

6th September, 2022

Learned counsel for the appellant present.

Learned counsel for the appellant submits that against the impugned order dated 05.06.2021 whereby the appellant was removed from service, he filed departmental appeal on 23.08.2021 which was rejected on 17.09.2021 and he filed this appeal on 09.11.2021 which is ~~though~~ slightly barred by time.

This appeal is admitted to full hearing subject to all just and legal objections by the other side, ^{regarding Quitali etc.} Appellant is directed to deposit security fee. Out district respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days, while the local respondents be summoned through process serving agency of the learned Senior Civil Judge, Peshawar. To come up for written reply/comments on 18.10.2022 before S.B.



(Kalim Arshad Khan)
Chairman

06th July, 2022


Mst. Alishba Advocate is present on behalf of learned senior counsel for the appellant and requests for adjournment. Last opportunity is granted. To come up for preliminary hearing on 05.09.2022 before S.B.

Mst. Alishba Advocate

(Kalim Arshad Khan)
Chairman

05.09.2022

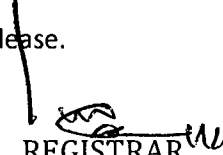

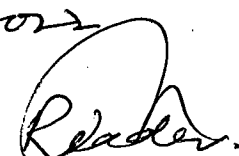

Appellant present in person and made a request for adjournment that his counsel is not available today. Request accepted. To come up for preliminary hearing on 06.09.2022 before S.B.


(Farecha Paul)
Member (E)

FORM OF ORDER SHEET

Court of _____

Case No.- 7790/2021


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	26/11/2021	<p>The appeal of Mr. Mohsin Ali resubmitted today by Mr. Saifullah Muhib Kakakhel 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</p>
2-	8-2-22	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>08/02/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p><i>Due to retirement of hon'ble chairman the case is adjourned to come up for the next same as before on 20/04/2022</i></p> <p style="text-align: right;"> Reader.</p>
	20.04.2022	<p>Ms. Eraj Sheraz, junior of learned counsel for the appellant present.</p> <p>Former requests for adjournment on the ground that learned senior counsel is busy before the Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for preliminary hearing on 06.07.2022 before S.B.</p> <p style="text-align: right;"> (MIAN MUHAMMAD) MEMBER(E)</p>

The appeal of Mohsin Ali S/O Shah Wali R/O DAK Ismail Khel Nowshera presently in USA received today i.e. on 09.11.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1. Checklist is not attached with the appeal.
2. Memorandum of the appeal is not signed by the appellant.
3. Annexures of the appeal is not in sequence which may be placed in order.
4. Endst: No. mentioned in the memo of the appeal and attached documents are not same.
5. Copy of extra ordinary leaves Endst: No. 7947-5 dated 01/01/2016 is not attached with the appeal.
6. One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2224 /S.T,


Dt. 09/11 /2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. SaifUllah Muhib Kakakhel
Adv. Highcourt Pesh.

The deficiencies as mentioned above are fulfilled, therefore; your good self is requested to accept the file and put it up for hearing before the worthy bench of this Tribunal.

Annexure B. Extra ordinary leave not available at the moment by clerical mistake was mentioned. will be provided at the time of hearing.

Respected Regards
26/11/2021 

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7790/2021

Mohsin Ali S/o Shah Wali R/o D.A. K. Ismail Khel Nowshera presently in USA.

.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa and others

.....Respondents

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9.	Copy of application for extending leave with half pay w.e.f. 13.12.2020 to 12.12.2021 alongwith receiving stamp of Head Master Government Middle School Dak Ismail Khel Nowshera	G	22-23
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Saifullah Muhib Kakakhel
Advocate High Court
Cell: 0334-4440744


Zeenat Muhib Kakakhel
Advocate High Court

Dated: 9/11/2021

Appellant


Mehwish Muhib Kakakhel
Advocate High Court
BSCS, LL.M (Cyber Crimes)


Noman Muhib Kakakhel
Advocate

(J)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 7790/2021

Mohsin Ali S/o Shah Wali R/o D.A. K. Ismail Khel Nowshera presently
in USA.

.....**Appellant**

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Education, Elementary & Secondary Education, Peshawar
2. Accountant General Khyber Pakhtunkhwa.
3. Directorate of Elementary & Secondary Education, Khyber Pakhtunkhwa through its Director, Phase-V, Hayatabad, Peshawar.
4. District Education Officer DEO (Male), Nowshera.

..... **Respondents**

SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER OF RESPONDENT NO. 04/
DEO (MALE), NOWSHERA FOR IMPOSING A
MAJOR PENALTY OF REMOVAL OF SERVICE
THROUGH NOTIFICATION DATED 05.06.2021.

Respectfully Sheweth:

1. That appellant is a lawful citizen of Pakistan and belongs to a revered family. Appellant enjoys an exemplary educational record having various master & technical degrees to his name which are reproduced herein below:

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- i. Drawing Master 1998.
- ii. M.Ed.
- iii. M.A (Pashto)
- iv. M.A (Islamiyat)
- v. BE.d.
- vi. B.A.

2. That the Appellant was appointed as Drawing Master DM (BPS-09) in Elementary & Secondary Education through appointment order dated 09.12.1999 on temporary basis. (Copy of appointment order dated 09.12.1999 is attached as **annexure A**).
3. That appellant was serving to the best of his ability till 2015, however, due to unavoidable circumstances and leniency of law / rules appellant applied for extra ordinary leave without pay which was graciously granted by respondent No. 04. With effect from 11.12.2015 to 10.11.2016. (Copy of extra ordinary leave Endstt No. 7947-51, dated 01.01.2016 & applications for grant of leave are attached as **annexure B & C**).
4. That the aforesaid extra ordinary leave was extended by the competent authority through Endstt No. 1714-17 w.e.f. 11.12.2016 to 12.12.2018 (730 days), without pay on the request of appellant. (Copy of Endstt No. 1714-17 extending leave without pay w.e.f. 11.12.2016 to 12.12.2018 & application for grant of leave is attached as **annexure D & E**).

5. That many a time explanations were called by the competent authority from appellant which were promptly replied to. (Copy of explanation letter dated 02.01.2016 is attached as **annexure F**).

6. That appellant moved an application to the competent authority for extension of his leave from 13.12.2020 to 12.12.2021 with half pay on 05.12.2020 for a reason stated therein which was duly received and stamped by the Head Master Government Middle School Dak Ismail Khel Nowshera. (Copy of application for extending leave with half pay w.e.f. 13.12.2020 to 12.12.2021 alongwith receiving stamp of Head Master Government Middle School Dak Ismail Khel Nowshera is attached as **annexure G**).

7. That on 29.04.2021 a absentee notice was received by appellant which was duly replied on 18.05.2021 for extension of the leave for reasons mentioned therein. (Copies of absentee notice dated 29.04.2021 & reply dated 18.05.2021 are attached as **annexure H & I**).

8. That reasons for the unpaid leave and lateron half paid leave was that appellant was building a house to dwell in for himself, however, lateron he scrambled to litigation in The United States of America, wherein, the learned Court in

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order to restrain him from leaving the soil of U.S took his passport in Judicial Custody.

9. That the case lingered on for long and then emerged the Covid-19 pandemic which shook the world and various restrictions were imposed by almost all countries to restrict and discourage travelling between subjects of the States and travelers alike to contain the novel virus from travelling to other countries in various variants which are deadly in nature with no cure whatsoever.
10. That Pakistan was added to red list by The United States of America and travel ban was thereby imposed.
11. That an Act namely Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020 (*herein after "The Act"*) was passed by the Provincial Assembly of Khyber Pakhtunkhwa granting relaxation, exemptions and leniency to employees and restrained employers from taking any adverse action against employees if they fail to serve owing to the pandemic which comes under the sphere of forced majeure (Act of God) and humans have no control over the same. (Copy of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020 is attached as *annexure J*).

12. That section 26 of The Act which is being relevant is reproduced hereunder:

"26. General Relief. -----

a.

b.

c. During the period of relief, no employee or worker shall be laid off or terminated or removed from service on account of his absence, furlough or non performance of duty owing to closure of any establishment, shutting down or any other measures related to epidemic control; "

13. That in section 27 of The Act even a penalty is imposed on those who contravene section 26 of The Act which is punishable to the extent of 01 Million rupees etc.
14. That The Act was duly communicated to respondent No. 01 being authorized under schedule-I of the same being having designated officers from the respective department. (Copy of schedule-I is attached as **annexure K**).
15. That the Government of Khyber Pakhtunkhwa since the initial days of the pandemic till date have imposed Health Emergency in the province hence The Act is applicable till date. (Copies of notifications imposing Health Emergency in the Khyber Pakhtunkhwa are attached as **annexure L**).
16. That it is pertinent to mention here that developed countries require special exemptions due to covid-19 to be

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taken from the competent authorities in various countries to travel abroad or inside the countries for which legit reasons are to be put forth.

17. That overlooking The Act, application for extension of half paid leave due to Covid and other material record, the respondent No. 04 issued the impugned notification dated 05.06.2021 whereby, appellant was removed from service owing to his absentee from duty. (Copy of impugned notification dated 05.06.2021 is attached as **annexure M**).

18. That appellant being aggrieved of the impugned notification dated 05.06.2021 filed a departmental appeal to the Director Elementary & Secondary Education which was entered in the record diary of the authorities on 05.08.2021 which is kept pending by the competent authority. (Copy of departmental appeal dated 04.08.2021 is attached as **annexure N**).

19. That the petitioner has served for more than Two (2) decades and as per law, he has pensionable service but the respondents simply removed him from service without taking any lenient view and imposed a very harsh punishment against the law passed by the legislature specifically for tackling with the emergency situation of Covid-19.

(7)

20. That the impugned notification is illegal, without jurisdiction, without lawful authority.
21. That the impugned notification is passed mechanically without looking into the facts of the case and law on the subject.
22. That respondents have blatantly violated provisions of The Act which are mandatory in nature and the law makers and Superior Courts of Pakistan have times and again clarified that when there is a special law in field, general laws will pave way for the same in order for it to achieve its purpose; in the present case the competent authority has usurped upon a special law by applying a general law which is expressly made to allow the special law to function due to the extra ordinary circumstances of covid-19 pandemic.
23. That appellant is not being treated in accordance with law and is being discriminated against.
24. That the impugned notification stinks of malice, malafide, ulterior motives and nefarious designs of the competent authority.
25. That the competent authority is stepping upon valuable rights guaranteed and protected by the Constitution and other laws of Pakistan.

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26. That the impugned notification has no legal grounding hence of no legal effect.
27. That the impugned notification, therefore, is not only illegal but arbitrary, whimsical and tortuous and may be taken due note of.
28. That there is no legal remedy available to the appellant except to file an Service Appeal for want of justice, this being a proper remedy and a lawful forum, hence the indulgence of this Hon'ble Tribunal is sought for the grant of relief.


*It is, therefore, respectfully prayed that on acceptance of this Service Appeal, the impugned notification dated 05.06.2021 whereby the appellant has been **removed** from service may kindly be set aside being illegal, without jurisdiction, hit by The Act and without lawful authority, besides being discriminatory against the facts and law on the subject and for ulterior motives.*

Any other order deemed appropriate in the circumstances of the case may also be passed. The Appellant may be allowed to put forward any other argument/ document at the time of hearing of this Service Appeal.



Appellant

Through


Saifullah Muhib Kakakhel
Advocate High Court
Cell: 0334-4440744


Mehwish Muhib Kakakhel
Advocate High Court
BSCS, LL.M (Cyber Crimes)


Zeenat Muhib Kakakhel
Advocate High Court


Noman Muhib Kakakhel
Advocate, Peshawar

Dated: 9/11/2021

CERTIFICATE

Certified that as per instructions of my client, that this is the first Service Appeal on the subject before this Honourable Tribunal.


ADVOCATE

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. ____/2021

Mohsin Ali S/o Shah Wali R/o D.A. K. Ismail Khel Nowshera presently in USA.
.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa and others

.....Respondents

AFFIDAVIT

I, Mian Taj Wali Khan S/o Mian Mohabat Khan (**Special Attorney**), do hereby solemnly affirm and declare on oath that the contents of accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

Identified by:

DEPONENT

CNIC# 17201-2200915-5

Cell # 03025771399

Saifullah Muhib Kakakhel

Advocate High Court

ATTESTED
* Gul Daraz Khan *
Commissioner
Advocate High Court Peshawar
21/2/2021

APPOINTMENT

Consequent upon the recommendation of Deptl:Selection Committee the following candidates are hereby appointed against D.M. Posts in the Schools noted against their names in B-09 (1605-97-3060) plus usual allowances as admissible under the rules with effect from the date of their taking over charge in the interest of public service subject to the following existing terms and conditions.

S	75 % B.Wise					
	S.No.	Name & Address	D/o Birth	Batch	School	Remarks
1.		Liakat Ali Shah S/o Gul Muhammad V&FO Mian Banda.	15.03.74	13.05.97	GMS Aziz Abad.	A.V.P.
2.		Shaukat Ali S/o Anwar Khan V&FO Baba Jee Killi, Kheshti MSR.	08.08.72	27.02.98	GHS Khawrai	A.V.P.
3.		Shamsud Duka S/o Fatch Muhammad Khan PTC, GPS Garhi Abdul Jabbar Pabbi.	15.09.70	11.05.99	GHS Mughaliki.	A.V.P.
4.		Mohsin Ali S/o Shah Wali V&FO D.I. Khel.	02.05.75	11.5.99	GHS Khaisari	A.V.P.
5.		Muqaddar Shah S/o Mehra-ban Shah PTC, GPS Garhi Jabbar Dag Basood.	05.05.71	11.05.99	GHS Marcoba	A.V.P.
6.		Latif Khan S/o Mehar Taj Khan V&FO Aza-Khel-Payn	01.02.77	11.05.99	GMS Garoo	A.V.P.

S	25 % Open Merit					
	S.No.	Name & Address	D/o Birth	Merit	School	Remarks
1.		Ahmad Ali S/o Gul Rez Khan V&FO Mohib Banda	12.10.74	55.10	GMS Mian Essa.	A.V.P.
2.		Akhtar Zeb S/o Aurang Zeb V&FO Spin Khak.	11.11.74	53.80	GHS Spin Khak	A.V.P.

TERMS AND CONDITIONS

- 1- Their appointment are made purely on temporary basis and will be liable to termination at any time without assigning any reason or notice.
- 2- In case of resignation he will have to submit one month prior notice to the Department or forfeit one month pay in lieu thereof to the Govt.
- 3- They are required to produce health and age certificate from the concerned Medical Superintendent before taking over charge provided they are not in Govt:Service.
- 4- They should not be allowed to take over charge if their age are less than eighteen(18) years and more than thirty three(33)years.

(Contd on next page--2)

ATTESTED
to be true copy
date

- (12)
- 5- They must be Domiciled of District Nowshera which should be checked before handing over charge.
 - 6- ✓ Their antecedents forms should be obtained to be verified by the local police authorities and submit to this office together with the application provided they are not in Govt:Service.
 - 7- ✓ All original Certificates/Degrees and record may be positively checked and where ever slight doubt detected, these should be verified from the Institutions/Organizations/Department and if any discrepancy their actually occurred the case may be processed under the law and rules.
 - 8- If any one fails to take over charge within fortnight, the offer of appointment will be considered as cancelled. The heads of Institutions will inform about this fact.
 - 9- Charge reports in duplicate should be submitted to all concerned.
 - 10- No TA/DA etc: is allowed to any one.
 - 11- An undertaking duly witnesses and attested by the heads of Institutions may be obtained about the correctness of his certificates and other documents and with the clear cut words that he will be responsible for any drastic consequences and will liable to be proceeded under the law and rules and regulations for production of bogus/incorrect certificates/testimonials detected if any stage of his service.
 - 12- They will be governed by the Service rules frame by the Govt: from time to time.
 - 13- ✓ They should be required to furnish copies of all certificates/Degrees alongwith original Bank receipts for verification. This office will issue a clearance certificate to each appointee for release of his pay after verification.

Sd/-
DISTRICT EDUCATION OFFICER,
(MALE) SECONDARY NOWSHERA.

Endst:No. 5871-97 /Apptt/D-M/Dated Nowshera the 9/12 /1999.

Copy forwarded for information & n/a to the:-

- 1- P.S to Minister for Education, NWFP.
- 2- P.S to Secretary of Education Govt: of NWFP.
- 3- Director Secondary Education (S), NWFP.
- 4- P.A to Director Secondary Education (S), NWFP.
- 5-12. Principals/Head Masters concerned.
- 13-20. Candidates concerned.
- 21- District Accounts Officer, Nowshera.
- 22- District Education Officer (Male), Primary Nowshera.
- 23- District Education Officer (Male) Primary Nowshera.
- 24- A.D.E.O.(A), Local Office.

I/O

Sd/-
DISTRICT EDUCATION OFFICER,
(MALE) SECONDARY NOWSHERA.

M. Idrees Hashmi/
M.A, B.Ed

RECEIVED
to
ACCOUNTS

گورنمنٹ ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) ضلع نوشہرا
(For Leave Extension)

صناب عالی

17

عنوان: درخواست طر ارتویج چھٹی از 11/12/2016 سے 12/12/2018 (دو سال)

$354 = 2 \times 177$
(354 دن نصف تنخواہ پر اور باقی بغیر تنخواہ)

گزارش ہے کہ فردی نے پچھلے سال چھٹی کے لئے درخواست دی تھی جو کہ
ایک سال کے لئے بغیر تنخواہ کے منظور ہو چکی ہے اب چونکہ چھٹی کے دوران
فردی کو بیماری لاحق ہو گئی جس کی وجہ سے میں اپنا مطلوبہ
تعمیر مکان کا کام مکمل نہ کر سکا۔ اب چونکہ بیماری سے تھوڑی
بیت بیدار ہوئی ہے اور علاج جاری ہے لہذا اس سلسلے میں عرض
ہے کہ فردی کو بغیر تنخواہ مزید دو سال کی چھٹی عنایت
فرمادیں۔
عین توازش ہوگی۔

سر صاحب

آپ کا تاج فرمان: محسن علی D.M
گورنمنٹ مڈل سکول ڈال

ضلع نوشہرا

تاریخ 11/11/2016

Dir. No. 3854/15-11-16

SPEO(M) AKSR

To
D.E.O.
Mr. Mohsin Ali D-M
is already on Extra
Ordinary Leave (without pay)
from 11/12/2015 to 10/12/2016

Head Master
G.M.S. D.I. Khe
Distt: Nowshera

ALLEGED

to be returned by
15/11/16

بخدمت جناب ڈسٹرکٹ ایجوکیشن آفیسر (مردانہ) ضلع نوشہرہ

عنوان: درخواست برائے چھٹی عرصہ دو سال

جناب عالی!

مؤدبانہ گزارش ہے کہ میں 03-12-1999 سے DM کے پوسٹ پر خدمات انجام دے رہا ہوں۔ چونکہ میں بھائیوں کے ساتھ والد صاحب کے گھر میں رہتا ہوں اور اب میں اپنا ذاتی مکان بنانا چاہتا ہوں اس لئے مجھے دو سال کی چھٹی (with out pay) کی اشد ضرورت ہے تاکہ میں اپنا مکان جلد از جلد اپنی گمرانی میں تعمیر کروا سکوں۔ لہذا آپ صاحبان سے استدعا ہے کہ بندہ کو اس سلسلے میں دو سال (10-12-2016 to 10-12-2018) تک کی رخصت دے کر ممنون فرمائیں بندہ تاحیات شکر گزار رہے گا۔

میں نوازش ہوگی۔

الحاضر

آپ کا تابع فرمان

محسن علی

گورنمنٹ ہڈل سکول ڈاک اسمبلی خیل ضلع نوشہرہ

Mohsin Ali
Date. 11/11/2016

Daily No. 3054 of 15-11-16
G.M. S. Dak (M) NSR

To DEO,
Sir,
Mr. Mohsin Ali D.M
is already on Extra
ordinary leave (with out pay)
from 11/14/2015 to 10/12/2016

Head Master
G.M. S. Dak Ismail Khan
Nowshera 11/11/16

G.M. S. Dak
Distt: Nowshera

ATTESTED

11/11/16



OFFICE OF THE
DISTRICT EDUCATION OFFICER (M)
NOWSHERA
(Office Phone#0923-9220228, Fax#0923-9220228)

2019
19

EXTRA ORDINARY LEAVE.

In continuation of this office Endst No:7947-51 dated: 01-01-2016 Extra ordinary leave without pay granted w.e.f:11/12/2015 to 10-12-2016(365 days) EOL without pay & Endst No: 2762-66 dated: 24/12/2016 Extra ordinary leave without pay granted w.e.f 11-12-2016 to 12-12-2018(730 days)(EOL) without pay is hereby extended on his own requested i.e 13-12-2018 to 12-12-2020 (732 days)(EOL) without pay as due admissible under the revised leave rules 1981.

Note:

- 1 Necessary entry should be made in his service book according.

(FAYAZ HUSSAIN)
DISTRICT EDUCATION OFFICER
(M) NOWSHERA.

Endstt: No: 714-17 / DEO (M)/NSR/Estab.Secy/Dated Nowshera the 31 /01/2019.

Copy forwarded for information to:

- 1 Senior District Accounts Officer Nowshera.
- 2 Deputy District Education Officer (M) Nowshera.
- 3 Principal Head Master Concerned School.
- 4 Accountant local Office.
- 5 EMISE local office.
- 6 Officials Concerned.
- 7 Office Copy.

31
DISTRICT EDUCATION OFFICER
(M) NOWSHERA.

ATTESTED
to be true copy
Date

حضرت صاحب دسترکٹ ایجوکیشن آفیسر صاحب (سرڈانہ ضلع نوشہرہ)

For Leave Extention

"E" 20

جناب عالی عنوان درخواست برائے توسیع چھٹی

W.E.F 13.12.2018 To 14.12.2020

گزارش ہے کہ فدوی نے پچھلے سال چھٹی کے لئے درخواست دی تھی۔ جو کہ دو سال کیلئے منظور نہیں کیا گیا۔
کے منظور ہو چکی ہے۔ اب چونکہ چھٹی کے دوران فدوی کو بیماری لاحق ہو گئی جسکی وجہ سے
میں اپنا مطلوبہ تعمیر مکان کا کام مکمل نہ کر سکا۔ اب چونکہ بیماری سے تھوڑی بہت اشتہا ہوئی
ہے اور علاج جاری ہے۔ لہذا اس سلسلے میں عرض ہے کہ فدوی کو بغیر تنخواہ مزید دو سال
کی چھٹی عنایت سے مقرر فرمادیں۔ عین نوازش ہوگی تاحیات و مساکو رہوں گا

آپکا تابع فرمان محسن علی D.M
گورنمنٹ مڈل سکول ڈاک اسماعیل خیل ضلع نوشہرہ
Marsin Ali

To DEO
Mr Mohsin Ali D.M
is already on Extra
Ordinary leave (with out pay)
from 13.12.2018 to 14.12.2020

Head Master
Govt Middle School
Dak Ismail, Khet
(N.S.R)

11/12/18
14/12/18

TESTED
to be copy
11/12/18



**OFFICE OF THE
DISTRICT EDUCATION OFFICER**

(Male) Nowshera

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

No. 7857 Nowshera the 02/01/2016 (21)

"F"

To

The Head Master / Incharge GMS Dak Ismail Khel
Nowshera

Subject **EXPLANATION**

Reference above mentioned subject it is stated that EMIS Annual schools Census 2015-16 is in the final stage. Final date for submission of EMISproformas was 30 November 2015, but you have failed to submit the same on the mentioned date, even this office have informed you so many times through text messages and in the monthly meetings.

It is, therefore, you hereby directed to explain your position in this regard and submit the said proforma within two (02) positively repeatedly within two (02) days positively of the receipt of this letter, otherwise an ex-party disciplinary proceeding will be initiated against you for this negligence.

Sajjad Akhtar Iqbal
Deputy District Education officer
(Male)
Nowshera

Endstt: of even No. & Date

Copy for information is forwarded to the

1. Director E&SE Peshawar
2. Deputy Director (EMIS) E&SE Civil Secretariat Peshawar
3. PA to Secretary E&SE Civil Secretariat Peshawar

District Education officer (Male)
Nowshera

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Leave Accounts of Mr. / Miss / Mrs.

Mohsin D M Gims Date (small) 13-12-1999

Date of Commencement of service

13-12-1999

Date of attaining the age of superannuation

01-05-2035 (Superannuation)

(N.B.--Instruction for filling in the form are printed on reverse)

Date of 1st Aft. in Govt Dept: 13-12-1999

Government / Department served under		Period of Duty		LEAVE TAKEN (FROM COLUMN 8 TO 20)	
From	To	Full Calendar month	Y.M.D	Days	Days
199/12/12	199/12/12			1	1
				2	2
				3	3
				4	4
				5	5
				6	6
				7	7
				8	8
				9	9
				10	10
				11	11
				12	12
				13	13
				14	14
				15	15
				16	16
				17	17
				18	18
				19	19
				20	20
				21	21
				22	22
				23	23

(365) days (E-O-L) vide office order ✓
 Extension in E-O-L granted vide
 office order order No. B.762-66 dt: 24-12-2016
 (365) days (E-O-L) ✓
 Earned leave up to 13/12/2016 ✓
 (365 days)

192 + Balance
 365 (EOL)
 730 (EOL)
 730 (EOL)
 1825 (days) (EOL)

3

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OFFICE OF THE DISTRICT EDUCATION
OFFICER(MALE) NOWSHERA
(Office Phone#0923-9220228, Fax#0923-9220228)
No. _____/DEO (M) NSR/EA-S/ Absent Report Dated Nowshera the _ / _ /

"H"
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To

Mr. Mohsin Ali DM
GMS Dak Ismail Khel (NSR)

Subject: ABSENTEE NOTICE.

Memo:

Reference this office Endstt: No: 1714-17 dated: 31-01-2019 your Extra Ordinary Leave has been expired on 12-12-2020 and you are absent w.e.f: 13-12-2020 till date.

Keeping in view of the above facts, you are hereby directed to join your duty station within a week and you are also appear before the undersigned for personal hearing, if you failed, necessary action will be initiated against you under E & D rules 2011.

-SD-
DISTRICT EDUCATION OFFICER
(M) NOWSHERA

Endst: No. 14177 /DEO (M) NSR/EA-S/Absent- Dated Nowshera the 29 / 04 / 2021.

Copy forwarded for information to the:-

1. Director E & SE KPK, Peshawar.
2. Dy: District Education Officer (M) Nowshera.
3. Headmaster School Concerned.
4. Office Copy.

DISTRICT EDUCATION OFFICER
(M) NOWSHERA

RECEIVED
to
sub-
date

Handwritten marks: "J" and "26" in circles.

**THE KHYBER PAKHTUNKHWA EPIDEMIC CONTROL AND EMERGENCY
RELIEF ACT, 2020**

(KHYBER PAKHTUNKHWA ACT NO. XXVII OF 2020)

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10/10/2020
ADVISOR



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**THE KHYBER PAKHTUNKHWA EPIDEMIC CONTROL AND EMERGENCY
RELIEF ACT, 2020**

(KHYBER PAKHTUNKHWA ACT NO. XXVII OF 2020)

(First published after having received the assent of the Governor of the Khyber
Pakhtunkhwa in the Gazette of the Khyber Pakhtunkhwa.
(Extraordinary), dated 24/07/2020)

**AN
ACT**

*to provide for prevention and control of infectious diseases
in the Province of the Khyber Pakhtunkhwa and to provide
relief to the people in emergency situation.*

WHEREAS it is expedient to provide for prevention and control of infectious diseases in the Province of the Khyber Pakhtunkhwa, to implement and enforce mechanism to control the spread of such diseases and to provide relief to the people in an emergency situation arising due to spreading of such infectious diseases and for matters connected therewith and ancillary thereto;

AND WHEREAS it is necessary to amend certain laws relating to public health and disaster management in order to bring them at par in combating the epidemic and other infectious diseases;

It is hereby enacted as follows:-

**PART-I
PRELIMINARY**

1. Short title, extent and commencement.--- (1) This Act may be called the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020.

(2) It shall extend to the whole of the Province of Khyber Pakhtunkhwa.

(3) It shall come into force at once.

2. Definitions.--- In this Act, unless the context otherwise requires,-

(a) "declaration" means the declaration of a serious and imminent infection threat, made under section 3 of this Act and may also include declaration of any emergency relating to outbreak of any disease under any law relating to public health and disaster management;

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- (b) “designated officer” means the Officer or Officers mentioned in Schedule-I to this Act to exercise any or all such powers and functions that are assigned under this Act;
- (c) “educational institution” means any pre-school, elementary or secondary school, college, university, higher educational institute, *madaris* or any vocational, professional or technical training institute whether in public or private sector providing formal or non-formal education;
- (d) “emergency period” means the period for taking measures for prevention, protection and control of infectious disease, as notified by Health Department of Government under this Act, from time to time and may also include period of such other emergency, declared under any other law relating to public health and disaster management concerning outbreak of any disease;
- (e) “employee” means a person not falling within the definition of employer who is employed in an establishment for hire or reward either directly or through a contractor whether the terms of employment are express or implied and includes a worker for wages;
- (f) “employer” means the owner of an establishment and also includes any person or body of persons, whether incorporated or not, who or which hires employees in the establishment under a contract of employment and includes-
- (i) an heir, successor or assign, as the case may be, of such person or body as aforesaid;
 - (ii) any person responsible for the management and control of the establishment; and
 - (iii) in relation to an establishment run by or on behalf of a local authority, the officer appointed in this behalf, or where no officer is so appointed, the chief executive officer of that authority;
- (g) “establishment” means any office, firm, factory, society, undertaking, industry, company of all types, educational institution, shop, restaurant, corporation or any other enterprise, which hire employees directly or through a contractor for the purpose of carrying on any business or industry and includes all its departments and branches in the Province of the Khyber Pakhtunkhwa;
- (h) “Government” means the Government of the Khyber Pakhtunkhwa;
- (i) “landlord” means the owner of the premises and includes a person who is for the time being authorized or entitled to receive rent of the premises;
- (j) “minor” means a person with an age of less than eighteen years;

ATTESTED
to the Hon. Member
for the Province
of the Khyber Pakhtunkhwa

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- (k) "notified medical officer" means a medical officer or a health professional, notified by the Secretary, for the purpose of this Act;
- (l) "potentially infectious person" means a person who-
 - (i) is suspected to be infected or contaminated with an infectious disease;
 - (ii) is a risk that such person might spread, infect or contaminate other persons with an infectious disease; or
 - (iii) has arrived from or through an area affected by an infectious disease within fourteen days or such other period as may be specified by the Secretary immediately preceding the date of his arrival;
- (m) "regulations" mean the regulations made under this Act;
- (n) "rules" mean the rules made under this Act;
- (o) "Schedule" means the any of the Schedules, appended to this Act;
- (p) "Secretary" means Secretary to Government Health Department;
- (q) "tax" means any tax, cess, charge, rate or fee, as the case may be, imposed or chargeable under any law for the time being in force; and
- (r) "tenant" means any person who undertakes or is bound to pay rent as consideration for the possession or occupation of any premises by him or by any other.

3. Serious and imminent infection threat declaration.--- (1) The Secretary may, with the approval of the Chief Minister, by notification in the official Gazette, declare that the incidence or transmission of an infectious diseases poses a serious and imminent threat to public health in the whole or any part of the Khyber Pakhtunkhwa.

(2) The Secretary may also, with the approval of Chief Minister, specify the period which shall be deemed as emergency period made under this section.

(3) The Secretary may, with the approval of the Chief Minister, by notification in the official Gazette, revoke a declaration made under this section.

(4) Before seeking approvals under sub-sections (1) and (3), the Secretary shall have due regard to any advice from-

- (a) the Director General, Health Services Khyber Pakhtunkhwa; and
- (b) not less than two eminent epidemiologists, appointed by the Chief Minister, for rendering such advice.

(5) Any declaration of an incidence or transmission of an infectious disease already made before the commencement of this Act, under any law relating to public health and disaster

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management shall be deemed to be a declaration made under this Act and unless provided otherwise in the declaration itself, it shall continue to remain effective, until specifically withdrawn by the Secretary after approval of the Chief Minister.

**PART-II
GENERAL HEALTH
PROTECTION MEASURES**

4. Power to impose duties, confer functions etc.--- Subject to the declaration, the Director General, Health Services, Khyber Pakhtunkhwa may-

- (a) impose duty upon all registered medical practitioners and health facilities in any area of the Khyber Pakhtunkhwa, to record, communicate and treat cases of infection or contamination; or
- (b) confer functions, with the approval Chief Minister, upon one or more officers and servants or a description of officers and servants of the Government, and if so required one or more local governments in the Khyber Pakhtunkhwa in relation to monitoring and control of public health risk; or
- (c) impose one or more restrictions or requirements on or in relation to persons, things or premises as mentioned in section 5.

Explanation: For the purpose of this section,-

- (i) a registered medical practitioner shall include a registered medical practitioner not in employment of the Government; and
- (ii) the term health facility shall be deemed to include a clinic, hospital, medical teaching institute, diagnostic laboratory and any other facility engaged in the provision of health services and not owned, financed, managed or run by Government.

5. General restrictions and requirements.--- (1) For the purposes of clause (c) of section 4 of this Act, a person or a class or description of persons may be required to-

- (a) undergo a specified medical examination and submit results as indicated in the requirement;
- (b) be disinfected or decontaminated;
- (c) wear specified protective clothing;
- (d) attend training or advisory sessions on how to reduce the risk of infecting or contaminating others;
- (e) be subject to one or more restrictions as to where he may go or with whom he may maintains contact; and

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(f) abstain from working or trading.

(2) For the purposes of clause (c) of section 4 of this Act, a thing or a class or description of things shall-

- (a) be seized or retained;
- (b) be kept in isolation or a specified quarantine;
- (c) be disinfected or decontaminated; and
- (d) if so required, be destroyed or disposed of.

(3) For the purposes of clause (c) of section 4 of this Act, the premises or class or description of premises shall-

- (a) be kept in a sanitary condition; and
- (b) be disinfected or decontaminated.

6. Directions and restrictions relating to attendance of public places, schools and burials etc.--- Subject to a declaration, the designated officer may, for a specified period:

- (a) impose a specific or general duty upon persons who have responsibility for a minor to ensure that the minor does not attend his school or where so required, shall conform to certain direction for such attendance;
- (b) order closure of any establishment, by a general or special order, bar its employees from attending their place of work or to follow guidelines to be issued in this behalf;
- (c) impose a specific or general restriction or requirement relating to the handling, transport, burial or cremation of dead bodies or the handling, transport or disposal of human remains; and
- (d) impose general or special conditions for attending public places, including but not limited to conditions for use of facial or other masks, use of other protective gears, maintaining order and safe distances to avoid crowding, undergoing sanitization, sterilization, immunization and cleanliness measures etc.

PART-III CONTROL OF EVENTS, GATHERINGS AND PREMISES

7. Prohibition or restriction of events and gatherings.--- (1) Subject to a declaration, the designated officer may issue directions prohibiting or imposing one or more requirements or restrictions in relation to the holding of an event or gathering for a specified period.

(2) A direction under sub-section (1), may be issued in relation to-

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- (a) a specified event or gathering; or
- (b) events or gatherings of a specified description including description with reference to the number of people attending the event or gathering.

(3) A direction under sub-section (1) may only have the effect of imposing prohibitions, requirements or restrictions on-

- (a) the owner or occupier of premises for an event or gathering to which the direction relates;
- (b) the organizer of such an event or gathering; and
- (c) any other person involved in holding of such an event or gathering.

8. Closing or restricting entry into and exit from a premises.--- (1) Subject to a declaration, the designated officer may issue directions prohibiting or imposing one or more requirements or restrictions in relation to the entry into, exit from or location of persons in a premises for a specified period.

(2) A direction under sub-section (1) may be issued in relation to-

- (a) a specified premises; or
- (b) premises of a specified description.

(3) A direction under sub-section (1) may only have the effect of imposing prohibitions, requirements or restrictions on-

- (a) the owner or occupier of premises to which the direction relates; and
- (b) any other person involved in entry into or exit from such premises or the location of persons in them.

(4) A direction under sub-section (1) may impose requirements for the purpose of-

- (a) closing or sealing the premises;
- (b) restricting entry into the premises; and
- (c) securing restrictions in relation to the location of persons.

(5) A direction under sub-section (1) may impose prohibitions, requirements or restrictions on-

- (a) the facilities in the premises;
- (b) number of persons in the premises;
- (c) the size of the premises;
- (d) the purpose for which a person is in the premises; and
- (e) the manner in which such premises is attended or utilized.

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9. **Restricting entry into and exit from a general area.**--- Subject to a declaration, the Deputy Commissioner of the concerned area may, on the advice of the designated officer concerned, issue directions prohibiting, or imposing requirements or restrictions in relation to the entry into, exit from, or location of persons, goods, vehicles, vessels and other means of transportation in any area for a specified period.

**PART-IV
CONTROL OF POTENTIALLY INFECTIOUS
PERSONS**

10. **Movement and retention of potentially infectious person to a suitable place.**--- (1) In an area, subject to a declaration, a notified medical officer may, after having informed a potentially infectious person of the reasons for doing so, direct such person to proceed to a specified place which is suitable for screening and assessment and remain there for a period mentioned under sub-section (3).

(2) Where a potentially infectious person fails to follow a direction issued under sub-section (1), the notified medical officer may himself or through the designated officer concerned-

- (a) move him to the specified place; or
- (b) direct a police officer, through the concerned head of the district police, to move him to the specified place.

(3) A notified medical officer may require a potentially infectious person to remain at a place suitable for screening and assessment for a period which shall not exceed forty-eight hours unless-

- (a) in the opinion of the notified medical officer, the person is required to be retained for a longer duration for valid satisfactory screening and assessment requirements; or
- (b) a longer maximum retention period is otherwise ordered by the Secretary with the approval of the Chief Minister in general or for one or more circumstances related to an infectious disease.

(4) The provisions of sub-section (3) shall also apply to a person who voluntarily reports to a place specified for screening and assessment.

(5) After each subsequent interval of twenty-four hours during which a person is retained at a place specified for screening and assessment, the notified medical officer shall review the need for continuing his retention.

(6) After making a review under sub-section (5), the notified medical officer may-

- (a) discontinue retention if he considers that the retained person is no longer potentially infectious or contaminated; or

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- (b) extend the period of retention if he considers that the person is potentially infectious at the end of that period.

11. Duty to undergo screening and assessment.--- (1) In an area, subject to a declaration, a notified medical officer may impose upon a potentially infectious person one or more screening requirements to assess the level of risk of infection or contaminating to others and carry out such an assessment.

- (2) For the purpose of this section, a potentially infectious person shall-
 - (a) answer every question on his health or other relevant circumstances including travel history and information regarding other persons who might have contacted him;
 - (b) provide sufficient information to allow making a contact with him for the purpose of this Act during such period as the notified medical officer considers appropriate;
 - (c) produce any document which may be required in assessing his health;
 - (d) allow personal examination including measurement of body temperature and other physical conditions by an appropriate mean;
 - (e) allow taking of a biological sample by an appropriate mean or provide such a sample; and
 - (f) forthwith move to and remain at another place which is, in view of the notified medical officer, suitable for the purpose of this section.

(2) The provisions of this section shall also apply to a potentially infectious person who has not been moved or retained for screening and assessment under section 10.

(3) A notified medical officer may impose one or more requirements under sub-section (2) through a police officer.

12. Additional requirements and restrictions for persons presenting significant risk.---

(1) After screening and assessment under section 11, where-

- (a) a person is found to be infected or contaminated; or
- (b) the results of his screening and assessment are inconclusive, the notified medical officer may, after having informed him of the reasons for doing so, require such person to-
 - (i) provide any relevant information in addition to the information mentioned in sub-section (2) of section 11;
 - (ii) undertake further screening and assessment;
 - (iii) remain at a specified place which may include a place suitable for screening and assessment for a specified period;

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- (iv) forthwith proceed to a specified place suitable for such purpose and to remain at such place for a specified period; or
- (v) remain at a specified place in isolation from others for a specified period.

(2) A notified medical officer may, after having informed him of the reasons for doing so, through the designated officer concerned, impose one or more restrictions upon a person, referred to in sub-section (1), for a specified period which may include restrictions relating to-

- (a) his movement or travel including travels within and outside the Khyber Pakhtunkhwa;
- (b) his activities including work or business activities; and
- (c) his contact with other persons or with other specified persons.

(3) The period, specified for requirements referred to in sub-section (1), and the restrictions referred to in sub-section (2), shall not exceed fourteen days, unless,-

- (a) in view of the notified medical officer, the requirement or restriction is required for a longer duration; or
- (b) a longer maximum period is otherwise ordered by the Secretary with the approval of the Chief Minister in general or for one or more circumstances related to an infectious disease.

(4) Where a person is required to remain at a place under sub-section (1), the notified medical officer, through the designated officer, may direct a police officer, after consulting the concerned head of the district police, to enforce such requirement.

(5) After each subsequent interval of forty-eight hours during which a person is subjected to a restriction or is retained under this section, the notified medical officer shall review the need for continuing the restriction or retention.

(6) After making a review under sub-section (5), the notified medical officer may-

- (a) withdraw a requirement or restriction if he considers that the person subjected to a restriction or retention under this section is no longer potentially infectious or contaminated;
- (b) substitute a different requirement or restriction; or
- (c) extend the period of a requirement or restriction if he considers that the person is potentially infectious or contaminated at the end of that period.

13. Applicability of provisions to minors and wards.--- (1) A person or a Guardian, who has responsibility for a minor or a ward, shall ensure that the minor or the ward complies with any direction, instruction, requirement or restriction imposed upon him under this Act.

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(2) A person or a Guardian, who has responsibility for a minor or a ward, shall provide to the person exercising a power under this Act, such information and assistance in relation to the minor or the ward as is reasonably necessary and practicable.

(3) Where a power under this Act is exercisable in relation to a minor or a ward and he is unaccompanied, the person, by whom that power is to be exercised, shall, wherever practicable,-

- (a) contact the person or the Guardian responsible for the minor or the ward before the exercise of the power; or
- (b) take reasonable steps after the exercise of that power to contact and inform the person or the Guardian responsible for the minor or the ward.

14. Duty to inform.--- It shall be duty of every person, including-

- (a) head of a family;
- (b) a health care provider including every physician, dentist, nurse, health aide, in-charge of a hospital or a diagnostic laboratory;
- (c) in-charge of a school, college, university, seminary or other educational facility;
- (d) in-charge of a public transport, hotel, restaurant, work place or other public or private facility including a hostel; and
- (e) in-charge of a place of worship,

who knows or believes, or has reason to know or believe, that a person under his care, supervision or control is suffering from an infectious disease or is contaminated, to report such case to a notified medical officer immediately.

15. Pre-conditions and manner of exercise of powers.---(1) No power, conferred under sections 10, 11, 12 and 13 of this Act, shall be exercised by a notified medical officer or a designated officer, as the case may be, unless he considers it necessary and appropriate to do so-

- (a) in the interest of potentially infectious person;
- (b) for the protection of other persons from the risk of infection or contamination; or
- (c) in the interest of public health in general.

(2) A direction, instruction, requirement or restriction, under this Act, may be given or imposed orally or in writing.

(3) A person, exercising a power conferred under this Act, shall have regards to-

- (a) any relevant guidance issued by the Secretary; and

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- (b) any advice, given by a notified medical officer, in relation to any particular case.

16. Ancillary powers.--- (1) A designated officer, a notified medical officer or a police officer may give reasonable instructions to a person in connection with-

- (a) a direction given to that person under this Act; or
(b) moving that person or retaining him at a place under this Act.

(2) A power, conferred under this Act, to move a person to a place includes a power to keep the person for a reasonable period pending his movement.

(3) A police officer may use reasonable force, if necessary, in exercise of powers conferred under this Act.

(4) A police officer shall have the power to apprehend a person running away from a place where he is retained or isolated under this Act and return him to that place or another place which a notified medical officer may specify, and may use reasonable force, if necessary, for this purpose.

(5) A police officer, not below the rank of an Assistant Sub-Inspector, may enter any place for the exercise of a power conferred under this Act.

PART-V OFFENCES AND PENALTIES

17. Offences and penalties in respect of directions and restrictions imposed under Part-II and III.--- (1) A person commits an offence if he fails without reasonable excuse to comply with any direction, reasonable instruction, duty, requirement or restriction imposed upon him under this Act.

(2) A person guilty of a first offence under this section shall, on conviction, be punished with an imprisonment for a term not exceeding two months or a fine not exceeding fifty thousand rupees, or both.

(3) A person guilty of a repeat offence under this section, shall, on conviction be punished with an imprisonment for a term not exceeding six months or a fine not exceeding one hundred thousand rupees, or both.

(4) Where an offence under this section is committed by a body corporate-

- (a) the fine for a first offence shall not be less than fifty thousand rupees and not exceeding two hundred thousand rupees; and
(b) the fine for a repeat offence shall not be less than one hundred thousand rupees and shall not exceed three hundred thousand rupees.

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- (5) Where an offence under this section by a body corporate is proved-
- (a) to have been committed with the consent or connivance of an officer of the body; or
 - (b) to be attributable to any neglect on the part of such an officer,

the officer shall be guilty of the offence and liable to be prosecuted and proceeded against and punished accordingly.

(6) Where non-compliance of a direction, instruction or restriction is that of excluding such person from general public, it shall be lawful upon conviction for the offence during the term of imprisonment so awarded, to confine such person separately for such period and at such facility or premises, as deemed appropriate by a notified medical officer.

18. Offences and penalties in respect of certain directions, restrictions and duties imposed under Part-IV.--- (1) A person commits an offence, if he-

- (a) fails without reasonable excuse to comply with any direction, reasonable instruction, requirement or restriction given to or imposed upon him under Part-IV of this Act; or
- (b) fails without reasonable excuse to comply with a duty imposed upon him in relation to a minor or ward under section 13 of this Act; or
- (c) knowingly provides false or misleading information in response to a requirement to provide information under section 11 and 12 of this Act; or
- (d) obstructs a person who is exercising or attempting to exercise a power conferred under Part-IV of this Act.

(2) A person guilty of a first offence under this section shall, on conviction, be punished with an imprisonment for a term not exceeding three months or a fine not exceeding fifty thousand rupees, or both.

(3) A person guilty of a repeat offence under this section, shall, on conviction be punished with an imprisonment for a term not exceeding one year or a fine not exceeding one hundred thousand rupees, or both.

19. Offence and penalty for running away from a place of retention.--- (1) A person shall be deemed to commit an offence, if he runs away or attempts to run away, while being moved to or kept at a place under Part-IV of this Act.

(2) A person guilty of an offence under this section shall be arrested and kept in forced quarantine, for such term as may be determined by the notified medical officer and may also be liable to a fine which may extend to rupees fifty thousand.

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20. Cognizance and trial of offences.—(1) No court other than that of a Magistrate of First Class or Special Magistrate appointed under section 14A of the Code of Criminal Procedure, 1898, shall take cognizance of or try an offence under this Act.

(2) All offences under this Act shall be tried in accordance with the procedure prescribed for summary trials of offences under the Code of Criminal Procedure, 1898 (Act V of 1898).

(3) A person, including a designated officer, aggrieved by any order of conviction and sentence or otherwise by a Special Magistrate, may file an appeal before a District and Sessions Judge of the concerned District within thirty (30) days of the said order.

(4) An appeal under sub-section (3) shall be disposed of within thirty (30) days.

PART-VI COMMON PROVISIONS

21. General powers for prevention and control of infection.— (1) Without prejudice to other provisions of this Act as well as the powers conferred under any other law for the time being in force—

- (a) the designated officer concerned may take all such steps and measures which he deems necessary to provide relief to persons affected by an infectious disease in any area subject to a declaration; and
- (b) the Deputy Commissioner of the district subject to a declaration, shall take all such steps and measures which he deems necessary to maintain order and provide immediate relief to persons affected by an infectious disease.

(2) Without prejudice to the generality of the powers conferred by sub-section (1), the designated officer concerned or, as the case may be, the Deputy Commissioner of the district subject to a declaration shall have the powers to—

- (a) evacuate or segregate population;
- (b) requisition means of transport including motor vehicles, carriages, boats and earth moving machinery;
- (c) require declaration of surplus stocks of food, medicines and other stores and commodities considered essential by him and to requisition them;
- (d) requisition of buildings, facilities including facilities relating to provision of health services;
- (e) conscript labour; and
- (f) direct any person to abstain from certain act or to take certain orders, requirements and restrictions.

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(3) A person owning transport, articles, stocks, medicines, building and facilities which are requisitioned or the labour who are conscripted for work or the person who is directed to abstain from certain act or to take certain orders, requirements and restrictions under this section shall be entitled to a reasonable compensation as determined by the designated officer concerned.

(4) Subject to the right of an owner to a claim under sub-section (3), the transport, articles, stocks, medicines, building and facilities shall forthwith rest with the designated officer concerned who may himself, or through the Deputy Commissioner, deal with them in such manner as he deems proper in order to discharge his duties under this section.

22. Enforcement.--- (1) The Deputy Commissioners shall, in the respective districts, ensure compliance of an order, direction, restriction, requirement or any other measure under this Act.

(2) For purposes of sub-section (1), a Deputy Commissioner may take such steps or pass such orders as he considers necessary including an order to an officer sub-ordinate to him or a police officer, through the concerned head of the district police.

(3) For purposes of enforcement of an order, direction, restriction or requirement issued under sections 4, 5, 6, 7 and 8 of this Act, a Deputy Commissioner, an officer sub-ordinate to him, a police officer or any other person referred to in sub-section (2), may-

- (a) enter upon any premises;
- (b) detain persons for a maximum period of twenty-four hours; and
- (c) if necessary, use reasonable force to ensure compliance.

23. Requisition of services of Government officials.--- The designated officer concerned or, as the case may be, the Deputy Commissioner of the area, subject to a declaration, may after having consulted the secretary of the respective Administrative Department of the Government, requisition the services of officers and officials of that Department for the purpose of this Act.

24. Delegation and concurrent exercise of certain powers.--- (1) The Secretary may delegate all or any of the powers conferred upon him under this Act, except the powers conferred under section 3, to a Commissioner, Deputy Commissioner or any other officer sub-ordinate to him.

(2) The powers of a notified medical officer, under this Act, shall be concurrently exercisable by the Officers of the District Administration.

(3) The designated officer, upon informing the Chief Secretary in writing, may also delegate all or any of the powers conferred upon him under this Act to any other officer sub-ordinate to him.

25. Revision against an order etc. of designated officer and others.--- (1) A person against whom an order, direction, instruction, requirement or restriction has been imposed by a designated officer, a notified medical officer, or a police officer, as the case may be, under this

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(3) A person owning transport, articles, stocks, medicines, building and facilities which are requisitioned or the labour who are conscripted for work or the person who is directed to abstain from certain act or to take certain orders, requirements and restrictions under this section shall be entitled to a reasonable compensation as determined by the designated officer concerned.

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25. Revision against an order etc. of designated officer and others.--- (1) A person against whom an order, direction, instruction, requirement or restriction has been imposed by a designated officer, a notified medical officer, or a police officer, as the case may be, under this

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Act may file a revision petition before a Board comprising the Commissioner of the respective division, if he is not the designated officer himself, and a medical officer notified by the Secretary:

Provided, in case the Commissioner happens to be the designated officer, Secretary to Government Home and Tribal Affairs Department shall be the member of such Board instead.

(2) A revision petition under sub-section (1) may be filed by the person responsible for a child or award in relation to whom an order, direction, instruction, requirement or restriction has been imposed by a notified medical officer or a police officer under this Act.

(3) All revision petitions shall be decided by the board through a written order within fifteen days from their presentation.

PART-VII RELIEF

26. General Relief.--- Notwithstanding anything contained in any other law, for the time being in force, for carrying out the purposes of this Act, pursuant to a declaration under section 3, the following reliefs shall be provided for a period of three (03) months from the date of promulgation of this Act and for such subsequent period or periods that the Government may determine from time to time:

- (a) all educational institutions, charging monthly fee including tuition and other charges,-
 - (i) exceeding rupees six (06) thousand shall not charge from its students more than eighty percent (80%) of the total monthly fees; and
 - (ii) upto rupees six (06) thousand shall not charge more than ninety percent (90%) of the total monthly fees:
- (b) the amount of relief provided in respect of monthly fee, under this Act, shall not be recovered as arrears under any circumstances or under any existing or new head of account:

Provided that in addition, no student shall be placed at any disadvantageous position in terms of fee which he was paying or any concession that he may be enjoying before the promulgation of this Act;

Provided further that no educational institutions shall give effect to any annual increase in monthly fees, even if otherwise permissible, during the aforesaid period or periods of relief.

- (c) during the period of relief, no employee or worker shall be laid off, terminated or removed from service on account of his absence, furlough or

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non-performance of duties owing to closure of any establishment, shut-down or other measures relating to epidemic control:

Provided that the employer, during the currency of a declaration under section 3, may require any employee or worker to work from home, if nature of his job so permits;

- (d) the concession for the water charges during the period of relief, for all domestic, residential and commercial consumer shall be such as provided in the Schedule-II;
- (e) no tenant shall be evicted under the rent restriction laws by the landlord on account of default in payment of monthly rent:

Provided that the same shall not apply in cases where the landlord is a widow, minor orphan, disabled person or a senior citizen as defined in the Khyber Pakhtunkhwa Senior Citizens Act, 2014 (Khyber Pakhtunkhwa Act No. XXXV of 2014); and

- (f) the Non-governmental organization registered with the departments of Government, shall collaborate and share the data in connection with relief activities being done or performed for mitigating COVID-19 pandemic across the Khyber Pakhtunkhwa.
- (g) the designated officer may organize, control or regulate any volunteering campaigns, where volunteers may be involved in voluntary provision of personal services, physical assistance, knowledge and skills or performing of other activities for the benefit and relief of other citizens, bodies, government organizations and other institutions without any monetary compensation or reward, for combating the epidemic or otherwise:

Provided that the Home and Tribal Affairs Department may, by notification in the official Gazette, frame regulations for the conduct of volunteers and any such volunteering campaigns.

27. Penalty.--- (1) Whoever contravenes the provisions of section 26, without prejudice to any punishment to which he may be liable under any other law for the time being in force, shall be punishable with on spot fine which may extend up to rupees one million or attachment of movable, immovable, perishable property or both, on a complaint made by an aggrieved person in writing to an officer authorized under section 35:

Provided that the order of imposing the penalty shall be in writing containing reasons for the issuance of the order thereof.

(2) In case of non-payment of fine, the same shall be recovered as arrears of land revenue under the West Pakistan Land Revenue Act, 1967 (Act No. XVII of 1967).

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28. Relief by Government.--- (1) Notwithstanding anything contained in any other law, for the time being in force, Government may,-

- (a) provide total or partial exemption, suspension or deferral of the payment of the provincial taxes, duties, fees, cess, levies and charges in the manner as may be notified; and
- (b) appoint the health staff on short term contracts under locum tenens or otherwise, with such package and on such terms and conditions as the Government may specify:

Provided that the health staff, hired for short-term services under clause (b) of this sub-section, shall not be entitled to any permanent status, regularization or absorption into Government service in any manner.

(2) No penalty or surcharge shall be imposed for late submission of sales tax or other returns under the Khyber Pakhtunkhwa Finance Act, 2013 (Khyber Pakhtunkhwa Act No. XXI of 2013) by the relevant authorities for the months of March 2020 to June 2020.

29. Courts proceedings to be through video link.--- (1) Notwithstanding anything contained in any law, for the time being in force, all the Courts and Tribunals, wherever possible, may direct any litigant, accused, witness, legal representative or any other person or officer of the Court to participate in any proceeding of the Court, through video link:

Provided that while giving such directions the Courts or Tribunals, as the case may be, must consider all the circumstances of the case and may rescind such directions where it appears to the Court or the Tribunal that it is not in the interest of justice to do so.

Provided further that any proceedings so undertaken through video link shall be considered judicial proceedings and shall form part of the record. Upon pronouncement of a decision upon such proceedings, it shall not be called in question on the ground that presence of persons concerned was not procured physically.

(2) The powers of the Court or Tribunal under this section are in addition to and not in derogation of any other powers already available to such Courts or Tribunals, in this respect.

(3) High Court, if so deems appropriate, may issue guidelines for regulating the proceedings before Courts or Tribunals through video-link, which guidelines, if so issued, shall be notified in the official Gazette and shall be binding on all concerned.

30. Period of limitation under various laws.--- Notwithstanding anything contained in the Limitation Act, 1908 (Act No. IX of 1908) or any other law prescribing limitation for initiating any legal proceedings, the limitation period provided under various laws shall remain frozen from 1st March 2020 till the culmination of the emergency period and the proceedings so filed before any court or tribunal during or immediately upon cessation of such emergency period, shall not be time-barred on account of any delay for the aforesaid period.

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31. Extension of transition period of local governments elections.--- The transition period of six months for establishment of new local government system provided under section 120A of the Khyber Pakhtunkhwa Local Government Act, 2013 (Khyber Pakhtunkhwa Act No. XXVIII of 2013) shall be read as two years:

Provided the election or any proceeding incidental thereto or ancillary therewith of any local governments or a vacancy arising therein shall not be conducted during the currency of declaration under section 3 of this Act.

32. Extension of period to perform duties, etc.--- Where, by any law, rule, regulation, order, contract or otherwise, any act or proceeding is directed or required to be done or undertaken in any court or office or any legal, regulatory, contractual or other obligation, by any person in the Province, that act, proceeding or obligation shall be considered as done or undertaken in due time if it is done or undertaken within thirty working days after the prescribed period, and the period to do or undertake such act, proceeding or obligation shall be deemed to be extended by such period.

33. Exemption from procurement laws.--- During the emergency period, where Government considers necessary, the procurement of certain goods, works or services, the Khyber Pakhtunkhwa Public Procurement Regulatory Authority Act, 2012 (Khyber Pakhtunkhwa Act No. XI of 2012) and the rules made thereunder shall not be applicable to any such procurements made by the procuring entities.

34. Amendment of Schedule.--- Chief Minister may, by notification in the official Gazette, amend any of the Schedules by amending or modifying any entry therein or omitting any entry therefrom.

35. Authorization.--- Government may, by notification in the official Gazette, authorize any of the Departments, attached departments, or any officer or authority to perform such functions and exercise such powers under this Act, as it deems necessary.

36. Bar to action.--- No order made under this Act shall be called in question in any court and no civil or criminal proceedings shall be instituted against any person for anything done in good faith against any person for any loss or damage caused to, or in respect of any property whereof possession has been taken under this Act.

37. Confidentiality.--- (1) Any information, collected or held by a public servant or by any other person, that identifies a person with an infectious disease, or have been positively tested for an infectious disease, his address or contacts, shall not be released or made public except under this section.

(2) The information under sub-section (1) may be released or made public:

- (a) with the consent of the identified person;
- (b) to a physician retained by the identified person;

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- (c) to enforce the provisions of this Act and the rules;
- (d) to a medical practitioner for purposes of treatment of the person with an infectious disease;
- (e) to blood banks, schools and prisons; and
- (f) to the person responsible for a minor or a ward.

38. Power to make rules.--- Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.

39. Removal of difficulties.--- Government may, by an order, provide for the removal of any difficulty which may arise in giving effect to the provisions of this Act.

40. Over-riding effect.--- The provisions of this Act shall be in addition to and not in derogation of any existing law for the time being in force and in case of any conflict the provisions of this Act shall have an overriding effect.

41. Savings.--- Notwithstanding anything contained in this Act, or any law for the time being in force, or any judgment, decree or order of any court, the notifications, orders or circulars issued, powers conferred, assumed or exercised by any person or authority or forum between the 1st March 2020 and the date this Act comes into force (both days inclusive) in connection with Covid-19 Pandemic, shall be deemed to have been validly initiated, conducted, done, taken, passed, made, issued, conferred, assumed or exercised under this Act and shall have effect accordingly and shall be deemed to have been validly issued or passed under this Act.

42. Substitution of section 18 of the Khyber Pakhtunkhwa Act No. XXX of 2017.--- In the Khyber Pakhtunkhwa Public Health (Surveillance and Response) Act, 2017 (Khyber Pakhtunkhwa Act No. XXX of 2017), for section 18, the following shall be substituted, namely:

“18. Jurisdiction of the Court.--- An offence punishable under this Act shall be tried by Special Magistrate, appointed under section 14A of the Code of Criminal Procedure, 1898 (Act No. V of 1898).”

43. Repeal of the Khyber Pakhtunkhwa Ord. No. XI of 2020.--- The Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Ordinance, 2020 (Khyber Pakhtunkhwa Ord. No. XI of 2020), is hereby repealed.

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BY

Handwritten marks: "K", "11", "4", and a circled "48".

Schedule-I
[see section 2(b)]
Designated Officer(s)

Serial No.	Nomenclature of the Office Description of Officer	Authorized under Sections
1.	Secretary to the Government, Home and Tribal Affairs Department.	6(b),6(d),7,21(1)(a),23, 24(3),26(g)
2.	Secretary to the Government, Health Department.	6(c),10, 21(1)(a),23,24(3)
3.	Secretary to the Government, Elementary and Secondary Education Department.	6(a),21(1)(a),23,24(3)
4.	Director General, Health Services, Khyber Pakhtunkhwa.	6(c),8, 21(1)(a),23,24(3)
5.	Commissioner of a Division.	9, 21(1)(a),23,24(3)
6.	Deputy Commissioner of the District.	7,8, 21(1)(a),24(3)
7.	Officers of District Administration.	12, 21(1)(a),23,24(3)

Handwritten signature and stamp: "ACCEPTED" and "10/10/2019".

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Schedule-II

[see section 26(d)]

Monthly Consumption of Water for Houses:

Serial No.	Area per Sq. yds.	Suspension for prescribed period.
1.	House upto 80 sq.yds.	No amount of Bill to be paid
2.	81-160 sq. yds.	25% amount of the Bill to be paid
3.	161-240 sq.yds.	50% amount of the Bill to be paid
4.	Above 240 sq.yds.	100% amount of the Bill to be paid

Monthly Consumption of Water for Flats:

Serial No.	Area per Sq. yds.	Suspension for prescribed period.
1.	Flats up to 800 Sq. ft.	No amount of Bill to be paid
2.	800 to 1000 Sq. ft.	25% amount of the Bill to be paid
3.	1000 – 1200 Sq. ft.	50% amount of the Bill to be paid
4.	Above 1200 Sq. ft.	100% amount of the Bill to be paid

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**GOVERNMENT OF KHYBER PAKHTUNKHWA
HEALTH DEPARTMENT**

SO

Dated Peshawar, the 30th November, 2020

NOTIFICATION:

No. SOG/HD/1-102/Covid-19/2020/1517: In continuation of this Department's Notification No. E&A(Health)4-1/2019 dated June 01, 2020, I, Syed Imtiaz Hussain Shah, Secretary to Government of Khyber Pakhtunkhwa, Health Department, in exercise of powers conferred under Section 3 of Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020 (Khyber Pakhtunkhwa Act No. XXVII of 2020), on the advice of the Director General, Health Services, Khyber Pakhtunkhwa and two eminent epidemiologists and with the approval of the Chief Minister, Khyber Pakhtunkhwa do hereby order the extension of Health Emergency in the whole of the Province of Khyber Pakhtunkhwa for a further period of four (4) months, with effect from 01.12.2020 till 31.03.2021 in best public interest.


**SECRETARY HEALTH
KHYBER PAKHTUNKHWA**

Endst. No. & date even.

Copy forwarded to:

1. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. Principal Secretary to Governor, Khyber Pakhtunkhwa.
3. Senior Member Board of Revenue, Khyber Pakhtunkhwa.
4. All Administrative Secretaries, Khyber Pakhtunkhwa.
5. Inspector General of Police, Khyber Pakhtunkhwa.
6. Headquarters 11 Corp, Peshawar.
7. Headquarters FC (North) Qilla Balahisar, Peshawar.
8. Headquarters FC (South) D.I. Khan.
9. Registrar, Peshawar High Court, Peshawar.
10. All Divisional Commissioners, Khyber Pakhtunkhwa.
11. All Deputy Commissioners, Khyber Pakhtunkhwa.
12. All Director Generals/Directors Health Department, Khyber Pakhtunkhwa.
13. Chief HSRU, Health Department.
14. All Project Directors, Health Department Khyber Pakhtunkhwa.
15. Managing Director, Health Foundation Khyber Pakhtunkhwa.
16. Chairman, Health Care Commission, Khyber Pakhtunkhwa.
17. All Heads, Khyber Pakhtunkhwa Health Authorities.
18. All Hospital Director/Medical Directors, MTI's Hospitals, Khyber Pakhtunkhwa.
19. Airport Manager, Bacha Khan International Airport, Peshawar
20. All Medical Superintendents, DHQ Hospitals, Khyber Pakhtunkhwa.
21. All District Health Officers, Khyber Pakhtunkhwa.
22. All Medical Superintendents/In-charge, Hospitals in Peshawar.
23. Chief Planning Officer, Health Department.
24. Manager Printing Press, Khyber Pakhtunkhwa with request to publish this notification in the official gazette.
25. Dy. Director (I.T) Health Department.
26. All Sections Officer Health Department.
27. PA to Special Secretary (E&A/B&D), Health Department.
28. P.A to All Dy. Secretaries, Health Department.

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2020


(Syed Qaisar Ali Shah)
Section Officer (General)



**DISTRICT EDUCATION OFFICER (MALE)
NOWSHERA**

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

NOTIFICATION.

Whereas Mr. Mohsin Ali DM GMS Dak Ismail Khel Nowshera was on leave without pay w.e.f: 11-12-2015 to 12-12-2020 Vide: this office Notification No. 1714-17 dated: 31-01-2019.

1. And whereas he was absent from duty w.e.f: 13-12-2020 without any leave sanction from the competent authority.
2. And whereas Notice was issued Vide this office Endstt: No: 14177 dated: 29-04-2021 on both your Home address and on School address but you have failed to resume your duty in the light of the said notice.
3. And whereas a notice was also published in DAILY MASHRIQ URDU NEWSPAPER ON 21-05-2021 calling upon you to resume your duty but till date you have failed to resume your duty.
4. And whereas the authority has been considered the charges leveled against you and proved in the light of evidence on the record.

Now, Therefor, in exercise of the powers conferred on me by the Khyber Pakhtunkhwa Govt: Servants (Efficiency & Disciplinary) rules 2011.

I Sajjad Akhtar Iqbal the competent authority (DEO Male Nowshera) is pleased to Impose Major penalty of 'REMOVAL FROM SERVICE' upon you.

(Sajjad Akhtar Iqbal)
Competent Authority / District Education Officer
(Male) Nowshera

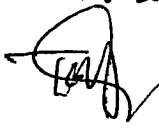
Endstt: No- 14991-96 /DEO (M) NSR/EA-S/File. Removal from Service/

Dated Nowshera the 05/06/2021

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

1. Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
2. Senior District Accounts Officer Nowshera.
3. Deputy District Education Officer (M) Nowshera.
4. Accountant Local Office.
5. Head Master GMS Dak Ismail Khel (NSR).
6. Office Copy.

District Education Officer
(Male) Nowshera

Received date from Roubull amir chand
To pay 4/08/2021 - 
دفعہ الیمن کرد
سے 22 جون 4/8/21

بھنور جناب ڈائریکٹر صاحب محکمہ ایجوکیشن خیبر پختونخواہ پاکستان
عنوان: استھقا قیہ رخصت نصف تنخواہ (Half Pay)

5
جناب عالی!

مودبانہ التماس ہے کہ میں نے پانچ سال پہلے بغیر تنخواہ کی چھٹی لی تھی۔ 5/12/2020 کو ختم ہونے پر میں نے دوبارہ نصف تنخواہ کیلئے دفتر ہذا D.E.O. نوشہرہ رخصت کیلئے درخواست متعلقہ کلرک حضرت گل کے پاس جمع کیا۔ چند دن گزرنے کے بعد میں دفتر ہذا سے چھٹی کی معلومات کیلئے گیا تو جواب جواب بذریعہ 29/4/21 کو ڈاکخانے کی وساطت سے شوکا ز نوٹس مل گیا۔ نوٹس کے جواب میں کوئی تاخیر کئے بغیر 18/5/21 ڈی۔ای۔او۔ آفس میں اپیل کی درخواست دے دی۔ مگر D.E.O صاحب نے 5/6/2021 کو جملہ بازی میں غلط فیصلہ کر کے مجھے نوکری سے سبکدوش کیا گیا۔ آرڈر کر کے انصاف کے تقاضوں کو پس پشت ڈال کر ہمیں ایک ماہ تک کوئی خبر کوئی اطلاع بذریعہ ڈاکخانہ نہ سکول کے ہیڈ ماسٹر کی طرف سے کوئی پیغام دیا گیا۔ کوئی موقع نہیں دیا گیا۔ دشمنی پر مبنی فیصلے کے خلاف عدالت جانے سے پہلے آپ صاحبان کے علم میں لانے کیلئے اپیل کی درخواست دے رہا ہوں۔ کیونکہ میں گزشتہ پانچ سالوں سے USA میں مقیم ہوں۔ USA میں عدالتی فیصلے کے ذریعے یہاں پر پاسپورٹ جمع کیا ہے اور Stay پر ہوں۔ میں تو 2019 میں پاکستان آنا چاہتا تھا مگر عدالتی فیصلے اور کرونا کیوجہ سے کوئی فلائٹ نہیں ہے نہ کوئی آسکتا ہے نہ کوئی جاسکتا ہے۔ پاکستان ریڈ لسٹ میں 2019 سے شامل ہیں۔ میری مجبوری کے نصف تنخواہ پر رخصت کیلئے دوبارہ درخواست دینا پڑا میں خود آنا چاہتا ہوں۔ میرے چھوٹے چھوٹے بچے ہیں۔ اپنے میں ملک میں خدمات سرانجام دینا چاہتا ہوں۔ انشاء اللہ USA عدالت کا فیصلہ جلد ہو کر پاسپورٹ ملتے ہی بہت جلد پاکستان آؤنگا۔ میرے Arriva تک مجھے 13/11/2021 تا 12/12/2021 تک Half pay (نصف تنخواہ) پر رخصتی کے احکامات صادر فرما کر مشکور رہائیں۔

نوٹ: D.E.O. نوشہرہ کا تبادلہ پہلے ہو چکا تھا اس نے Back date میں مجھے نوکری سے نکالنے کیلئے نوکری سے نکال دیا۔
دکھ غیر آئینی اور غیر قانونی طریقہ کار نہیں ہے فیصلے پر نظر ثانی کریں۔ جیسے ہی مجھے USA عدالت سے پاسپورٹ، ویزا، فلائٹ کی بازت مل جائے میں اسی دن پاکستان اپنی نوکری سرانجام دینے کیلئے ضرور آؤنگا۔ انشاء اللہ

عین نوازش ہوگی۔

دعا گور ہونگا۔

آپ کا تابع فرمان: محسن علی (DM) ولد شاہ ولی (مرحوم)

ڈاک اسماعیل خیل تحصیل پسی ضلع نوشہرہ

موبائل: 0302-5771399

Dated of Entry in diary: 05/08/2021

NSR Diry
Alexale
Sajid,
23-08-21

1361
4-8-21

RECEIVED
to



DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. 1027 /F. No. Appeal for Reinstatement
Mohsin Ali Ex.DM Nowshra
Dated Peshawar the 23/8 /2021.

To,

✓
The District Education Officer (M)
Nowshera

Subject: -

APPEAL FOR RE-INSTATEMENT IN R/O MOHSIN ALI EX-DM
DISTRICT NOWHSERA

Memo:

I am directed to refer to the subject cited above and to enclose herewith a copy of appeal in respect of Mohsin Ali S/O Shah Wali (Late) R/O Dak Ismail Khel Tehsil Pabbi which is self explanatory and to ask you the submission of detail report on the basis of facts, within a week time positively for further necessary action please.

Encls: attached.

Endst: No. _____/

Copy forwarded to the:-

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

Pal
Assistant Director (Estab:)(Male-I)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

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

RECEIVED
10/08/2021



DIRECTORATE OF ELEMENTARY AND SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. ¹⁰⁰³ / F. No. Appeal for Reinstatement
Mohsin Ali Ex.DM Nowshera
Dated Peshawar the 17/09 /2021.

To,

✓
The District Education Officer (M)
Nowshera

Subject: - **APPEAL FOR RE-INSTATEMENT IN R/O MOHSIN ALI EX-DM**
DISTRICT NOWHSERA

Memo:

I am directed to refer to your letter No:3304-06 dated 26-08-2021 on the subject noted above and to state that the appeal for re-instatement in respect of Mr.Mohsin Ali Ex-DM GMS Ismail Khel has been regretted under Rule(17)(1)(2) of Efficiency and Discipline Rules 2011 by the competent authority please.

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

Endst: No. _____

Copy forwarded to the:-

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

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

Roohed Amin

27
23/9/2021

247
23-9-21

ATTACHED
to the file

(55) (41)

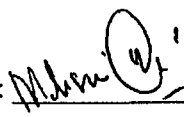
SPECIAL POWER OF ATTORNEY

In the court of Services Tribunal, Peshawar, KP

I, Mr. Mohsin Ali S/O Shah Wali, permanent resident of Mohallah Mian Khel, Vill & PO Dak Ismail Khel, Tehsil Pabbi, Distt Nowshera, KP, KP, Pakistan and currently living at 7512 Remington Rd, Manassas, 20109, Virginia, USA state and declare as under:

- (a) That I live in USA at the address as stated above and so I nominate my uncle Mian Taj Wali Khan S/O Mian Mohabat Khan (CNIC# 17201-2200915-5 Address: Mohallah Mian Khel, Vill & PO Dak Ismail Khel, Tehsil Pabbi, Distt Nowshera, KP) as my special attorney to represent me in Services Tribunal, Peshawar;
- (b) That the said attorney may appoint any advocate to conduct the case;
- (c) To prosecute the said suit and proceedings, to sign and verify all complaints, pleadings, applications, petitions or documents before the court and to deposit, withdraw and receive document and any money or moneys from the court or from the defendant either in execution of the decree or otherwise and sign and deliver proper receipts for me and discharges for the same.
- (d) That the said attorney shall present himself on my behalf and move application/applications in connection with the proceedings of the case.
- (e) That the said attorney shall obtain copies of the papers required by the advocate and hand them over to him (advocate) to facilitate him (advocate) for proper arguments and conduct of my case;
- (f) That generally the said attorney shall do all other lawful work in connection with the said case;
- (g) To compromise the suit in such a manner as the said attorney shall think fit.
- (h) To do generally all other acts and things for the conduct of the said suit as I could have done the same if I were personally present;
- (i) To go for reconciliation in this case, if he thinks fit;
- (j) To appeal and re appeal in the case, if he thinks fit;

Executant: Mohsin Ali
S/O Shah Wali

Signature:  Date: October 21 / 2021

CNIC # 17201-2240852-3

Permanent address: Mohallah Mian Khel, Vill & PO Dak Ismail Khel, Tehsil Pabbi, Distt Nowshera, KP

Present Address: 7512 Remington Rd, Manassas, 20109, Virginia, USA

Contact (if need be):

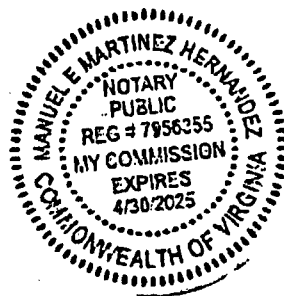
(a) Phone: +1 701 659 3156

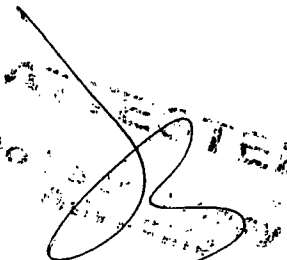
(b) Email: mohsinsst7@gmail.com

City of Manassas
Commonwealth of Virginia
The foregoing instrument was acknowledged
before me this 21 day of Oct, 2021 by
MOHSIN ALI

(Name of person seeking acknowledgment)
M. Ali

Notary Public
Notary registration number: 7956355
commission expires: 4/30/2025





VAKALATNAMA

(56)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. ____/2021

(57)

Mohsin Ali S/o Shah Wali R/o D.A. K. Ismail Khel Nowshera presently in USA.

.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa and others

.....Respondents

I, Mian Taj Wali Khan S/o Mian Mohabat Khan (Special Attorney), do appoint **Saifullah Muhib Kakakhel Advocate High Court (LL.M)** to appear and act for me as my advocates in the above matter.

1. To act, appear and plead in the above-mentioned matter and to withdraw or compromise the said matter or submit to arbitration any differences or dispute that shall arise touching or in any manner relating to the said matter and to receive money and grant receipts therefore and to do all other acts and things which may be necessary to be done for the progress and the course of the prosecution of the said matter.
2. To draft and sign files at necessary pleadings, applications, objections, affidavits or other documents as shall be deemed necessary and advisable for the prosecution of the said matter at all its stages.
3. To employ any other Legal Practitioner, authorizing him to exercise the power as conferred on the undersigned Advocate, wherever he may think fit to do so.


AND I hereby agree to ratify whatever the Advocate or his substitute shall do in the above matter. I also hereby agree not to hold the Advocate or his substitute responsible for the result of the said matter in consequence of his absence from the Court when the said matter is called up for hearing. I further hereby agree that in the event for the whole or any part of the fee to be paid to the Advocate remaining unpaid, he shall be entitled to withdraw from the above matter. Received by me on 08 October, 2021.

ACCEPTED BY:

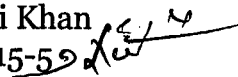
Appellant Through



Saifullah Muhib Kakakhel
Advocate High Court (LL.M)

Attorney


Mian Taj Wali Khan
17102-2200915-59


Mehwish Muhib Kakakhel
Advocate High Court


Kainat Muhib Kakakhel
Advocate High Court


Zeenat Muhib Kakakhel
Advocate High Court


Noman Muhib Kakakhel
Advocate

K **KAKAKHEL LAW ASSOCIATES**
ADVOCATES AND LEGAL CONSULTANTS

KAKAKHEL LAW ASSOCIATES (ADVOCATES & LEGAL CONSULTANTS) 36-C, 2ND FLOOR, CANTONMENT PLAZA, SADDAR ROAD, PESHAWAR CANTT, KHYBER PAKHTUNKHWA, PESHAWAR.

PH: 091-5250412, CELL: 0333-9167424 EMAIL: INFO@KAKAKHELLAW.COM