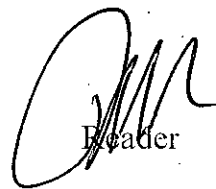


09.11.2018

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 11.01.2019 at camp court Swat.



Chairman

11.01.2019

21/2/05

Clerk of counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing on 08.03.2019 before S.B at Camp Court Swat.

3106-50-12

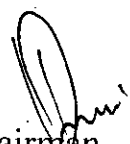

(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

08.03.2019

Nemo for appellant.

Despite repeated calls no one is in attendance on behalf of the appellant.

Dismissed for non-prosecution. File be consigned to the record room.


Chairman
Camp Court, Swat

ANNOUNCED
08.03.2019

Form -A

FORM OF ORDER SHEET

Court of _____

Case No. 753/2018


S.No.	Date of Order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	<p>30/05/2018</p> <p>31-05-2018</p> <p>05.07.2018</p> <p>07.09.2018</p>	<p>The appeal of Mr. Wakeel Khan resubmitted today by Mr. Rahim Khan Advocate may be entered in the Institution register and put up to the Wrothy Chairman for proper order please.</p> <p style="text-align: right;">REGISTRAR 30/5/18</p> <p>The case is entrusted to Touring S Bench at Swat for preliminary hearing to be put up there on <u>06-07-2018</u></p> <p>None present. To come up for further proceedings on 07.09.2018 before S.B at camp court, Swat.</p> <p style="text-align: right;">CHAIRMAN</p> <p style="text-align: right;">Chairman Camp court, Swat.</p> <p>Neither appellat nor his counsel present. Case to come up for preliminary hearing on 09.11.2018 before S.B at camp court Swat.</p> <p style="text-align: right;">Chairman Camp Court Swat</p>

The appeal of Mr. Wakeel Khan PSHT Head Teacher Government Primary School Rega No.1 Distt. Buner received today i.e. on 14.05.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of impugned order is not attached with the appeal which may be placed on it.
- 2- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.
- 3- Affidavit may be got signed by the Oath Commissioner.
- 4- Annexures of the appeal may be attested.
- 5- Page no. 25 of the appeal is illegible which may be replaced by legible/better one.
- 6- Nine more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1011/S.T,

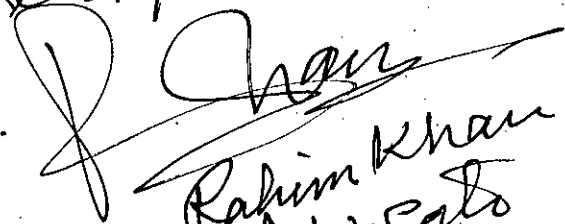
Dt.14/05/2018.


REGISTRAR
for SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Rahim Khan Adv. Buner.

Re Submitted with the Request that the order placed on Page 7 + Salary/Pay Slip on Page 118 both are collectively or IMPUGNED. 2. That the instruction has complied at S.No. 2. observations at S.No. 3 & 4 complied/attended to while the letter at Page NO. 25 is totally irrelevant, may be ignored. While according to observation at S.No. 6 the desired nine (9) sets have been annexed as Spare Copies.

The appeal under consideration and under correspondence may be entertained please Submitted please



Rahim Khan
Advocate
High Court Pesh.
03438049185
26/5/2018

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTONKHWA PESHAWAR.

Service Appeal No 753 2018.

WAKEEL KHAN (PSHT) HEAD TEACHER GOVT PRIMARY SCHOOL REGA NO. 1 DISTRICT BUNR.

"APPELLANT"

VERSUS

8. DITT; EDUCATION OFFICER MALE - E & S EDUCATION DISTT; BUNER and others

INDEX

S.No	Description	Annexure	Page no
1	Memo of service Appeals		1-4
2	Memo of address of parties		5
3	Affidavit		6
4	Copies all of impugned letter dated 18/12/2017 Explanation dated 20/12/2017 Salary slip impugned for the month of December 2017	"A" "B" "C"	7 8-10 11
5	Copy of the departmental Appeal 15/01/2018 And other correspondence on the subject.	"D"	12 13-21
6	Request of hearing in camp court Swat		22
7	Wakalat Nama		23


APPELLANT

Through counsel


RAHIM KHAN
ADVOCATE

HIGH COURT PESHAWAR

Office; at distt; courts Daggar Buner

Cell = 03439049185

Dated ; 09/05/2018

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTONKHWAWA PESHAWAR.

Service Appeal No. 753 /2018.

WAKEEL KHAN PSHT HEAD TEACHER GOVT PRIMARY SCHOOL REGA NO.1 DISTRICT BUNER.

Khyber Pakhtunkhwa
Service Tribunal
" APPELLANT "

VERSUS

Case No. 685
Dated 14/5/2018

1. D.E.O MALE E & S EDUCATION(Mr Bakht Zada) BUNER.
2. Dy; D. E. O MALE E & S EDUCATION (Mr, Iftihar ul Gjhani)
DISTT; BUNER
- 3 S. D. E. O MALE(Mr, Muhammad Ayoub) Daggar BUNER .
- 4 .Mr, Fazli wahab Principal Govt; Higher Secondary School
Torwarsak Buner.
- 5 DIRECTOR EDUCATION E & S EDUCATION K.P PESHAWAR.
- 6 SECRETARY E & S EDUCATION K.P PESHAWAR.
- 7 DISTRICT ACCOUNT OFFICER BUNER.

"RESPONDENTS"

SERVICE APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT 1973, KHYBER
PUKHTONKHWAWA PESHAWAR, AGAINST THE ORDER IMPUGNED NO.6903
DT,18/12/2017, WHEREBY MONTHLY SALARY OF THE APPELLANT AND ONE

OTHER HAVE WRONGLY WITH OUT ANY LEGAL JUSTIFICATION OR LAWFUL
AUTHORITY BEEN FORFIETED/DEDUCTED AND LETTER NO. 726 DT,
14/2/2018 AND SHOW CAUSE NO.1520-24 DT,5/4/2018 WHEREBY THE
RESPONDENTS NO.1 & 2 ARE MALA FIDLEY INTEND AND GOING TO SPOIL THE
CAREER OF THE APPELLANT FOR NOTHING AND NO FAULT OR BLUNDER OF
THE APPELLANT.

Respectfully sheweth;

PRAY IN APPEAL

On acceptance of this service appeal the orders impugned, even dated
18/12/2017 and 14/02/2018 and dt,5/4/2018 as well as all other
correspondence made on the issue , may also be set aside and the
respondents may also graciously be directed to pay the unlawfully deducted
amount Rs, 1402/- and to stop henceforth , the unlawful initiative against the
appellant being basing on ill will and also falls against the public interest .

Filed to-day
Registrar
14/5/18

Re-submitted to-day
and filed.
Registrar
30/5/18

FACTS.

1. That the appellant has been performing his duties since April, 21st 1999 up till now with keen interest and up to his best efforts and no chance of complaint has been given by the appellant to his bosses .
2. That it was about 8.00 o'clock at morning on 8/12/2017, while the respondent No.2 has visiting /inspecting the G.P.S Rega No.1. The attendance register of the school was taken in his custody by the respondent No.1 and signature of the appellant was not allowed by him there in.
3. That the subject of the letter No.6903 dated 18/12/2017, is itself indicative and showing that the intention and well of the respondents No.1 & 2 were ill and mala fide, while drafting the letter concerned as per captioning the subject as "EXPLANATION/DEDUCTION OF PAY" being initial stage. While most of the letters have signed directly by the respondent No.2, without having authority of Distt; Education Officer Distt; Buner.
4. That the appellant despite genuine and justified explanation, explained for non putting of his signature in the attendance register in time , was ignored and pay for the day dated,08/12/2017 was deducted wrongly without lawful authority. Copies ^{OF} the entire letter dt, 18/12/2017, explanation and pay slip are annexed as ^{A B} "A", "B" & "C".
5. That not only pay of the appellant was wrongly deducted and punished the appellant un warranted but so far the appellant has been kept for nothing , over busy and he could spare hardly for official duty, due to the same useless correspondence having no involvement any public interest there in. while additionally the same also keep tense the appellant. Which also cause remarkable disturbance, but little the official interest too being beyond the approach of the appellant was attended to.
6. That departmental appeal, filed on dated 15/01/2018, by the appellant which has not been considered and other correspondence on the subject all are annexed also which are showing clear Mala fide and personal grudge of the respondents No.1 & 2, to have , for no fault of the appellant . Copies are annexed as. "D".

7. That the respondents No.1 & 2, though have spared and volunteered to this personal task merely basing their ill will and mala fide intention, just to spoil the career of the appellant for nothing without any justification and to suffer also the public interest as well, against which the appellant, having no alternative adequate remedy, except to file the instant service appeal on the following grounds, among other inter alia.

GROUNDS

- A. That the appellant had actually attended the school well in time on dated 08/12/2017 but due to launching surprise visit and inspection of the respondent No.2, the appellant just to entertain the respondent No.2 being immediate boss of the appellant forgot that he had not signed in attendance box in the register and the same was just due to oversight. Which is evident from the letter impugned dated 18/12/2017(annexed), so the deduction impugned is without lawful justification and authority, but mere basing on mala fide intention and ill will.
- B. That without waiting the explanation in question the impugned deduction was made from the monthly salary of the appellant in the pay bill for the month of December, 2017. Which in no way is lawful or justified. Hence the deduction so made is repayable in favour of the appellant under the law, because the appellant has a lot of leave on his credit/account and actually the appellant has performed his duty on the day, dated 8/12/2017.
- C. That the appellant has already been punished once without his fault, being against the standing principles of law that none can be condemned unheard, so the subsequent correspondence even before and after the awarding of unlawful penalty, all as annexed shown clear mala fide of the respondents, even No.1 & 2, just to torture the appellant and spoil his service career for no fault of the appellant. Hence the entire correspondence made annexed should be declared as null and void while strict direction for ceasing them further is necessary which falls in the interest of public too.
- D. That the respondents No.6, being competent authority be directed to take serious notice of the respondents No.1 & 2 for misuse of their seats and official powers as well as official time and stationery and recovery of their salaries received during the period involved along with cost for miss


use of official machinery may also be directed to be made to be from them.

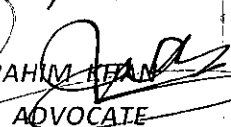
- E. That No any enquiry against, the appellant, either impartial investigation of the so called and nominal dispute so created by the respondent No.2 has been made nor the appellant has so far been heard in person. So the entire so called proceeding are unlawful and of no legal weight and therefore is not sustainable in the eyes of law.
- F. That the Appellant reserve the right to claim damages subsequently for unlawful torturing and unwarrantedly disturbing the appellant and tense also for no blunder or fault of the appellant even misuse of their official authorities .
- G. That further arguments supporting the stance of the appellant will be made at the time of arguments with du permission of this Hounourable Tribunal.

Therefore it is humbly prayed that on acceptance of this service appeal the relief sought may graciously be granted in favour of the appellant as per pray.

Further relief to which the appellant is entitle under the law may also be graciously be granted in favour of the appellant though not specifically prayed for in this appeal.

Through Counsel


APPELLANT


RAHIM KHAN
ADVOCATE

HIGH COURT PESHAWAR

Office; at Distt; Courts Daggar Buner.

Cell= 03439049185

Dated; 09/05/2018.

Certificate

It is to certify that the entire contents of this service appeal are true and correct and that no such like service appeal is pending or earlier filed in this Honour tribunal or else where.


APPELLANT

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTONKHTWA PESHAWAR.

Service Appeal No. _____/2018.

WAKEEL KHAN PSHT HEAD TEACHER GOVT PRIMARY SCHOOL REGA NO.1 DISTRICT BUNER.

" APPELLANT "

VERSUS

DISTT; EDUCATION OFFICER MALE E & S EDUCATION DISTT; BUNER and others

ADDRESSES OF PARTIES

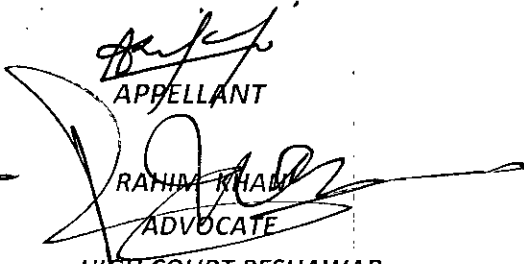
WAKEEL KHAN PSHT HEAD TEACHER GOVT PRIMARY SCHOOL REGA NO.1
DISTRICT BUNER.

" APPELLANT "

1. D.E.O MALE E & S EDUCATION(Mr Bakht Zada) BUNER.
2. Dy; D. E. O MALE E & S EDUCATION (Mr, Iftihar ul Gjhani)
DISTT; BUNER
3. S. D. E. O MALE(Mr, Muhammad Ayoub) Daggar BUNER .
4. .Mr, Fazli wahab Principal Govt; Higher Secondary School
Torwarsak Buner.
5. DIRECTOR EDUCATION E & S EDUCATION K.P PESHAWAR.
6. SECRETARY E & S EDUCATION K.P PESHAWAR.
7. DISTRICT ACCOUNT OFFICER BUNER.

"RESPONDENTS"

Through Counsel -


 APPELLANT
 RAHIM KHAN
 ADVOCATE

HIGH COURT PESHAWAR

Office; at Distt; Courts Daggar Buner.

Cell= 03439049185

Dated; 09/05/2018.

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTONKHWA PESHAWAR.

Service Appeal No. _____/2018.

WAKEEL KHAN PSHT HEAD TEACHER GOVT PRIMARY SCHOOL REGA NO.1 DISTRICT BUNER.

" APPELLANT"


VERSUS

1. DITT; EDUCATION OFFICER MALE E & S EDUCATION DISTT; BUNER and others

AFFIDIVATE

I WAKEEL KHAN S/O SAEEDULLAH KHAN R/O village Kalpani Tehsil Gagra Dsitt; Buner/ Senior Primary School Teacher Govt; Primary School rega No.1 Distt; Buner , do hereby solemnly affirm and declare on oath that the entire contents of this Service Appeal are true and correct. And that no service Appeal on the same subject matter or issue has earlier been filed by Appellant on the same subject is pending before this Honour Tribunal or in any other forum else where.


WAKEEL/KHAN/DEPONENT


ATTESTED
Farman Ali Khan
Advocate OATH Commissioner
Distt Courts Daggar Buner
No 216 Date 28/05/2018

Impugned
Order

Alex - A,

P-7



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE/FEMALE)

BUNER (Cell # 0939-510468)

No. 6903 Dated. 18/12/17

To

1. Wakeel Khan, The Head Teacher GPS Rega. (Buner)
2. Said Qadeem Khan, PST, GPS Rega. (Buner)

SUBJECT: - Explanation/Deduction of Pay

Memo.

During surprise visit of the undersigned on 08/12/2017, at about 10:00 A.M. the following gross irregularities were found to have been existed.

1. You, official at S.No. 2 were absent and your attendance box was lying empty which were to be proxied and signed on behalf of the absentee at the time of lay off/furlough. This obviously divulges irresponsible behaviour towards duty and counts for inefficiency and misconduct.
2. The Head Teacher management is too much loose, so much so that not only of the absent official but his own box in the attendance register was lying empty as late as the above mentioned time.
3. Majority of the classes were devoid of teachers and the students were rambling here and there, while the present teachers including the H.T were having chat with one another in the verandah.
4. A commotional type of situation was observed which connotes lack of discipline and disinterestedness on their part.

Hence, You are directed to explain your position in black and white within 3 days of the issuance/receipt of this letter as to why not a stern disciplinary action may be taken against you under the *Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011*, collaborated with the directives to SDEO (M) Daggar to deduct one day salary from the absen. teacher at S.No.2 with intimation to the office of the undersigned at the earliest,

DISTRICT EDUCATION OFFICER
(MALE) BUNER

Copy of the above is forwarded to:

1. PA to DEO (M) Buner Local office.
2. SDEO (M) Daggar.

DEPUTY DISTRICT EDUCATION OFFICER
(MALE) BUNER

Annex B

P.O.

8

بخدمت جناب ڈی ای او صاحب تعلیم مردانہ ضلع بونیر

عنوان جواب طبی

جناب عالی!

مودبانہ گزارش ہے کہ آپ کے آفس سے لیٹر نمبر 6903 مورخہ 18/12/2017 موصول ہوا۔ جس میں جو بیان کیا گیا ہے ان میں کوئی حقیقت نہیں ہے۔ اور غلط بیانی سے کام لیا گیا ہے۔ جو ایک ادارے کے سربراہ کو زیب نہیں دیتا۔ حقیقت یہ ہے کہ پانچ برس سے ایک معلم ٹریننگ اور دوسرا کمیشن کے امتحان کیلئے پشاور گیا تھا۔ چھٹی کی درخواست ارسال کیا تھا۔ 8 دسمبر کو ہم صرف تین اساتذہ ڈیوٹی پر تھے۔ اسمبلی کے بعد بچے کلاسوں کو جا رہے تھے۔ میں اپنے دفتر آ کر حاضری رجسٹر میں اپنا دستخط اور سید قدیم خان PST کے خانے میں چھٹی لگانے والا تھا کہ عین موقع پر 8 بجکر 43 منٹ پر محترم ڈپٹی صاحب داخل ہو کر بغیر سلام و کلام کے میرے سامنے میز سے حاضری رجسٹر اٹھا کر ڈبل سکول کے طرف گئے اور واپس 8 بجکر 55 منٹ پر سیدھے چلے گئے میں اسکے پیچھے گاڑی تک گیا۔ اس کے بعد دستخط کیلئے راضی ہوا لیکن پھر بھی مذکورہ لیٹر جاری کیا۔ جس میں جذباتی اور غیر مناسب روئے سے سارے سٹاف کو سخت ٹیس پہنچا۔ حالانکہ GPS ریگ نمبر 1 کے سٹاف دلچسپی اور پابندی سے اپنا ڈیوٹی کرتے چلے آ رہے ہیں۔ اور ابھی تک کسی قسم کی رپورٹنگ IMU یا افسران بالا کی جانب سے نہیں کی گئی۔ لیکن پھر بھی میں اپنے صفائی میں دو باتیں کرنا ضروری سمجھتا ہوں۔

(1) E & S ایجوکیشن ڈیپارٹمنٹ کے نوٹیفیکیشن نمبر SOG/E&SED/2-8/2016 بتاریخ 01/12/2016 کے سیزل نمبر 5 میں واضح لکھا ہے کہ H.T سکول اسمبلی کے بعد حاضری رجسٹر میں سٹاف کی غیر حاضری یا چھٹی وغیرہ لگادیں۔ تو اس نوٹیفیکیشن کے مطابق ہم ٹھیک جا رہے تھے۔ (نوٹیفیکیشن کی کاپی منسلک ہے)

(2) دوسری اہم بات 10 بجے از ٹینگ نام لکھا ہے۔ لیکن اسکا ثبوت ڈپٹی صاحب کے اپنے موبائل میں ہیں۔ کیونکہ انہوں نے حاضری رجسٹر کا نوٹ لیا تھا۔ جس میں وقت اور تاریخ ہوگا۔

جناب عالی!

مندرجہ بالا حقائق کو بیان کرتے ہوئے پھر بھی ہم اساتذہ ہیں۔ اسلئے افسران بالا سے معافی کے طلب گار ہیں۔

العارض
@ali 20-12-2017

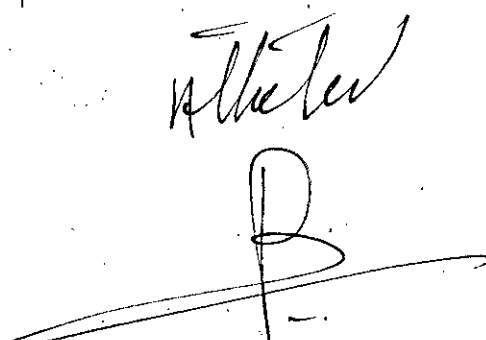
HEAD MASTER

G.S. No. 1 (PSHT) خان وکیل

Rega Distt Dera

جی پی ایس ریگ نمبر 1

مورخہ: 20/12/2017



P-29
E

P-9

Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department

Dated Peshawar the 01/12/2016



OFFICE ORDER.

No. SOG/E&SED/2-8/2016. To streamline/standardize action against the delinquent the department has started Online Action Management System in two districts Peshawar & Mardan, on pilot basis which will be rolled out to other districts on 01-12-2016. For the implementation of Online Action Management System, the Competent Authority is pleased to issue the following instructions: -

- i. DEO of each district is authorized to order deduction of salary of all the delinquent officer/officials in BS-01 to BS-19 in the district as and when reported. However for officers in BS-20, DEO needs to get approval from Director E&SE.
- ii. DEO shall ensure that order for deduction of salary is conveyed to the concerned DDO within 7 working days.
- iii. The DEO must ensure that action against the delinquent officer official is completed within 40 days, and proof of deduction of one day salary is uploaded to the system within this timeline.
- iv. Cases other than deduction of salary, which involve issuance of Show Cause Notice, shall be submitted to the concerned competent authority and timeline for its disposal shall be as per Government of KP (Efficiency & Discipline) Rule 2011.
- v. The following action shall be taken on unauthorized teacher absenteeism:
 - a) On first time absence
 - Deduction of salary and a warning letter
 - b) On second time absence of the same teacher/staff
 - Deduction of salary and a show cause notice that would lead to withholding of two increments.
 - c) On third time absence of the same teacher/staff:
 - Deduction of salary and a show cause notice that would lead to removal from service.

2. In order to regulate grant of casual leave to teaching/non-teaching staff, the Competent Authority is further pleased to designate authorities for grant of leaves according to the following table:

i.

	Head Teacher	ASDEO	SDEO	DDEO
Primary School	2 days leave	3-5 days leave	6-10 days leave	-
Middle School	3 days leave	-	-	4-10 days leave

Attested
[Signature]

- ii. For High school and Higher Secondary school teachers, school HMF Principal is authorized to grant casual leave from 1 to 10 days leave to his teaching/non-teaching staff.
- iii. Cases of grant of casual leave beyond 10 days shall be forwarded to DDO/concerned authority.

R 10 -

While granting/recommending casual leaves all Heads of institutions shall follow the following procedure:

- a) Schools with 2-7 working teachers' strength:
 - Principals/lead teachers, irrespective of the levels shall not grant casual leave to more than one teacher/staff on any working day.
- b) Schools with 8-15 working teachers' strength:
 - Principals/lead teachers, irrespective of the levels shall not grant casual leave to more than two teacher/staff on any working day.
- c) Schools with more than 15 working teachers' strength:
 - Principals/Head teachers, irrespective of the levels shall not grant casual leave to more than 10% of the total teachers/staff on any working day.

4. Attendance register of all the staff including subject specialists, teaching and non-teaching shall be kept in Principal-office. Moreover, the attendance should be signed twice a day i.e. at arrival time and departure time. Besides, all the staff including the subject specialists should observe the timing schedule given by Director E & SE.

5. The Principal/Head Master/ Head Teacher shall be responsible for completion of attendance register immediate after school assembly and staff shall be marked present, absent, casual leave etc. The teacher leaving the school will write proper application and short leave/casual leave be marked against his/her name in the register.

6. Leave application/duty order of staff not present in office/school should be allowed/approved by the concerned authority and must be available in the attendance register for the day for which casual leave is granted. No casual leave/official duty shall be allowed on verbal requests.

7. The casual leave application must be signed by the requester. Moreover, application written for other teacher on telephonic message must be signed by the person who writes it. Unsigned application shall not be accepted/allowed by the concerned authority.

8. All DEOs are directed to ensure proper implementation of the above instructions & in case of non-compliance disciplinary action shall be initiated against the concerned authority.

Secretary

Endst: No. & date even.

Copy forwarded to the:-

1. Project Director Independent Monitoring Unit (IMU) E&SE Department, Khyber Pakhtunkhwa.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director, PITE, Khyber Pakhtunkhwa, Peshawar.
4. Director, Curriculum & Teacher Education, Khyber Pakhtunkhwa, Abbottabad.
5. All District Education Officers (Male/Female) in Khyber Pakhtunkhwa. *Saved*
6. P.S to Secretary, E&SE Department.
7. P.S to Special Secretary, E&SE Department.
8. P.A to Additional Secretary, E&SE Department.
9. P.As to all Deputy Secretaries, E&SE Department
10. Section Officer (Schools/Male), E&SE Department.
11. Section Officer (Schools/Female), E&SE Department
12. Section Officer (Primary), E&SE Department.

Mahammad Abbas Khan
Secretary

Dist. Govt. NWFP-Provincial
District Accounts Office Bunair at Dagga
Monthly Salary Statement (December-2017)

Personal Information of Mr WAKIL KHAN d/w/s of SAIDULLAH KHAN

Personnel Number: 00274947 CNIC: 1510108600310 NTN: 0
 Date of Birth: 18.04.1974 Entry into Govt. Service: 21.04.1999 Length of Service: 18 Years 08 Months 012 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH 80000554-DISTRICT GOVERNMENT KHYBE

DDO Code: BD6009-

Payroll Section: 001

GPF Section: 001

Cash Center: 05

GPF A/C No: EDUBR001804

Interest Applied: Yes

GPF Balance:

195,486.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 15

Pay Stage: 15

Wage type		Amount	Wage type		Amount
0001	Basic Pay	36,070.00	1000	House Rent Allowance	1,566.00
1210	Convey Allowance 2005	2,856.00	1300	Medical Allowance	1,500.00
1911	Compen Allow 20% (1-15)	1,000.00	2148	15% Adhoc Relief All-2013	796.00
2199	Adhoc Relief Allow @10%	535.00	2211	Adhoc Relief All 2016 10%	2,919.00
2224	Adhoc Relief All 2017 10%	3,607.00			0.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription - Rs2890	-2,890.00	3501	Benevolent Fund	-600.00
3609	Income Tax	-376.00	3990	Emp Edu Fund KPK	-125.00
4004	R. Benefits & Death Comp:	-1,052.00	6126	Adj R.O.P	-1,402.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 6,858.00 Recovered till December-2017: 1,864.00 Exempted: 2742.44 Recoverable: 2,251.56

Gross Pay (Rs.): 50,849.00 Deductions: (Rs.): -6,445.00 Net Pay: (Rs.): 44,404.00

Payee Name: WAKIL KHAN

Account Number: C/A1311-9

Bank Details: NATIONAL BANK OF PAKISTAN, 231369 NATIONAL BANK OF PAK KALPANI KALPANI BUNNER, PAK KALPANI

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address: BUNIR

City: BUNAIR

Temp. Address:

City:

Domicile: NW - Khyber Pakhtunkhwa

Email: decbunery@gmail.com

Housing Status: No Official

(Handwritten signatures)

Handwritten: *Handwritten "D3" P-12*

To,

The Director Sb (E & SE) KPK Peshawar.

Through: The DEO(Male) Buner

Subject: Appeal against the letter of DDEO Male Buner.

Sir,

Reference DEO letter No.43 dated 22/12/2017 issued under the sign of DDEO whereby the SDEO has been directed to make deduction of my pay for no fault of mine.

From the aforesaid letter it is evident that grave violation of service rules /authority has been committed.

1. The DDEO is not authorized to sign such type of letter without approval of the DEO which does not seem to have been done in the instant case.
2. There is no provision either of deduction of pay or deposition of pay through challan. Even there is no provision of stoppage of pay and even it is allowed during suspension in murder case of sec 302(CRPC).
3. Civil servants are servants of the state and not of the government; they are not bound to obey the unlawful orders of their superiors as narrated by the Supreme Court in the famous Anita Turab case of 2012". So I will not obey the unlawful directions carried by the letter mentioned above, and will rather obey the Supreme Court judgment cited above.

It is therefore requested that the letter carrying the unlawful directions may be cancelled / with drawn with strict action against those who violated the Supreme Court judgment and the service rules. I intend to knock at the door of the court after expiry of the statutory period if no remedy was given to me.

Yours Obediently,

Wakil khan
PSHT GPS Rega No.1
Dated: 15/01/2018

Ali
Head Master
GPS No.1 Rega
Distt: Buner

Handwritten signature



No. 453 Dated. 23-01-2018

P-14

To

1. Wakeel Khan PSHT, GPS Rega (Buner)

SUBJECT: - Charge Sheet

Memo,

I, Mr Bakht Zada District Education Officer (M) Buner being the Competent Authority hereby charge you Mr. Wakeel Khan PSHT, GPS Rega as follow:

That you while acting as incharge of the school, committed the following irregularities and misconduct:

1. That you are the abettor and supported Mr.Said Qadeem Shah for being habitual absentee.
2. That you are on probation (as PSHT) and your services can be terminated at any time if found guilty of misconduct or inefficiency.
3. That this office called your explanation, the reply of which was found utterly unsatisfactory being replete with baseless argumentation and lame excuses.
4. That you publicly proclaimed in written that you are not Govt. servant and refused to obey and comply with Elementary & Secondary Education Department Letter No. SOG/E & SED/2-8/2016 Dated Peshawar the 01/12/2016.
5. That you exert unfair pressure and threats to influence the actions and proceedings of this office and thereby attain your personal vested interests.
6. That you have ceased to be efficient and are guilty of misconduct and liable to be proceeded under the rules for the charges given hereinabove.

By reasons of the above you appear to be guilty of abetment, inefficiency and misconduct under Rule -3. (a) (b) of the Khyber Pukhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules ibid.

Hence, You are directed to submit your defense in black and white within 07 days of the issuance/receipt of this letter, also intimate whether you desire to be heard in person, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

(BAKHT ZADA)

DISTRICT EDUCATION OFFICER

(MALE) BUNER

Copy of the above is forwarded to:

1. Mohammad Ayub SDEO (M) Daggar.
2. Iftikhar Javid Head Master GMS Wakeel Abad.

DISTRICT EDUCATION OFFICER

(MALE) BUNER

بخدمت جناب ڈی ای او صاحب تعلیم ضلع بونیر -

عدوان پر جواب چارج شیٹ

(15)

جناب عالی:

گذشتہ یہ ہے جو الزامات لگائے گئے ہیں ان میں کوئی حقیقت نہیں ہے، سیریل وارنر وضاحت پیش خدمت ہے۔

① میں کسی بھی غیر حاضری کو رپورٹ نہیں کرتا۔ معلم مذکورہ ایک قابل اور وقت کا یا بند معلم ہے 8 دسمبر کو چھٹی کے لیے درخواست لکھا تھا۔

② لیٹر نمبر 2018/8-8/SED & SOG جو دفعہ 12/2016 کے مطابق اسمبلی کے رجسٹر مکمل کرتا ہوں۔

③ ہمارے صفائی کی وضاحت ارڈر نمبر 6903 اور نمبر 43 سے صاف ظاہر ہے پہلے میں وزٹ ٹائم 10 بجے لکھا ہے دوسرے میں 8:50 اور تصویر لینے کا 9 بجے 14 منٹ ہے

④ مذکورہ لیٹر کو ہم نے اپنے رپورٹ میں دیا ہے اور اس کے مطابق عمل کرتے ہیں

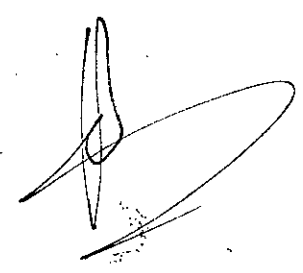
⑤ سیکرٹری میں حاضر ہونے کے باوجود کٹوتی کے خلاف اپیل لکھنا دباؤ نہیں ہے جناب عالی:

دوران معائنہ اگر کبھی غلطی ہو تو ایک آفسر سے حثیت سے ماتحت کو سہ جانا اور ان کا اصلاح کرانا چاہیے۔ اس سے کام میں بہتری آتی ہے۔

ایک اچھے آفسر کو آپ جیسے بڑا دل، خوش اخلاق، بردبار اور بہ اپن والد ہونا چاہیے۔ جو اپنے ماتحتوں کا عزت اور خیال رکھتا ہے اور ان کا مزید سنا ہے۔

اس میں ہے آپ صاحبان ہمارے گزارشات پر ہمدردانہ غور فرما کر اس کو مشکور و ممنون فرمائیے۔ فقط

العارضین
وکیل خان (PSHT)
جی پی ایس ریگنمبر
صوف 25 جنوری 2018

Atiqur




OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE/FEMALE)

BUNER (Cell # 0933-510468)

No. 455 Dated. 23/01/18

7/16

OFFICE ORDER

The Competent Authority is pleased to constitute inquiry committee comprising of the following officers to conduct formal inquiry against Wakeel Khan PSHT, and Said Qadeem Shah PST, GPS Rega (Buner) for the charges mentioned in the charge sheet with immediate effect.

1. Mohammad Ayub SDEO (M) Daggar.
2. Iftikhar Javid Head Master GMS Wakeel Abad.

The inquiry committee shall submit recommendations/report to the Competent Authority within 07 days positively. (Copy of charge sheet is enclosed herewith)

DISTRICT EDUCATION OFFICER
(MALE) BUNER

Endst: of even No. & Date:-

Copy forwarded to the:

1. Mohammad Ayub SDEO (M) Daggar. (Copy of charge sheet is enclosed)
2. Iftikhar Javid Head Master GMS Wakeel Abad. (Copy of charge sheet is enclosed)
3. Wakeel Khan PSHT, GPS Rega. (Copy of charge sheet is enclosed)
4. Said Qadeem Shah PST, GPS Rega. (Copy of charge sheet is enclosed)
5. Master File

DISTRICT EDUCATION OFFICER
(MALE) BUNER

Iftikhar
Javid

محرمت جناب ڈی ای او صاحب تعلیم (صردان) ضلع لوہاڑہ

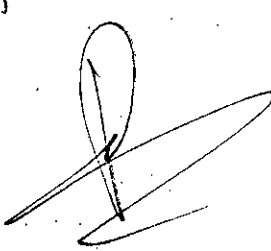
عنوان: کمیٹی ممبران پر عدم اعتماد اور تبدیلی

جناب عالی!

تہایت احترام سے عرض کی جاتی ہے کہ آپ سے آفس آرڈر نمبر 155 مورخہ 23 جنوری 2018 موصول ہوا۔ ان میں جو ممبران صاحبان انکوآئری کمیٹی پر مقرر کئے گئے ہیں۔ ان پر ہمارا اعتماد نہیں ہے۔ اور ایک سرٹیفکیٹ کی حیثیت رکھتا ہے۔ ان سے صاف انکوآئری کی توقع نہیں ہے۔ لہذا آپ صاحبان مہربانی فرما کر ایک آزاد اور خود مختار کمیٹی بنائے۔ جو پائیر سیلنڈری سکولوں کے پرنسپلز صاحبان پر مشتمل ہو۔ تاکہ بغیر کسی اثر و دباؤ کے صاف انکوآئری کر سکیں۔ ہم اس کے لیے بہت مشکور اور ممنون رہیں گے۔ فقط

العارضان
 Head Master
 PS No.1 Rega
 Dist: Buner (PSHT)

اللہ



سید قدیم خان (PST)

مورخہ 25 جنوری 2018
 جی پی ایس ریگنمبر 1

P-18

P-18

OFFICE OF THE DISTRICT EDUCATION OFFICER(M)
DISTRICT BUNER
No. 726 /Dated 14/2 /2018.

To

1. Mr. wakil.Khan PSHT GPS Rega No.1
2. Mr. said Qadeem Shah PST GPS Rega No.1

Subject:- WARNING

Memo:-

Reference this office order No.6903 dated 18/12/17 You were directed to appear before the enquiry committee comprising Mr. Muhammad Ayub SDEO(M) Daggar and Mr. Iftikhar Javed H/M GMS Wakil Abad but as per report of the enquiry officers you refused to present yourselves before the mentioned committee which is an act of disobedience and blatant violation of discipline on your part, hence you are once again directed to appear before the said committee and explain your position within 3 days positively, otherwise an ex-parte action shall be taken against you under E&D rules 2011 may be lead to your removal from service .

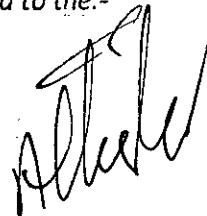
DISTRICT EDUCATION OFFICER (M)
BUNER

Endst;No. _____ /

Dated _____ /2018.

Copy of the above is forwarded to the:-

1. SDEO(M) Daggar Buner.



DISTRICT EDUCATION OFFICER (M)
BUNER



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
BUNER (Cell # 0939-510468)

No. _____ Dated. _____

P-19

SHOW CAUSE NOTICE

I Mr. Bakht Zada, District Education officer (M) Buner, under the Khyber Pukhtunkhwa Government Servant (Efficiency & Disciplinary), Rules 2011, do hereby serve upon you, Mr. Wakeel Khan PSHT, GPS Rega, District Buner, this show cause notice as follow:-

1. That as per report of the Dy:DEO (M) Buner, you were found to be guilty of inefficiency, misconduct and abetment in absenteeism.
2. That you are the abettor and supported Mr.Said Qadeem Shah for being habitual absentee.
3. That this office called your explanation, the reply of which was found utterly unsatisfactory being replete with baseless argumentation and lame excuses.
4. That you publicly proclaimed in written that you are not Govt. servant and refused to obey and comply with Elementary & Secondary Education Department Letter No. SOG/E & SED/2-8/2016 Dated Peshawar the 01/12/2016.
5. That you exert unfair pressure and threats to influence the actions and proceedings of this office and thereby attain your personal vested interests.
6. That you have ceased to be efficient and are guilty of misconduct.
7. That in response to the Dy:DEO's report, an inquiry committee was constituted to probe into the matter and dig out the reality. The committee, after conducting a comprehensive inquiry, declared you to be guilty of abetment, inefficiency and misconduct under Rules 2 (I) (i) (ii) (iii) (v) and Rules 3 (a) and (b) of the Khyber Pakhtunkhwa Servants (Efficiency and Discipline) Rules 2011.

By reasons of the above, you appear to be guilty of inefficiency and misconduct under the above mentioned rules of the Khyber Pukhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules *ibid*.

As a result thereof, I as the competent authority, have tentatively decided to proceed against you under the above mentioned rules. You are, therefore, required to show cause as to why major penalty of "**Reduction to Lower Post**" under Rules 4 (b) (i) of the Khyber Pukhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, 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 its delivery, it shall be presumed that you have no defense to put in and in that case Ex-parte action will be taken against you.


(BAKHT ZADA)
DISTRICT EDUCATION OFFICER (M)
BUNER

Endst: No. 1520-24 / Dated 5/4 /2018

Copy forwarded to:-

- 1- The Director of Elementary and Secondary Education Khyber pukhtunKhwa, Peshawar.
- 2- DMO Buner.
- 3- SDEO (M) Gagra.
- 4- The Official Concerned.
- 5- Master File

DISTRICT EDUCATION OFFICER (M)
BUNER

P-20


To,

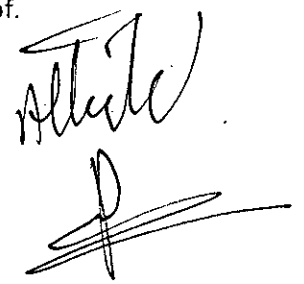
The District Education Officer (M),
District Buner.

SUBJECT RE- SHOWCAUSE NOTICE

Sir,

Memo;

- (1) That on receipt of the letter ends No.1520-24 dated 05-04-2018 delivered by registered post on dated 10-04-2018. Therein I have been asked to show cause as why major penalty under KPK Govt servant E & D Rules 2011 may not be initiated against me?
- (2) That as a matter of fact, as I have already been punished for no fault or blunder vide letter No. 43 dated 22-12-2017 Rs.1402 have been deducted from my salary for the month of December 2017.
- (3) That severally it has been explained that on 8-12-2017 I was present on my duty while the visiting DDEO namely Mr. Iftikharul Ghani who was convinced on the spot that the PST Said Qadim Khan concerned was allowed casual leave for 8-12-2017 being for genuine cause as he was due to attend the KPSC exams. (Copy attached of his application dully allowed and roll number slip).
- (4) That also salary for the same date 08-12-2017 was deducted the day, whereas his casual leave was allowed, Rs 929 (copy of pay slip attached) from his salary.
- (5) That whatsoever be the reason, since that day the personal grudges of the concerned DDEO have been created, as a result of which the concerned officer became severely mala fide to me and baselessly started to plan how the career of me as to be spoiled for no reason or justification.
- (6) That since the day 08-12-2017 either under the seal of DDEO or DEO whatever he deems fit, official letters and notice have been in progress, consecutively day or alternate due to which I have been kept under stressed and tension just for nothing, causing me mental agony which consequently suffered the public large interest in a shape of qualitative delivery of education of the children.
- (7) That not by dent of the same undesirable attitude and behavior and activities of the DDEO concerned suffered public interest and education of the school children but also the direction and priority of the concerned officer entirely unduly concentrated by him toward personal interest just to victimized me and take revenge of as why I have properly and dully suffered my efficient and punctual subordinate/colleague Said Qadim Khan PST due to the reason that the concerned officer has done nothing for public interest during the period and for the same reason the salary and other facilities which he has gaining and availing ought not to have been prescribed him being not entitled for.
- (8) The allegations that, I have stated that I am the state servant and not of the government, was under the authority of the August Supreme Court of Pakistan which supports the contentions and stance that the servant being beneficially of the state should obey those orders and directions and any authority which falls in the personal limitations and parameters as prescribed the relevant rules and regulations or policies exists, not violate of.



- (9) That the inquiry committee so constituted was differed by me because from the same committee I could not expect any justice full proceedings, however subsequently no intimation until now has been received if any other inquiry committee has been constituted.
- (10) That as for the matter of showing cause the reason that why major penalty E&D rules 2011 may not be initiated against me, I know nothing to be reasonable that how and under which circumstances and for which fault any action is required to be initiated against me, as nothing is on the ground and record and nothing has been proved so far.

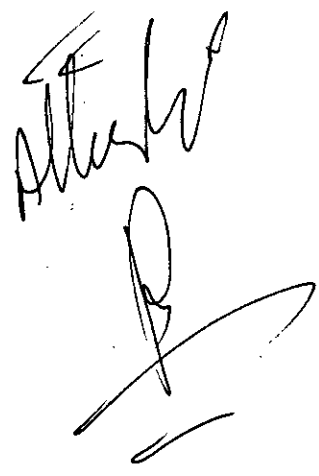
Therefore it is most humbly prayed that as I have already prejudicially been punished, hence what else more would be the purposeful target of any inquiry being made and except from which the mala fide intentions of the district authorities and ill will for more punishing and justifications thereof is smelled and expected against which the undersigned reserve the right to challenge its validity in the proper forum of law.

Submitted please,

@ 14-04-08

Yours obediently,
Wakil Khan (PSHT)
GPS Rega No. 1 \

Head Master
GPS No.1 Rega
Distt:Buner



- Copy for information to;
- 1. The Director E&SE KPK
 - 2. DMO Buner
 - 3. SDEO (M) Gagra
 - 4. Master File

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTONKHWA PESHAWAR.

Service Appeal No _____ 2018.

WAKEEL KHAN PSHT HEAD TEACHER GOVT PRIMARY SCHOOL REGA NO. 1 DISTRICT BUNER.

"APPELLANT"

VERSUS

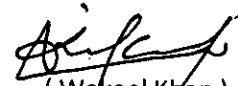
1. D.E.O MALE & E S EDUCATION (Mr Bakht Zada) Buner.
2. Dy; D.E.O MALE E & S EDUCATION (Mr, Iftihar UI Ghani) DISSTT; BUNER
3. S.D.E.O MALE (Mr, Muhammad Ayoub) Daggar BUNER.
4. Mr, Fazli Wahab Principal Govt; Higher Secondary School Torwarsak Buner.
5. DIRECTOR EDUCATION E & S EDUCATION K.P PESHAWAR.
6. SECRETARY E & S EDUCATION K.P PESHAWAR.
7. DISTRICT ACCOUNT OFFICER BUNER.

"RESPONDENTS"

Subject: REQUEST FOR HEARING AT GAMP COUTR SWAT
Sir,

I beg to state that I belong to district Buner. Malakand Division. All of the respondents of this service appeal belong to District Buner. The Peshawar High Court has also established Mingora Bench/Darul Qaza Swat for hearing cases of the petitioners belonging to this region.

It is therefore, requested that my services appeal may kindly be heard and decided in camo court of the tribunal at Saidu Sharif Swat.


(Wakeel Khan)

Appellant,
Through
Rahim Khan, advocate
District Courts, Daggar, Buner
Dated; 09/05/2018

بعدالتحاجب غیر منصفہ سے عدالت کی درخواست

خدیجہ کنتو خواجہ کیس

مورخہ 9 جنوری 2018ء منجانب ایسلانٹ

مقدمہ وکیل خان بنام جی ای ای او سرکار لاہور

دعویٰ سرورس اپیل وکیل خان

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی دکل

کارروائی متعلقہ آن مقام کیس کے لئے راجح خان ایجوکیٹ کیس

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

ویکل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ بر حلف دیے جواب وہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک نہ روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمد اور

منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور ویکل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور

اس کا ساختہ پرداخت منظور و قبول ہوگا۔ دوران مقدمہ میں میں جو خرچہ و ہرجانہ التوائے مقدمہ کے

سبب سے ہوگا۔ اس کے مستحق ویکل صاحب موصوف ہوں گے۔ نیز بقایا و خرچہ کی وصولی کرنے کا

بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہے تو ویکل صاحب پابند نہ ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا کالت نامہ لکھد یا کہ سندر ہے۔

المقوم 9 ماہ حج 2018ء

العبد محمد کواہ شہد
وکیل خان جی ای ای او سرکار لاہور

بمقام کسٹوڈین کے لئے منظور ہے۔
Accepted & Accepted
راجح خان

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTONKHWA PESHAWAR.

Service Appeal No 753 2018.

WAKEEL KHAN (PSHT) HEAD TEACHER GOVT PRIMARY SCHOOL REGA NO. 1 DISTRICT BUNR.

"APPELLANT"

VERSUS

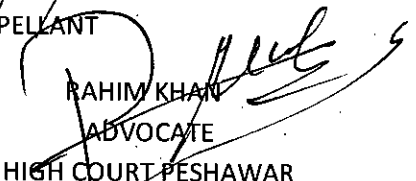
8. DITT; EDUCATION OFFICER MALE E & S EDUCATION DISTT; BUNER and others

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APPELLANT

Through counsel


RAHIM KHAN
ADVOCATE

HIGH COURT PESHAWAR

Office; at distt; courts Daggar Buner

Cell = 03439049185

Dated ; 09/05/2018

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTONKHWA PESHAWAR.

Service Appeal No. _____/2018.

WAKEEL KHAN PSHT HEAD TEACHER GOVT PRIMARY SCHOOL REGA NO.1 DISTRICT BUNER.

"APPELLANT"

VERSUS:

1. D.E.O MALE E & S EDUCATION (Mr Bakht Zada) BUNER.
2. Dy; D. E. O MALE E & S EDUCATION (Mr, Iftihar ul Gjhani)
DISTT; BUNER
- 3 S. D. E. O MALE (Mr, Muhammad Ayoub) Daggar BUNER .
- 4 .Mr, Fazli wahab Principal Govt; Higher Secondary School
Torwarsak Buner.
- 5 DIRECTOR EDUCATION E & S EDUCATION K.P PESHAWAR.
- 6 SECRETARY E & S EDUCATION K.P PESHAWAR.
- 7 DISTRICT ACCOUNT OFFICER BUNER.

"RESPONDENTS"

SERVICE APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT 1973 KHYBER
PUKHTONKHWA PESHAWAR, AGAINST THE ORDER IMPUGNED NO.6903
DT,18/12/2017, WHEREBY MONTHLY SALARY OF THE APPELLANT AND ONE
OTHER HAVE WRONGLY WITH OUT ANY LEGAL JUSTIFICATION OR LAWFUL
AUTHORITY BEEN FORFIETED/DEDUCTED AND LETTER NO. 726 DT,
14/2/2018 AND SHOW CAUSE NO.1520-24 DT,5/4/2018 WHEREBY THE
RESPONDENTS NO.1 & 2 ARE MALA FIDLEY INTEND AND GOING TO SPOIL THE
CAREER OF THE APPELLANT FOR NOTHING AND NO FAULT OR BLUNDER OF
THE APPELLANT.

Respectfully sheweth;

PRAY IN APPEAL

On acceptance of this service appeal the orders impugned, evc. dated
18/12/2017 and 14/02/2018 and dt,5/4/2018 as well as all other
correspondence made on the issue , may also be set aside and the
respondents may also graciously be directed to pay the unlawfully deducted
amount Rs, 1402/- and to stop henceforth , the unlawful initiative against the
appellant being basing on ill will and also falls against the public interest .

FACTS.

1. That the appellant has been performing his duties since April, 21st 1999 up till now with keen interest and up to his best efforts and no chance of complaint has been given by the appellant to his bosses .
2. That it was about 8.00 o'clock at morning on 8/12/2017, while the respondent No.2 has visiting /inspecting the G.P.S Rega No.1. The attendance register of the school was taken in his custody by the respondent No.2 and signature of the appellant was not allowed by him there in.
3. That the subject of the letter No.6903 dated 18/12/2017, is itself indicative and showing that the intention and well of the respondents No.1 & 2 were ill and mala fide, while drafting the letter concerned as per captioning the subject as "EXPLANATION/DEDUCTION OF PAY" being initial stage. While most of the letters have signed directly by the respondent No.2, without having authority of Distt; Education Officer Distt; Buner.
4. That the appellant despite genuine and justified explanation, explained for non putting of his signature in the attendance register in time , was ignored and pay for the day dated,08/12/2017 was deducted wrongly without lawful authority. Copies ^{OF} the entire letter dt, 18/12/2017, explanation and pay slip are annexed as "A", "B" & "C".
5. That not only pay of the appellant was wrongly deducted and punished the appellant un warranted but so far the appellant has been kept for nothing , over busy and he could spare hardly for official duty, due to the same useless correspondence having no involvement any public interest there in. while additionally the same also keep tense the appellant. Which also cause remarkable disturbance, but little the official interest too being beyond the approach of the appellant was attended to.
6. That departmental appeal, filed on dated 15/01/2018, by the appellant which has not been considered and other correspondence on the subject all are annexed also which are showing clear Mala fide and personal grudge of the respondents No.1 & 2, to have , for no fault of the appellant . Copies are annexed as "D".

7. That the respondents No.1 & 2, though have spared and volunteered to this personal task merely basing their ill will and mala fide intention, just to spoil the career of the appellant for nothing without any justification and to suffer also the public interest as well, against which the appellant, having no alternative adequate remedy, except to file the instant service appeal on the following grounds, among other inter alia.

GROUNDS

A. That the appellant had actually attended the school well in time on dated 08/12/2017 but due to launching surprise visit and inspection of the respondent No.2, the appellant just to entertain the respondent No.2 being immediate boss of the appellant forgot that he had not signed in attendance box in the register and the same was just due to oversight. Which is evident from the letter impugned dated 18/12/2017(annexed), so the deduction impugned is without lawful justification and authority, but mere basing on mala fide intention and ill will.

B. That without waiting the explanation in question the impugned deduction was made from the monthly salary of the appellant in the pay bill for the month of December, 2017. Which in no way is lawful or justified. Hence the deduction so made is repayable in favour of the appellant under the law, because the appellant has a lot of leave on his credit/account and actually the appellant has performed his duty on the day, dated 8/12/2017.

C. That the appellant has already been punished once with out his fault, being against the standing principles of law that none can be condemned unheard, so the subsequent correspondence even before and after the awarding of unlawful penalty, all as annexed shown clear mala fide of the respondents, even No.1 & 2, just to torture the appellant and spoil his service career for no fault of the appellant. Hence the entire correspondence made annexed should be declared as null and void while strict direction for ceasing them further is necessary which falls in the interest of public too.

D. That the respondents No.6, being competent authority be directed to take serious notice of the respondents No.1 & 2 for misuse of their seats and official powers as well as official time and stationery and recovery of their salaries received during the period involved along with cost for miss


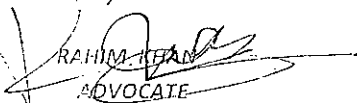
use of official machinery may also be directed to be made to be from them.

- E. That No any enquiry against, the appellant, either impartial investigation of the so called and nominal dispute so created by the respondent No.2 has been made nor the appellant has so far been heard in person. So the entire so called proceeding are unlawful and of no legal weight and therefore is not sustainable in the eyes of law.
- F. That the Appellant reserve the right to claim damages subsequently for unlawful torturing and unwarrantedly disturbing the appellant and tense also for no blunder or fault of the appellant even misuse of their official authorities .
- G. That further arguments supporting the stance of the appellant will be made at the time of arguments with du permission of this Honourable Tribunal.

Therefore it is humbly prayed that on acceptance of this service appeal the relief sought may graciously be granted in favour of the appellant as per pray.

Further relief to which the appellant is entitle under the law may also be graciously be granted in favour of the appellant though not specifically prayed for in this appeal.

Through Counsel


APPELLANT

RAHIM KHAN
ADVOCATE
HIGH COURT PESHAWAR

Office; at Distt; Courts Daggar Buner.

Cell= 03439049185

Dated; 09/05/2018.

Certificate

It is to certify that the entire contents of this service appeal are true and correct and that no such like service appeal is pending or earlier filed in this Honour tribunal or else where.


APPELLANT

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTONKHWA PESHAWAR.

Service Appeal No. _____/2018.

WAKEEL KHAN PSHT HEAD TEACHER GOVT PRIMARY SCHOOL REGA NO.1 DISTRICT BUNER.

" APPELLANT"

VERSUS

DISTT; EDUCATION OFFICER MALE E & S EDUCATION DISTT; BUNER and others

ADDRESSES OF PARTIES

WAKEEL KHAN PSHT HEAD TEACHER GOVT PRIMARY SCHOOL REGA NO.1
DISTRICT BUNER.

" APPELLANT"

1. D.E.O MALE E & S EDUCATION(Mr Bakht Zada) BUNER.
2. Dy; D. E. O MALE E & S EDUCATION (Mr, Iftihar ul Gjhani)
DISTT; BUNER
3. S. D. E. O MALE(Mr, Muhammad Ayoub) Daggar BUNER.
4. .Mr, Fazli wahab Principal Govt; Higher Secondary School
Torwarsak Buner.
5. DIRECTOR EDUCATION E & S EDUCATION K.P PESHAWAR.
6. SECRETARY E & S EDUCATION K.P PESHAWAR.
7. DISTRICT ACCOUNT OFFICER BUNER.

"RESPONDENTS"

APPELLANT

Through Counsel

RATHIM KHAN
ADVOCATE

HIGH COURT PESHAWAR

Office; at Distt; Courts Daggar Buner.

Cell= 03439049185

Dated; 09/05/2018.

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTONKHWAW PESHAWAR.

Service Appeal No. _____/2018.


WAKEEL KHAN PSHT HEAD TEACHER GOVT PRIMARY SCHOOL REGA NO.1 DISTRICT BUNER.

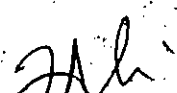
" APPELLANT "

VERSUS

1. DITT; EDUCATION OFFICER MALE E & S EDUCATION DISTT; BUNER and othersAFFIDIVATE

I WAKEEL KHAN S/O SAEEDULLAH KHAN R/O village Kalpani Tehsil Gagra Distt; Buner/ Senior Primary School Teacher Govt; Primary School rega No.1 Distt; Buner , do hereby solemnly affirm and declare on oath that the entire contents of this Service Appeal are true and correct. And that no service Appeal on the same subject matter or issue has earlier been filed by Appellant on the same subject is pending before this Honour Tribunal or in any other forum else where.


 WAKEEL/KHAN/DEPONENT


ATTESTED
Farman Ali Khan
 Advocate OATH Commissioner
 Distt Courts Daggar Buner
 No. 216 Date 28/05/2018

Alex - A,
P-7



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE/FEMALE)
BUNER (Cell # 0939-510699)

No. 6903 Dated. 18/12/17

To

1. Wakeel Khan, The Head Teacher GPS Rega. (Buner)
2. Said Qadeem Khan, PST, GPS Rega. (Buner)

SUBJECT: - Explanation/Deduction of Pay

Memo.

During surprise visit of the undersigned on 08/12/2017, at about 10:00 A.M. the following gross irregularities were found to have been existed.

1. You, official, at S.No. 2 were absent and your attendance box was lying empty which were to be prodded and signed on behalf of the absentee at the time of lay off/furlough. This obviously divulges irresponsible behaviour towards duty and counts for inefficiency and misconduct.
2. The Head Teacher management is too much loose, so much so that not only of the absent official but his own box in the attendance register was lying empty as late as the above mentioned time.
3. Majority of the classes were devoid of teachers and the students were rambling here and there, while the present teachers including the HT were having chat with one another in the verandah.
4. A commotional type of situation was observed which connotes lack of discipline and disinterestedness on their part.

Hence, You are directed to explain your position in black and white within 3 days of the issuance/receipt of this letter as to why not a stern disciplinary action may be taken against you under the *Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011*, collaborated with the directives to SDEO (M) Daggar to deduct one day salary from the absent teacher at S.No.2 with intimation to the office of the undersigned at the earliest.

DISTRICT EDUCATION OFFICER
(MALE) BUNER

Copy of the above is forwarded to:

1. PA to DEO (M) Buner Local office.
2. SDEO (M) Daggar.

DEPUTY DISTRICT EDUCATION OFFICER
(MALE) BUNER

Anex B

R 8

P-8

بخدمت جناب ڈی ای او صاحب تعلیم مردانہ ضلع بونیر

جناب عالی

جناب عالی!

موردہ بند گزارش ہے کہ آپ کے آفس سے ایئر نمبر 6903 مورخہ 18/12/2017 موصول ہوا۔ جس میں جو بیان کیا گیا ہے ان میں کوئی حقیقت نہیں ہے۔ اور غلط بیانی سے کام لیا گیا ہے۔ جو ایک ادارے کے سربراہ کو زیب نہیں دیتا۔ حقیقت یہ ہے کہ پانچ ماہ سے ایک اسٹلم ٹریننگ اور دوسرا کمپیشن کے امتحان کیلئے پشاور گیا تھا۔ چھٹی کی درخواستیں ارسال کیا تھا۔ 8 دسمبر کو ہم صرف تیس اساتذہ ڈپٹی تھے۔ اسمبلی کے بعد پچھلے کلاسوں کو جا رہے تھے۔ میں اپنے دفتر آ کر حاضری رجسٹر میں اپنا دستخط اور سیر قدیم خان PST لکھ کر لے گیا۔ چھٹی لگانے والا تھا کہ عین موقع پر 8 بجکر 43 منٹ پر محترم ڈپٹی صاحب داخل ہو کر بغیر سلام و کلام کے میرے سامنے میز پر حاضری رجسٹر لٹھا کر ڈل سکول کے طرف گئے اور واپس 8 بجکر 55 منٹ پر سیدھے چلے گئے میں اسکے پیچھے گاڑی تک گیا۔ اس کے بعد دستخط کیلئے راضی ہوا لیکن پھر بھی مذکورہ ایئر جاری کیا۔ جس میں جذباتی اور غیر مناسب رویے سے سارے سٹاف کو سخت ٹیس پہنچا۔ حالانکہ GPS ریگ نمبر 1 کے سٹاف رجسٹر اور پابندی سے اپنا ڈپٹی کرتے چلے آ رہے ہیں۔ اور ابھی تک کسی قسم کی رپورٹنگ یا IN یا افسران بالا کی جانب سے نہیں کی گئی۔ لیکن پھر بھی میں اپنے صفائی میں دو باتیں کرنا ضروری سمجھتا ہوں۔

(1) E & S ایجوکیشن ڈیپارٹمنٹ کے نوٹیفیکیشن نمبر SOG/E&SED/2-8/2016 بتاریخ 01/12/2016 کے سیریل نمبر 5 میں واضح لکھا ہے کہ H.T سکول اسمبلی کے بعد حاضری رجسٹر میں سٹاف کی غیر حاضری یا چھٹی وغیرہ لگادیں۔ تو اس نوٹیفیکیشن کے مطابق ہم ٹھیک جا رہے تھے۔ (نوٹیفیکیشن کی کاپی منسلک ہے)

(2) دوسری اہم بات 10 بجے ڈیپارٹمنٹ نام لکھا ہے۔ لیکن اس کا ثبوت ڈپٹی صاحب کے اپنے موبائل میں ہے۔ کیونکہ انہوں نے حاضری رجسٹر کا فوٹو لیا تھا۔ جس میں وقت اور تاریخ ہوگا۔

جناب عالی!

مندرجہ بالا حقائق کو بیان کرتے ہوئے پھر بھی ہم اساتذہ ہیں۔ اسلئے افسران بالا سے معافی کے طلب گار ہیں۔

الحاضر 20-12-2017

HEAD MASTER

G.P. No. 1 (PSHT) وکیل خان

Rega Distt Board

جی پی ایس ریگ نمبر 1

مورخہ: 20/12/2017

P-9
2

P-9

Government of Khyber Pakhtunkhwa
Elementary & Secondary Education Department

Dated Peshawar the 01/12/2016

OFFICE ORDER.

No. SOG/E&SED/2-8/2016, To streamline/standardize action against the delinquent staff the department has started Online Action Management System in two districts Peshawar & Mardan, on pilot basis which will be rolled out to other districts on 01-12-2016. For the implementation of Online Action Management System, the Competent Authority is pleased to issue the following instructions; -

- i. DEO of each district is authorized to order deduction of salary of all the delinquent officer/officials in BS-01 to BS-19 in the district as and when reported. However for officers in BS-20, DEO needs to get approval from Director E&SE.
- ii. DEO shall ensure that order for deduction of salary is conveyed to the concerned DDO within 7 working days.
- iii. The DEO must ensure that action against the delinquent officer/official is completed within 40 days, and proof of deduction of one day salary is uploaded to the system within this timeline.
- iv. Cases other than deduction of salary, which involve issuance of Show Cause Notice, shall be submitted to the concerned competent authority and timeline for its disposal shall be as per Government of KP (Efficiency & Discipline) Rule 2011.
- v. The following action shall be taken on unauthorized teacher absenteeism:
 - a) On first time absence
 - Deduction of salary and a warning letter
 - b) On second time absence of the same teacher/staff
 - Deduction of salary and a show cause notice that would lead to withholding of two increments.
 - c) On third time absence of the same teacher/staff:
 - Deduction of salary and a show cause notice that would lead to removal from service.

2. In order to regulate grant of casual leave to teaching/non-teaching staff, the Competent Authority is further pleased to designate authorities for grant of leaves according to the following table:

i.

	Head Teacher	ASDEO	SDEO	DDO
Primary School	2 days leave	3-5 days leave	6-10 days leave	-
Middle School	3 days leave	-	-	4-10 days leave

- ii. For High school and Higher Secondary school teachers, school HM/Principal is authorized to grant casual leave from 1 to 10 days leave to his teaching/non-teaching staff.
- iii. Cases of grant of casual leave beyond 10 days shall be forwarded to DDO/concerned authority.

Handwritten signatures and initials

R 18 -

While granting/recommending casual leaves all Heads of institutions shall follow the following procedure:

- a) Schools with 2-7 working teachers' strength:
 - Principals/Head teachers, irrespective of the levels shall not grant casual leave to more than one teacher/staff on any working day.
- b) Schools with 8-15 working teachers' strength:
 - Principals/Head teachers, irrespective of the levels shall not grant casual leave to more than two teachers/staff on any working day.
- c) Schools with more than 15 working teachers' strength:
 - Principals/Head teachers, irrespective of the levels shall not grant casual leave to more than 10% of the total teachers/staff on any working day.

4. Attendance register of all the staff including subject specialists, teaching and non-teaching shall be kept in Principal office. Moreover, the attendance should be signed twice a day i.e. at arrival time and departure time. Besides, all the staff including the subject specialists should observe the timing schedule given by Director E & SE.

5. The Principal/Head Master/ Head Teacher shall be responsible for completion of attendance register immediately after school assembly and staff shall be marked present, absent, casual leave etc. The teacher leaving the school will write proper application and short leave/casual leave be marked against his/her name in the register.

6. Leave application/duty order of staff not present in office/school should be allowed/approved by the concerned authority and must be available in the attendance register for the day for which casual leave is granted. No casual leave/official duty shall be allowed on verbal requests.

7. The casual leave application must be signed by the requester. Moreover, application written for other teacher on telephonic message must be signed by the person who writes it. Unsigned application shall not be accepted/allowed by the concerned authority.

8. All DIOs are directed to ensure proper implementation of the above instructions & in case of non-compliance disciplinary action shall be initiated against the concerned authority.

Secretary

Encls: No. & date even.

Copy forwarded to the:-

1. Project Director Independent Monitoring Unit (IMU) E&SE Department, Khyber Pakhtunkhwa.
2. Director, E&SE Khyber Pakhtunkhwa, Peshawar.
3. Director, PFTE, Khyber Pakhtunkhwa, Peshawar.
4. Director, Curriculum & Teacher Education, Khyber Pakhtunkhwa, Abbottabad.
5. All District Education Officers (Male/Female) in Khyber Pakhtunkhwa.
6. P.S to Secretary, E&SE Department.
7. P.S to Special Secretary, E&SE Department.
8. P.A to Additional Secretary, E&SE Department.
9. P.As to all Deputy Secretaries, E&SE Department.
10. Section Officer (Schools/Male), E&SE Department.
11. Section Officer (Schools/Female), E&SE Department.
12. Section Officer (Primary), E&SE Department.

Muhammad Abbas Khan

Dist. Govt. NWFP-Provincial
District Accounts Office Banair at Dugga
Monthly Salary Statement (December-2017)

Personal Information of Mr WAKIL KHAN d/w/s of SAIDULLAH KHAN

Personel Number: 00274947 CNIC: 1510108600310 NTN: 0
Date of Birth: 18.04.1974 Entry into Govt. Service: 21.04.1999 Length of Service: 18 Years 08 Months 012 Days

Employment Category: Active Permanent

Designation: PRIMARY SCHOOL HEAD TEACH 80000554-DISTRICT GOVERNMENT KHYBE

DDO Code: BD6009-

Payrol Section: 001

GPF Section: 001

Cash Center: 05

GPF A/C No: EDUBR001804

Interest Applied: Yes

GPF Balance:

195,486.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 15

Pay Stage: 15

Wage type	Amount	Wage type	Amount
0001 Basic Pay	36,070.00	1000 House Rent Allowance	1,566.00
1210 Convey Allowance 2005	2,856.00	1300 Medical Allowance	1,500.00
1911 Compen Allow 20% (1-15)	1,000.00	2143 15% Adhoc Relief All-2013	796.00
2199 Adhoc Relief Allow @10%	535.00	2211 Adhoc Relief All 2016 10%	2,919.00
2224 Adhoc Relief All 2017 10%	3,607.00		0.00

Deductions - General

Wage type	Amount	Wage type	Amount
3015 GPF Subscription - Rs2890	-2,890.00	3501 Benevolent Fund	-600.00
3609 Income Tax	-376.00	3950 Emp.Edu. Fund KPK	-125.00
4004 R. Benefits & Death Comp:	-1,052.00	6126 Adj R.O.P	-1,402.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 6,858.00 Recovered till December-2017: 1,864.00 Exempted: 2742.44 Recoverable: 2,251.56

Gross Pay (Rs.): 50,849.00 Deductions: (Rs.): -6,445.00 Net Pay: (Rs.): 44,404.00

Payee Name: WAKIL KHAN

Account Number: C/A1311-9

Bank Details: NATIONAL BANK OF PAKISTAN, 231369 NATIONAL BANK OF PAK KALPANI KALPANI BUNNER, PAK KALPANI

Leave :: Opening Balance: Aailed: Earned: Balance:

Permanent Address: BUNIR

City: BUNAIR

Domicile: NW - Khyber Pakhtunkhwa

Housing Status: No Official

Temp Address:

City:

Email: decbunery@gmail.com

Attested
R

Waqar D3 P-12

To,
The Director Sb (E & SE) KPK Peshawar.

Through: The DEO (Male) Buner

Subject: Appeal against the letter of DDEO Male Buner.

Sir,

Reference D/O letter No. 43 dated 22/12/2017 issued under the sign of DDEO whereby the SDO has been directed to make deduction of my pay for no fault of mine.

From the aforesaid letter it is evident that grave violation of service rules / authority has been committed.

1. The DDEO is not authorized to sign such type of letter without approval of the CEO. It does not seem to have been done in the instant case.
2. There is no provision either of deduction of pay or deposition of pay through challan, even there is no provision or stoppage of pay and even it is allowed during suspension in minor case of sec 302(CRPC).
3. Civil servants are servants of the state and not of the government; they are not bound to obey the unlawful orders of their superiors as enunciated by the Supreme Court in the famous Anita Tara case of 2012. So I will not obey the unlawful directions carried by the letter mentioned above, and will rather obey the Supreme Court judgment cited above.

It is therefore requested that the letter carrying the unlawful directions may be cancelled / withdrawn with strict action against those who violated the Supreme Court judgment and the service rules. I intend to knock at the door of the court after expiry of the statutory period if no remedy was given to me.

Yours Obediently,

Wakil Khan
PSHT GPS Rega No.1
Dated: 15/01/2018

Ali
Head Master
GPS No. 1 Rega
Dist: Buner

Attest




No. 453 Dated. 23-01-2018

14

To

1. Wakeel Khan PSHT, GPS Rega (Buner)

SUBJECT: - Charge Sheet

Memo,

I, Mr Bakht Zada District Education Officer (M) Buner being the Competent Authority hereby charge you Mr. Wakeel Khan PSHT, GPS Rega as follow:

That you while acting as incharge of the school, committed the following irregularities and misconduct:

1. That you are the abettor and supported Mr. Said Qadeem Shah for being habitual absentee.
2. That you are on probation (as PSHT) and your services can be terminated at any time if found guilty of misconduct or inefficiency.
3. That this office called your explanation, the reply of which was found utterly unsatisfactory and replete with baseless argumentation and lame excuses.
4. That you publicly proclaimed in written that you are not Govt. servant and refused to obey and comply with Elementary & Secondary Education Department Letter No. SOG/E & SED/2-8/2016 Dated Peshawar the 01/12/2016.
5. That you exert unfair pressure and threats to influence the actions and proceedings of this office and thereby attain your personal vested interests.
6. That you have ceased to be efficient and are guilty of misconduct and liable to be proceeded under the rules for the charges given hereinabove.

By reasons of the above you appear to be guilty of abetment, inefficiency and misconduct under Rule 3 (a) (b) of the Khyber Pukhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the Rules ibid.

Hence, You are directed to submit your defense in black and white within 07 days of the issuance/receipt of this letter, also intimate whether you desire to be heard in person, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

(BAKHT ZADA)

DISTRICT EDUCATION OFFICER

(MALE) BUNER

Copy of the above is forwarded to:

1. Moharrimad Ayub SDEO (M) Daggan.
2. Iffikhar Javid Head Master GMS Wakeel Abad.

DISTRICT EDUCATION OFFICER

(MALE) BUNER

محرمات جناب ڈی ای او صاحب تعلیم ضلع جونیئر

مظاہرین پر جواب تیار جی ٹی ٹ

15

جناب عالی:

گزارش یہ ہے جو الزامات لگائے گئے ہیں ان میں کوئی حقیقت نہیں ہے۔ بریل وائر وضاحت پیش خدمت ہے۔

1) میں کہی بھی غیر حاضری کو رپورٹ نہیں کرتا۔ معلم مذکورہ ایک قابل اور وقت کا پابند معلم ہے 8 دسمبر کو چھٹی کے لیے درخواست لکھا تھا۔

2) لیٹر نمبر 2018/28/EGSED/SOG مورخہ 12/12/18 کے مطابق اسمبلی کے رجسٹر مکمل کرتا ہوں۔

3) ہمارے صفائی کی وضاحت اردو نمبر 6903 اور نمبر 43 سے صاف ظاہر ہے۔ یہ میں عزیز ٹائم ہائیج لکھا ہے۔

4) مذکورہ لیٹر کو ہم نے اپنے رپورٹ میں دیا ہے اور اس کے مطابق عمل کرتے ہیں۔

5) سکول میں حاضر ہونے کے باوجود کٹوتی سے خلاف اپیل لکھا دیا گیا ہے۔

جناب عالی:

میں جانتا ہوں اگر سبھی قلبی طور پر آفسر سے حثیت سے ماتحت کو سہانا اور

ان کا اصلاح کرنا چاہیے۔ اس سے کام میں بہتری آتی ہے۔

ایک اچھے آفسر کو آپ جیسے بڑا دل، خوشی اخلاق، بردبار اور بہترین والد

بہتر چاہیے۔ جو اپنے ماتحتوں کا عزت اور خیال رکھتا ہے اور ان کا

غریب دوست ہے۔

اچھے آپ صاحبان ہمارے گزارشات پر ہمیں روحانہ غور فرمائیں

اور ان کو مشکور و ممنون فرمائیے۔

العارضین
وکیل خان (PSHT)
جی پی ایس ریگنیل
مورخہ 20 جنوری 2018

Handwritten signature and flourish.



OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE/FEMALE)
BUNER (Cell # 0939.570468)

No. 455 Dated. 22/10/18

p 16

OFFICE ORDER

The Competent Authority is pleased to constitute inquiry committee comprising of the following officers to conduct formal inquiry against Wakeel Khan PSHT, and Said Qadeem Shah PST, GPS Rega (Buner) for the charges mentioned in the charge sheet with immediate effect.

1. Mohammad Ayub SDEO (M) Daggar.
2. Iftikhar Javid Head Master GMS Wakeel Abad.

The inquiry committee shall submit recommendations/report to the Competent Authority within 07 days positively. (Copy of charge sheet is enclosed herewith)

DISTRICT EDUCATION OFFICER
(MALE) BUNER

Endst. of even No. & Date:-

Copy forwarded to the:

1. Mohammad Ayub SDEO (M) Daggar. (Copy of charge sheet is enclosed)
2. Iftikhar Javid Head Master GMS Wakeel Abad. (Copy of charge sheet is enclosed)
3. Wakeel Khan PSHT, GPS Rega. (Copy of charge sheet is enclosed)
4. Said Qadeem Shah PST, GPS Rega. (Copy of charge sheet is enclosed)
5. Master File

DISTRICT EDUCATION OFFICER
(MALE) BUNER

Alhuda
[Signature]

جناب ڈی ای او صاحب تعلیم (مردانہ) ضلع لوہاڑہ

کونسل عہدہ امتحان اور تبدیلی

جناب عالی

محترم سے عرض کی جاتی ہے کہ آپ نے آفس آف انکوائری

23 جنوری 2018ء کو موصول ہوا۔ ان میں جو عہدہ ان صاحبان

کو منظور کیا گیا ہے۔ ان پر ہمارا اعتماد نہیں ہے۔ اور آپ

ان سے صاف انکوائری کی توقع نہیں ہے۔

آپ صاحبان مہربانی فرما کر ایک آزاد اور خود مختار

کمیٹی بنائے۔ جو پائیر سیکنڈری سکولوں سے پرنسپلز صاحبان

پر مشتمل ہو۔ تاکہ بغیر کسی اثر و ثبوت کے صاف انکوائری کر سکیں۔

اس کے لیے بہت شکور اور ممنون رہینگے۔ فقط

الحارضان

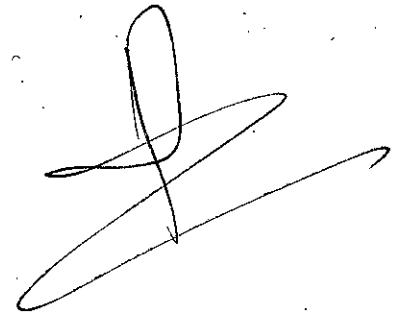
Head Master
PS No.1 Rega
Distt: Buner (PSHT)

سید قدیم خان (PST)

25 جنوری 2018ء

جی پی ایس ایف انمبر 1

Attn



~~Copy to~~

P-18

P-18

OFFICE OF THE DISTRICT EDUCATION OFFICER,
DISTRICT BUNER
No. 726 /Dated 14/2 /2013.

- ✓
1. Mr. wakil Khan PSHT GPS Rega No.1
 2. Mr. said Qadeem Shah PST GPS Rega No.1

Subject:- WARNING

Memo:-

Reference this office order No.6903 dated 18/12/17 You were directed to appear before the enquiry committee comprising Mr. Muhammad Ayub SDEO(M) Daggar and Mr. Iftikhar Javed H/M GMS Wakil Abad but as per report of the enquiry officers you refused to present yourselves before the mentioned committee which is an act of disobedience and blatant violation of discipline on your part, hence you are once again directed to appear before the said committee and explain your position within 3 days positively, otherwise an ex-parte action shall be taken against you under E.O.D rules 2011 may lead to your removal from service.

DISTRICT EDUCATION OFFICER (M)
BUNER

Endst;No. _____/

Dated _____/2013.

- Copy of the above is forwarded to the:-
1. SDEO(M) Daggar Buner.

DISTRICT EDUCATION OFFICER (M)
BUNER

Attested
B



Ames F P-19

OFFICE OF THE
DISTRICT EDUCATION OFFICER (MALE)
BUNER (Cell # 0939-510468)

No. _____ Dated _____

SHOW CAUSE NOTICE

I Mr. Bakht Zada, District Education officer (M) Buner, under the Khyber Pukhtunkhawa Government Servant (Efficiency & Disciplinary), Rules 2011, do hereby serve upon you, **Mr. Wakeel Khan PSHT, GPS Rega**, District Buner, this show cause notice as follow:-

1. That as per report of the Dy:DEO (M) Buner, you were found to be guilty of inefficiency, misconduct and abetment in absenteeism.
2. That you are the abettor and supported Mr. Said Qadeem Shah for being habitual absentee.
3. That this office called your explanation, the reply of which was found utterly unsatisfactory being replete with baseless argumentation and lame excuses.
4. That you publicly proclaimed in written that you are not Govt. servant and refused to obey and comply with Elementary & Secondary Education Department Letter No. SOG/E & SED/2-8/2016 Dated Peshawar the 01/12/2016.
5. That you exert unfair pressure and threats to influence the actions and proceedings of this office and thereby attain your personal vested interests.
6. That you have ceased to be efficient and are guilty of misconduct.
7. That in response to the Dy:DEO's report, an inquiry committee was constituted to probe into the matter and dig out the reality. The committee, after conducting a comprehensive inquiry, declared you to be guilty of abetment, inefficiency and misconduct **under Rules 2 (I) (i) (ii) (iii) (v) and Rules 3 (a) and (b) of the Khyber Pakhtunkhwa Servants (Efficiency and Discipline) Rules 2011.**

By reasons of the above, you appear to be guilty of inefficiency and misconduct under the above mentioned rules of the Khyber Pukhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, and have rendered yourself liable to all or any of the penalties specified in Rule-4 of the Rules *ibid*.

As a result thereof, I as the competent authority, have tentatively decided to proceed against you under the above mentioned rules. You are, therefore, required to show cause as to why major penalty of "**Reduction to Lower Post**" under **Rules 4 (b) (i) of the Khyber Pukhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011**, 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 its delivery, it shall be presumed that you have no defense to put in and in that case Ex-parte action will be taken against you.

(BAKHT ZADA)
DISTRICT EDUCATION OFFICER (M)
BUNER

Endst: No. 1520-24 / Dated 5/4 / 2018

Copy forwarded to:-

- 1- The Director of Elementary and Secondary Education Khyber pukhtunkhwa, Peshawar.
- 2- DMO Buner.
- 3- SDEO (M) Gagra.
- 4- The Official Concerned.
- 5- Master File

DISTRICT EDUCATION OFFICER (M)
BUNER

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To,

The District Education Officer (M),

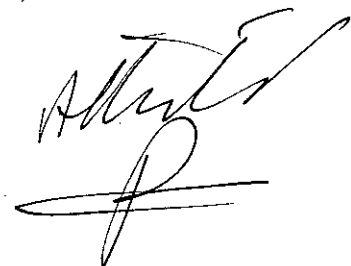
District Buner.

SUBJECT RE- SHOWCAUSE NOTICE

Si,

Memo;

- (1) That on receipt of the letter ends No.1520-24 dated-05-04-2018 delivered by registered post on dated 10-04-2018. Therein I have been asked to show cause as why major penalty under KPK Govt servant E & D Rules 2011 may not be initiated against me?
- (2) That as a matter of fact, as I have already been punished for no fault or blunder vide letter No. 43 dated 22-12-2017 Rs.1402 have been deducted from my salary for the month of December 2017.
- (3) That severally it has been explained that on 8-12-2017 I was present on my duty while the visiting DDEO namely Mr. Iftikharul Ghani who was convinced on the spot that the PST Said Qadim Khan concerned was allowed casual leave for 8-12-2017 being for genuine cause as he was due to attend the KPSC exams. (Copy attached of his application duly allowed and roll number slip).
- (4) That also salary for the same date 08-12-2017 was deducted the day, whereas his casual leave was allowed, Rs 929 (copy of pay slip attached) from his salary.
- (5) That whatsoever be the reason, since that day the personal grudges of the concerned DDEO have been created, as a result of which the concerned officer became severely mala fide to me and baselessly started to plan how the career of me as to be spoiled for no reason or justification.
- (6) That since the day 08-12-2017 either under the seal of DDEO or DEO whatever he deems fit, official letters and notice have been in progress, consecutively day or alternate due to which I have been kept under stressed and tension just for nothing, causing me mental agony which consequently suffered the public large interest in a shape of qualitative delivery of education of the children.
- (7) That not by dent of the same undesirable attitude and behavior and activities of the DDEO concerned suffered public interest and education of the school children but also the direction and priority of the concerned officer entirely unduly concentrated by him toward personal interest just to victimized me and take revenge of as why I have properly and dully suffered my efficient and punctual subordinate/colleague Said Qadim Khan PST due to the reason that the concerned officer has done nothing for public interest during the period and for the same reason the salary and other facilities which he has gaining and availing ought not to have been prescribed him being not entitled for.
- (8) The allegations that, I have stated that I am the state servant and not of the government, was under the authority of the August Supreme Court of Pakistan which supports the contentions and stance that the servant being beneficially of the state should obey those orders and directions and any authority which falls in the personal limitation and parameters as prescribed the relevant rules and regulations or policies exists, not violate of.



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- (9) That the inquiry committee so constituted was differed by me because from the same committee I could not expect any justice full proceedings, however subsequently no intimation until now has been received if any other inquiry committee has been constituted.
- (10) That as for the matter of showing cause the reason that why major penalty E&D rules 2011 may not be initiated against me, I know nothing to be reasonable that how and under which circumstances and for which fault any action is required to be initiated against me, as nothing is on the ground and record and nothing has been proved so far.

Therefore it is most humbly prayed that as I have already prejudicially been punished, hence what else more would be the purposeful target of any inquiry being made and except from which the mala fide intentions of the district authorities and ill will for more punishing and justifications thereof is smelled and expected against which the undersigned reserve the right to challenge its validity in the proper forum of law.

Submitted please,
 Yours obediently,
 Wakil Khan (PSHT)
 GPS Rega No. 1

Ali 14-4-08
 Head Master
 GPS No 1 Rega
 Dist: Buner

- Copy for information to;
1. The Director E&SE KPK
 2. DMO Buner
 3. SDEO (M) Gagra
 4. Master File

Attal
R

BEFORE THE SERVICE TRIBUNAL KHYBER PUKHTONKHWA PESHAWAR.

Service Appeal No _____ 2018.

WAKEEL KHAN PSHT HEAD TEACHER GOVT PRIMARY SCHOOL REGA NO. 1 DISTRICT BUNER.

"APPELLANT"

VERSUS

1. D.E.O MALE & E S EDUCATION (Mr Bakht Zada) Buner.
2. Dy; D.E.O MALE E & S EDUCATION (Mr, Ifthihar UI Ghani) DISSTT; BUNER
3. S.D.E.O MALE (Mr, Muhammad Ayoub) Daggar BUNER.
4. Mr, Fazli Wahab Principal Govt; Higher Secondary School Torwarsak Buner.
5. DIRECTOR EDUCATION E & S EDUCATION K.P PESHAWAR.
6. SECRETARY E & S EDUCATION K.P PESHAWAR.
7. DISTRICT ACCOUNT OFFICER BUNER.

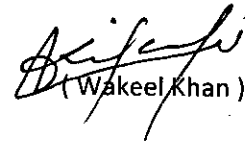
"RESPONDENTS"

Subject: REQUEST FOR HEARING AT GAMP COUTR SWAT

Sir,

I beg to state that I belong to district Buner. Malakand Division. All of the respondents of this service appeal belong to District Buner. The Peshawar High Court has also established Mingora Bench/Darul Qaza Swat for hearing cases of the petitioners belonging to this region.

It is therefore, requested that my services appeal may kindly be heard and decided in camo court of the tribunal at Saidu Sharif Swat.


(Wakeel Khan)

Appellant,

Through

Rahim Khan, advocate

District Courts, Daggar, Buner

Dated; 09/05/2018

بعد الترخی حرم مسکنہ سونہ مسکنہ

خدیجہ بنت خویلد

تاریخ 9 مئی 2018ء پنجاب اسلام آباد
 مقدمہ وکیل خان بنام حئی ای. او. حرم مسکنہ
 دعویٰ سرخوس اپیل
 جیم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی وکیل
 کارروائی متعلقہ آن مقام مسکنہ کے لئے رسم خان اس کے ایک ہونے کا
 مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو کرنے راضی نامہ و تقررات و فیصلہ برحلاف دیے جواب دی اور اقبال دعویٰ اور
 بصورت دیگر کرنے اجراء اور وصولی چیک نہ روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمد اور
 منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت
 مقدمہ مذکور کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے
 تقریر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور
 اس کا ساختہ پداختہ منظور و قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے
 سبب سے ہوگا۔ اس کے مستحق وکیل صاحب موصوف ہوں گے۔ نیز بقایا خرچہ کی وصولی کرنے کا
 بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہے تو وکیل صاحب پابند نہ ہوں
 گے۔ نہ پیروی مذکور کریں۔ لہذا نکالت نامہ لکھ دیا کہ سند ہے۔

الرقوم 9 مئی 2018ء

وکیل خان حئی ای. او. حرم مسکنہ
 مقام مسکنہ کے لئے منظور ہے۔
 Accepted & Accepted
 (Signature)