/11/2015 | Annual leave | <i>[Signature]</i> S.D.E.O(M) Pvt. Swat | | | |
| <i>[Signature]</i> S.D.E.O(M) Pvt. Swat | | | | | | |
| | | | | | <i>[Signature]</i> Sub Divnl: Edu: Officer (M) Saidu Sharif Sub Division | |
| | | | | | 310 815 Because verified for pay active month of March 2016 Drawn pay + allow 8-8/110 8/15 to 10/15 10/15 to 12/15 12/15 to 2/16 | |
| | | | | | <i>[Signature]</i> 2/10 35/15 | |
| | | | | | Taken dated Drawn arrears of Pay & Allowances W.e.f. to total RS on a/c of S/Adt: A.A.O. D.A.O. | |

59

33

| Signature of the head of the office or other attesting officer in attestation columns | Date of termination of appointment | Reason of termination (such as promotion, transfer, dismissal, etc.) | Signature of the head of the office or other attesting Officer | Leave | | Signature of the head of the office or other attesting officer | Reference to recorded punish or censure, or for praise of Government |
|---|------------------------------------|--|--|------------------------------------|---|---|--|
| | | | | Nature and duration of leave taken | Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government | | |
| | | | | Period | Government to which debitable | | |
| | | | | | | <p>⑧ office order</p> <p>He was granted leave with out pay from the office of DEOCM Swat vide order ENDSL NO 4643-45 PF/66 Karim Khan PS T/m dated 4.12.2017</p> <p><i>[Signature]</i></p> <p>Sub Divnl: Edt Officer (M) Tehsil Barikot District Swat.</p> <p>The same granted leave when was in law full was cancelled vide DEOCM ENDSL NO 10835-40 dated 19.7.2017 and took charge at G/PS Dedawar on 03.8.2017.</p> <p><i>[Signature]</i></p> <p>Sub Divnl: Edt Officer (M) Tehsil Barikot District Swat.</p> <p>Mr Karim Khan remained absent from his duties on 4-10.2017 and marked him self on c/leave</p> <p><i>[Signature]</i></p> <p>Sub Divnl: Edt Officer (M) Tehsil Barikot District Swat.</p> <p>He remained absent from 28.8.2017 to 31-8.2017 and marked him self unlawfully on duty.</p> | |

| 9 | 10 | 11 | 12 | 13 | | | | |
|---|------------------------------------|--|--|------------------------------------|--|-------------------------------|--|--|
| Signature and designation of the head of the office or other attesting officer in attestation of columns 1 to 8 | Date of termination of appointment | Reason of termination (Such as promotion, transfer, dismissal, etc.) | Signature of the head of the office or other attesting Officer | Nature and duration of leave taken | Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government | | Signature of the head of the office or other attesting officer | |
| | | | | | Period | Government to which debitable | | |
| | | | | | <p>From the Head teacher He said I. for bode him to not make him on duty in the register. Karam Karam just that I will come in answer and will be as possible</p> | | | |
| | | | | | <p>Sub Divn: Edu. Officer (M) Tehsil Barikot District Swat.</p> | | | |
| | | | | | <p>He also demanded absent from his duty with effect from 15-11-2017 to 29-11-2017. In some teacher is paid absent from his duty, who is clear from the register of the teachers</p> | | | |
| | | | | | <p>Sub Divn: Edu. Officer (M) Tehsil Barikot District Swat.</p> | | | |
| | | | | | <p>Sub Divn: Edu. Officer (M) Tehsil Barikot District Swat.</p> | | | |

Attested by

Sub Divn: Edu. Officer (M)
Tehsil Barikot District Swat.

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

C.M No. _____ of 2019

In

Service Appeal No. _____

Karim Khan

VS

Govt. of KP etc

INDEX

| S # | Description of documents | Annexures | Pages |
|-----|----------------------------|-----------|-------|
| 1. | Application with affidavit | | 1-2 |
| 2. | Copy of service appeal | | 3-11 |

Appellant / applicant

Through Counsel



ARSHAD KHAN
Advocate High Court

Office: Opposite Grassy
Ground Saidu Sharif, Swat
Cell No: 0300-5985653

①

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

C.M No. _____ of 2019

In

Service Appeal No. _____

Karim Khan VS Govt. of KP etc

**APPLICATION FOR ADJOURN SINE
DIE OF THE ABOVE TITLED
SERVICE APPEAL**

Respectfully Sheweth:

1. That the above titled appeal is pending before this Hon'ble Court, which is fixed for arguments in today's hearing .
2. That during the pendency of instant appeal the appellant has been dismissed from service, therefore, he is no more in service. However, the appellant has impugned the dismissal order through an independent service appeal which has been admitted for regular hearing & comments of the respondents have been called for, which is fixed for hearing on 04-04-2019. (Copy of service appeal is attached)
3. That the aforementioned appeal against dismissal from service has got good prospects, and there is likelihood of getting re-instated in service on the strength of aforementioned appeal.

4. That the instant appeal may please be adjourned sine die till final disposal of the appeal preferred against the dismissal order in the interest of justice.

It is, therefore, requested that the above service appeal may kindly be adjourned sine die till final disposal of the appeal preferred against the dismissal order in the interest of justice.

Appellant / applicant

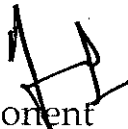
Through counsel



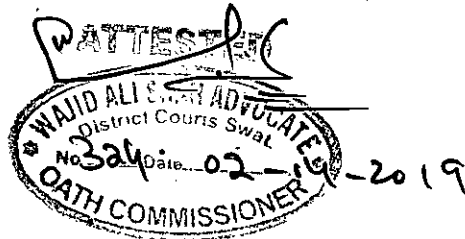
ARSHAD KHAN
Advocate High Court

AFFIDAVIT

I, Arshad Khan Advocate (as per instruction of my client), do hereby stated on oath that the contents of the accompanying application are true & correct to the best of my knowledge & belief and nothing has been concealed from this Honorable Court.



Deponent



**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA AT PESHAWAR**

Service Appeal No _____ of 2018

Karim Khan son of Shah Khail

Resident of Chungai, Shamoza, Tehsil Barikot,

District Swat

.....Appellant

VERSUS

- 1. Govt. of KPK through Secretary Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
- 2. Director Elementary & Secondary Education Khyber Pakhtunkhwa at Peshawar.
- 3. District Education Officer (M) District Swat.
- 4. Abdul Mastan SDEO (M) Tehsil Barikot, District Swat.

.....Respondents

SERVICE APPEAL UNDER SECTION 4,
 OF THE KPK SERVICE TRIBUNAL ACT,
 1974, AGAINST THE action & inaction of
 the respondent No. 3 WHEREBY the
 appellant's salary has been with held
 since august, 2017 till date, issuing
 premature and illegal transfer / posting
 from one station to another and
 Department Appeal filed by the appellant
 on 19-10-2017, which is still pending

before the Respondent No. 2, hence, the instant appeal.

PRAYER IN APPEAL

On acceptance of this appeal, to issue directions to the respondent department.

- i) To release the salary of Appellant since august 2017 till date.
- ii) To issue directions to the respondent No. 3 to make adjustment of the Appellant at GPS School Zara Khela.
- iii) To handover the service book illegally retained by the respondent No. 3.
- iv) Any other relief which this Honorable Court deems fit and proper in the circumstances may also be very kindly granted.

Respectfully Sheweth,

The facts of the instant case are as under:-

- 1) That the appellant is a regular employee of the Education Department currently posted at GPS Dedawar, Tehsil Barikot, District Swat.
- 2) That the appellant applied for the grant of leave which was granted to the appellant for the period of 01-03-2017

5-

to 15-12-2017 under the relevant rules. (Copy of order dated 04-02-2017 is attached as annexure "A")

- 3) That the appellant went on leave, in the meanwhile the respondent No. 4 with mala-fide intention and out of personal grudges made a complaint against the appellant, consequently the respondent No. 3 cancelled the leave granted to the appellant vide office order dated 19-07-2017. (Copy of office order dated 19-07-2017 is attached as annexure "B")
- 4) That upon the cancellation of the leave the Appellant had reported back, in compliance of the office order issued by the respondent No. 3 and assumed his duty at GPS Dedawar on 03-08-2017. (Copies of office order dated 11-09-2017, arrival report & charge report are attached as annexure "C")
- 5) That the appellant till date is performing his duties, but the salary of the appellant has not been released by the respondent department, hence the appellant filed written request to the respondent No. 3 to the effect to make adjustment of the appellant so as to release the salary of the appellant. (Copy of application is attached as annexure "D")
- 6) That in meanwhile the centre incharge / respondent No. 4 collected service book of all teachers of Illaqa Shamozaï for allocation of annual increment of the year 2016,

including the appellant. Later on, the appellant needed his service book for necessary entries in DAO office, therefore, the appellant approached the respondent No. 4 office for collection of service book, respondent No. 4 out of personal grudges with the appellant withheld the original service book, and said that the same has been lost in his office. The appellant again made an application to the respondent No. 3 for handing over the original service book, but of no avail. (Copy of the application is attached as annexure "E")

- 7) That after bringing into notice the aforementioned harassment at the hands of respondent No. 4, the appellant had been further humiliated by making another premature and illegal transferred of the Appellant from GPS Dedawar to GPS Zara Khela vide corrigendum dated 09-10-2017. (Copy of corrigendum dated 09-10-2017 is attached as annexure "F")
- 8) That despite of usurping the statutory right of the Appellant, the appellant assumed duty at GPS Zara Khela on 10-10-2017. (Copy of charge report is attached as annexure "G")
- 9) That the wrath of the respondent No. 4 does not end here, and after one week another corrigendum issued by the respondent No. 3 vide which again the adjustment order of the appellant was placed at GPS Bar Cham, Rangila on

dated 16-10-2017. (Copy of corrigendum is attached as annexure "H")

10) That the appellant agitated the maltreatment, harassment and humiliation by filing department appeal before the respondent No. 2 against the action & omission adverse to the rights of the appellant, but the same is not been decided, and remains pending before the authority.

(Copy of application ¹⁹⁻¹⁰ -2017 are attached as annexure "I")

11) That in the meanwhile departmental proceedings also been initiated on the charges of dual duties, the inquiry report was submitted, wherein the appellant has been exonerated of the charges leveled upon the complaint of respondent No. 4, and it was held in the aforesaid inquiry report that the allegation of respondent No. 4 are based on malevolent intentions, hence the recommendation for punitive action against the respondent No. 4 was also suggested. (Copy of inquiry report dated 07-02-2018 is attached as annexure "J")

12) That it is depressing to mention that despite of the aforementioned inquiry report neither the salary of the appellant has been released nor the adjustment order related to posting of the appellant has been acted upon, and a service book of the Appellant has also not been recovered, and the respondent No. 4 still working as

SDEO Barikot, Swat despite of clear recommendation by the inquiry officer.

- 13) That after the result of the inquiry in favour of the appellant, the respondent No. 3 did not implement the recommendation of the inquiry report, therefore, the appellant went to the Honorable Peshawar High Court for redressal of his grievances. But the Honorable Court held that the relief sought in the writ petition pertains to the "terms & condition" of service, hence having no jurisdiction to entertain the same and held to approach this Honorable Tribunal. (Copies of writ petition & judgment dated 21-03-2018 are attached "K")
- 14) That the appellant have no other proper remedy, except to file the appeal this Honorable Tribunal Court, on the following grounds..

GROUND:-

- A) That the action of respondents are unlawful, against the law, arbitrary and against the norms of justice.
- B) That the august Apex Court of the County have laid guiding principles in many judgments that authority cannot stop salary

even at the time of suspension so the act of respondents are contrary to those guidelines therefore it is liable to set aside.

- C) That it is admitted position that the Appellants were still working in the department and salaries has not been released to them without any reason, so the act of respondents as with holding of salaries of the Appellants is not in accordance with law.
- D) That the sheer abuse of the powers and consequent harassment of the Appellant at the hand of the respondent No. 4 is gross violation of fundamental right of the Appellant.
- E) That the stoppage / non-payment of salary since august, 2017, is an inhuman treatment on the part of respondents No. 3 and 4 and the Appellant has been relegated to the status of bonded labour.
- F) That withholding the service book of the Appellant and frequent transfer / posting speak volume of the misuse, and arbitrary exercise of power on the part of respondents

No. 3 & 4, which need the interference of this honorable court.

- G) That the high handedness of the respondent No. 4 is evident from the facts that the despite of clear recommendation related to release of salary of the Appellant, and reverting the respondent No. 4 from SDO post have not been implemented so far.
- i) That further grounds, with leave of this Honorable Court, would be raised at the time of arguments before this Honorable Court.

PRAYER

It is therefore humbly prayed that on acceptance of this appeal, to issue directions to the respondent department.

- i) To release the salary of Appellant since august 2017 till date.
- ii) To issue directions to the respondent No. 3 to make adjustment of the Appellant at GPS School Zara Khela.
- iii) To handover the service book illegally retained by the respondent No. 3.

iv) Any other relief which this Honorable Court deems fit and proper in the circumstances may also be very kindly granted

Appellant

Karim
Karim Khan

Through Counsel

A.H.

ARSHAD KHAN
Advocate, High Court

CERTIFICATE:

No such like appeal earlier has been filed by the Appellant on the subject matter before this Honorable Court.

Appellant

Karim
Karim Khan

Through Counsel

A.H.

ARSHAD KHAN
Advocate, High Court

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

S.A No ----- of 20

Karim Khan..... Appellant

VERSUS

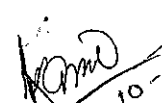
Govt. of K.P & others..... Respondents

APPLICATION FOR WITHDRAWAL OF
THE MISCELLANEOUS APPLICATION.

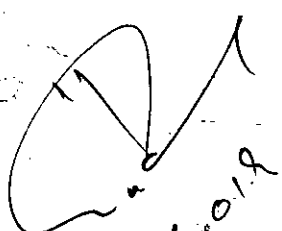
Respectfully Sheweth:-

1. That the above titled appeal / miscellaneous application for adjournment sine die of the captioned appeal is pending for adjudication before this Honorable Court and fixed for today's hearing.
2. That the appellant seeks to withdraw the miscellaneous application, and prays for today's adjournment from hearing.

It is therefore humbly prayed that this application may please be allowed.


Appellant / applicant

Karim Khan


10.6.2019