

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. 1461/2018

Date of Institution ... 30.11.2018

Date of Decision ... 07.12.2021

Kifayat Ullah S/O Aziz Ullah, Government High School Manja Kot,
Tur Ghar, Khyber Pakhtunkhwa.

... (Appellant)

VERSUS

Secretary Elementary & Secondary Education Department, Khyber
Pakhtunkhwa, Peshawar and four others.

... (Respondents)

MR. ABDUL QAYUM SARWAR,
Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK,
Additional Advocate General

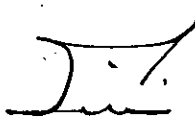
--- For respondents.

MR. AHMAD SULTAN TAREEN
MR. SALAH-UD-DIN

--- CHAIRMAN
--- MEMBER (JUDICIAL)


JUDGMENT:

SALAH-UD-DIN, MEMBER:-


Precise facts as gleaned out from the record are that the
appellant while serving as Qari in GHSS Manjakot District
Torghar was proceeded against departmentally on the
allegations of unlawful absence from duty and tearing of
attendance Register of Teachers, which constituted
misconduct. On conclusion of the inquiry, the appellant was
awarded minor penalty of recovery of 04 months pay and
stoppage of one annual increment. The departmental appeal of
the appellant was rejected vide order dated 02.11.2018, hence
the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions made by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the appellant performed his duty regularly and did not commit any act of misconduct; that the appellant was on casual leave on the relevant day, which fact is supported by the relevant record, therefore, he cannot be held liable for any misconduct; that no inquiry as required under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 has been conducted and the appellant has been awarded the impugned penalty without providing him any opportunity of self defense or personal hearing; that no regular inquiry was conducted in the matter, therefore, the impugned orders being wrong and illegal are void ab-initio, hence liable to be set-aside.

 4. On the other hand, learned Additional Advocate General for the respondents has contended that the appellant had remained absent from duty and was found involved in the act of tearing of Teachers Attendance Register, therefore, disciplinary action was taken against him; that after conducting of inquiry in the matter, the allegations against the appellant stood proved, therefore, he has rightly been awarded the impugned penalty.

5. We have heard the arguments of learned counsel for the appellant as well as learned Additional Advocate General for the respondents and have perused the record.


6. A perusal of the record would show that the impugned minor penalty was awarded to the appellant on the ground that he was found guilty of misconduct on account of his absence from duty and tearing of Teachers Attendance Register. The impugned penalty was awarded to the appellant vide the impugned order dated 04.07.2013, however it is astonishing that the respondents in their comments have referred to a discreet inquiry conducted by Mr. Wajid Iqbal

Principal the then Principal GHSS Baffa Mansehra in the year 2017. Copy of the aforementioned inquiry has been annexed by the respondents with their comments and the same would show that the said inquiry was conducted upon the directions of Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. It has been mentioned by the inquiry officer in para-5 of the aforementioned inquiry report that the District Education Officer (Male) could not provide any charge sheet, inquiry report etc. It is thus an established fact that the appellant was neither issued any charge sheet or statement of allegations nor any regular inquiry was conducted in the matter. Moreover, the impugned order dated 04.07.2013 would show that the competent Authority has not at all mentioned any particular period during which the appellant was found absent from duty. The impugned orders are thus not sustainable in the eye of law and are liable to be set-aside.

7. In view of the foregoing discussion, the appeal in hand is allowed as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
07.12.2021


(AHMAD SULTAN TAREEN)
CHAIRMAN


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


Service Appeal No. 1461/2018

O R D E R
07.12.2021

Appellant alongwith his counsel Mr. Abdul Qayum Sarwar, Advocate, present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the appeal in hand is allowed as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
07.12.2021


(Ahmad Sultan Tareen)
Chairman


(Salah-Ud-Din)
Member (J)

27.01.2021 Due to pandemic of Covid-19, the case is adjourned to
15.04.2021 for the same.



Reader

15.04.2021 Due to demise of the Worthy Chairman the Tribunal is
defunct, therefore, case is adjourned to 03.08.2021 for the same
as before.




Reader


03.08.2021 Junior to counsel for the appellant present.

Mr. Kabirullah Khattak, Additional Advocate General alongwith
Munir Akhtar ADEO for respondents present.

Former made a request for adjournment on the ground that
senior counsel for the appellant is busy before Hon'ble Peshawar
High Court, Peshawar.. Adjourned. To come up for arguments on
~~07.08~~ 07.08.2021 before D.B.



(Atiq-Ur-Rehman Wazir)
Member (E)



(Roziha Rehman)
Member (J)

12

A

B

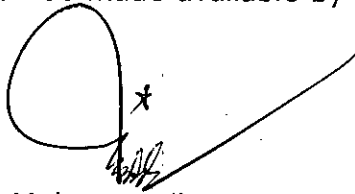
12

02.10.2020


Appellant alongwith counsel and Mr. Muhammad Riaz Painsakhel, Asstt. AG for the respondents present.

Learned counsel for the appellant argued the matter at some length, when learned Asstt. A.G requested for adjournment in order to avail the record comprising enquiry against the appellant, as noted in the impugned order dated 4.4.2013, and other relevant documents.

Adjourned to 23.11.2020 on which date complete record shall be made available by the respondents without fail.



(Mian Muhammad)
Member (Executive)



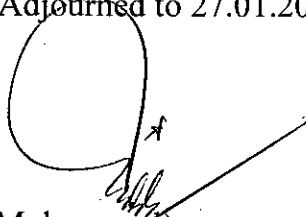
Chairman

23.11.2020

Counsel for the appellant present. Addl: AG alongwith Mr. Munir Akhtar, ADEO for respondents present.

Learned counsel for the appellant seeks adjournment as he has not prepared the brief.

Adjourned to 27.01.2021 for arguments before D.B.



(Mian Muhammad)
Member (E)



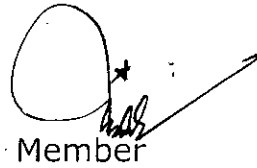
Chairman

30.06.2020

Appellant with counsel and Mr. Riaz Paindakhel learned Asst. AG for the respondents present.

Learned counsel referred to order dated 13.03.2020 and stated that the appeal was argued and was posted for orders.

The assertion of learned counsel is correct, however, one of the Hon'ble Member of erstwhile bench has been repatriated, therefore, the appeal is posted to 09.09.2020 for arguments before D.B.



Member

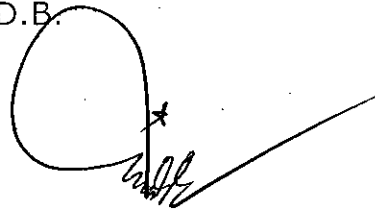


Chairman

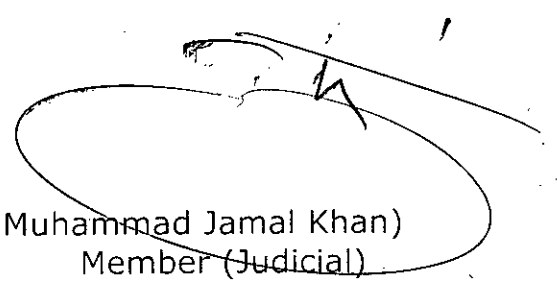
09.09.2020

Appellant Kifayat Ullah in person alongwith Mr. Abdul Qayum Sarwar, Advocate are present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

Consequent upon the commencement of arguments the learned Additional Advocate General while raising preliminary objection on the point of limitation submitted that the instant appeal is time barred therefore, the referred to issue has to be decided first before embarking on merits of appeal. Accordingly, arguments of the learned Additional Advocate General for respondents and the learned counsel for appellant on the point of limitation heard. Learned counsel sought time for submitting precedents of the superior court on the subject for which he requested for time. Time is allowed. File to come up for the needful on 02.10.2020 before D.B.



(Mian Muhammad)
Member (Executive)



(Muhammad Jamal Khan)
Member (Judicial)

23.01.2020

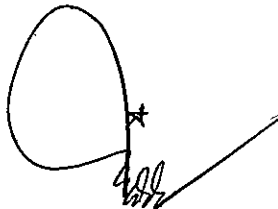
Due to general strike of Khyber Pakhtunkhwa Bar Council, learned counsel for the appellant is not available today. Mr. Kabirullah Khattak, Additional AG for the respondents present. Adjourned to 13.03.2020 for rejoinder and arguments before D.B.


(Hussain Shah)
Member


(M. Amin Khan Kundi)
Member

13.03.2020

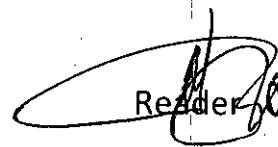
Appellant with counsel present. Asst: AG alongwith Mr. Irfanullah, Assistant for respondents present. Arguments heard. To come up for order on 26.03.2020 before D.B.


(MAIN MUHAMMAD)
MEMBER



(M. AMIN KHAN KUNDI)
MEMBER

26.03.2020

Due to public holiday on account of COVID19, the case is adjourned to 30.06.2020 for the same as before.


Reader

21.08.2019 Learned counsel for the appellant present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Abdul Hakim Budget & Account Officer for the respondents present. Written reply not submitted. Representative of the respondents seeks time to file written reply/comments. Last opportunity is granted. Adjourned. To come up for written reply/comments on 19.09.2019 before S.B.


(Hussain Shah)
Member

19.09.2019 Counsel for the appellant and Addl. AG alongwith Fakhr Saeed, ADEO respondents present.

Respondents have failed to submit requisite comments/ reply despite last opportunity. The appeal is posted to D.B for arguments on 28.11.2019.


Chairman


28.11.2019 Due to general strike of the Pakistan Bar Council, the case is adjourned. To come up on 23.01.2020 before D.B. Umar Zaman DDEO representative of the respondents present and submitted written reply.


Member


Member

19.03.2019

Appellant in person present and requested for time to deposit security and process fee. Request accepted. Learned counsel for the appellant is directed to deposit the same within seven (07) days. Thereafter, notice be issued to the respondents for written reply/comments on 06.05.2019 before S.B.


Appellant Deposited
Security & Process Fee


Member

06.05.2019

Appellant alongwith his counsel and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Umer Zaman, Deputy DEO for the respondents present. Written reply on behalf of respondents not submitted. Learned Additional AG requested for further adjournment. Adjourned to 26.06.2019 for written reply/comments before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

26.06.2019

Clerk to counsel for the appellant present. Written reply not submitted. Imdad Ali representative of respondent No.4 present and seeks time to furnish written reply/comments. Hayat AD representative of respondent 2 & 3 absent. Respondents No.1 to 3 and 5 as well as absent representative be put to notice for submission written reply/comments. Adjourn. To come up for written reply/comments on 21.08.2019 before S.B.


Member

S.A No. 1461/2018

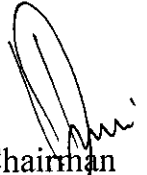
08.01.2019

Counsel for the appellant present.

Contends, inter-alia, that the departmental appeal of appellant was rejected on 02.11.2018 which was essentially against the impugned order of punishment extended to the appellant in terms of four months recovery of pay and stoppage of one annual increment passed on 04.07.2013. The appeal was apparently rejected on merit, therefore, the delay involving therein was impliedly condoned by the departmental appellate authority.

Regarding the merits of the case it was stated that the appellant was not provided with proper opportunity in accordance with law to contest the charges against him, besides, specific dates of absence of appellant were not noted in the impugned order dated 04.07.2013.

In view of averments by learned counsel, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents. To come up for written reply/comments on 19.03.2019 before S.B.


Chairman

08.01.2019

Counsel for the appellant present.

Contends, inter-alia, that the departmental appeal of appellant was rejected on 02.11.2018 which was essentially against the impugned order of punishment extended to the appellant in terms of four months recovery of pay and stoppage of one annual increment, ^{passed} on 04.07.201~~3~~³. The appeal was apparently rejected on merit, therefore, the delay involving therein was impliedly condoned by the departmental appellate authority.

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typed on prepage

Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1461/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/12/2018	<p>The appeal of Mr. Kifayat Ullah resubmitted today by Mr. Abdul Qayyum Sarwar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	07/12/2018.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/01/2018</u>.</p> <p> CHAIRMAN</p>


P-12

The appeal of Mr. Kifayat Ullah son of Aziz Ullah GHS Manja Kot Tur Ghar Peshawar received today i.e. on 30.11.2018 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be flagged.
- 3- Copy of appointment order mentioned in para-1 of the memo of appeal is not attached with the appeal which may be placed on it.
- 4- Addresses of appellant and respondent no. 4 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 5- One more copy/set of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2317 /S.T,


Dt. 3-12- /2018.


REGISTRAR 3/12/18
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Abdul Qayyum Sarwar Adv. Pesh.

5-12-2018

Sir,
Re-submitted after n/c pt.


Abdul Qayyum Sarwar
Advocate Pesh.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Service Appeal No. 1461 /2018

Kifayat Ullah.....Appellant

VERSUS


Secretary Elementary & Secondary
Education Department KP & others.....Respondents

I N D E X

S.No.	Description of documents.	Annexure	Dated
1.	Memo of appeal		1-6
2.	Addresses of parties		7
3.	Copy of appointment order dated 21.02.2009		8
4.	Copy of application for leave		9
5.	Copy of attendance register		10
6.	Copy of suspension order dated 26.01.2013		11
7.	Copy of notification dated 04.07.2013		12
8.	Copy of application for review of suspension order		13
9.	Copy of application to DPO regarding review of order of suspension		14
10.	Copy of application to Director E&SE for redressal		15
11.	Copy of letter dated 09.02.2018		16
12.	Copy of letter dated 23.10.2018		17
13.	Copy of letter dated 02.11.2018		18
14.	Copy of application to Director E&SE		19
15.	Copy of application to DEO		20
16.	Wakalatnama		21

Appellant

Through


Abdul Qayum Sarwar
Advocates, Peshawar
Cell: 0333-9137432

/

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. 1461 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1694

Dated 30-11-2018

Kifayat Ullah S/o Aziz Ullah
Govt. High School Manja Kot, Tur Ghar, ^{KPK} Peshawar

.....Appellant

VERSUS

- 1) Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2) Director Elementary & Secondary Education, Near Govt. Higher Secondary School, G.T Road, Peshawar.
- 3) Deputy Director (Estb), Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4) District Education Officer (M), Tur Ghar, KPK Peshawar.
- 5) Principal GHSS Manja Koat, District Tor Ghar.

.....Respondents

Filed to-day

Registrar
30/11/18

Re-submitted to -day
and filed.

Registrar
5/12/18

APPEAL U/S 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 AGAINST THE IMPUGNED
ORDER DATED 04.07.2013 AGAINST
WHICH THE DEPARTMENTAL APPEAL
(REPRESENTATION) HAS BEEN
REJECTED VIDE ORDER DATED
02.11.2018

PRAYER

2

On acceptance of this appeal the impugned order dated 02.11.2018 and the penalty imposed upon the appellant vide order dated 04.07.2013 may kindly be set-aside and one annual increment and four months' pay may kindly be restored to the appellant.

Respectfully Sheweth:-

- 1) That the appellant has been appointed vide dated 16.02.2009 and since then is serving as Qari at GHSS Manja Kot, District Tur Ghar. (Photo Copy attached)
- 2) That the appellant on 11.01.2013 was on casual leave, duly allowed by the concerned incharge of the School, but the appellant due to the other absentee staff teachers namely, Muhammad Alam (CT) and Abdul Qayum (DM) was involved and suspended vide Endst. No.144 dated 26.01.2013. (Photocopies are attached)
- 3) That the appellant alongwith above teachers was penalized with immediate effect on account of misconduct i.e. unlawful absence from duty and tearing attendance register for 4 months recovery of pay and stoppage of one annual increment, vide

3

Endst No.794/M penalty (M) dated 04.07.2013.
(Photocopy attached)

- 4) That the appellant preferred departmental representation and thereafter a number of reminders submitted, whereupon comments were asked from the respondent NO.4 vide Endst.No.Nil dated 09.10.2018, which were accordingly submitted by respondent No.4 vide Endst. No.484-86 dated 23.10.2018. (Photo copies attached)
- 5) That the competent authority vide letter No.272/F.No.1035/Vol-1/KC/Appeal of CT/DM (M) General dated 02.11.2018, rejected the appeal of appellant with further direction to inform the teachers concerned. (Photocopy of the impugned order is attached)
- 6) That the appellant feeling aggrieved by the impugned order vide dated 02.11.2018 approaches this hon'ble Tribunal on the following grounds, inter-alia.

GROUNDS

- A. That the impugned orders vide dated 02.11.2018 and 04.07.2013 are illegal, unlawful, against the FRs and SRs and in disregard to the judicial norms. Hence deserve to be set-aside.
- B. That the appellant has been serving as Qari and performing his duty honestly, punctually, obediently and faithfully without any sort of

misconduct and complaint against him since his appointment.

- C. That the appellant has been never indulged in any sort of misconduct and was on causal leave on 11.01.2013, which fact had been fully supported by attendance register and by the statement of (i) Ibraheem SAT (ii) Shah Rahman STT (iii) Naseem Khan L/A (iv) Abul Khan Behestee R/o Manja Kot Tor Ghar vide certificate dated 10.10.2018 duly signed and forwarded vide dated 02.10.2018 and 10.10.2018 by the Principal GHSS Maja Kot, Tor Ghar. (Photocopy attached)
- D. That the appellant has been illegally, malafidely without any sort of wrong or mischief has been roped with other wrong doers namely, Muhammad Alam Ct and Abdul Qayum DM, who had been guilty for commission of misconduct i.e. tearing the old register to conceal their long absence without sanction by the competent authority.
- E. That the appellant is dutiful, punctual, obedient and honestly performing his duty since his appointment, but has been roped due to the wrong done by the above mentioned teachers, whom despite the penalty order vide notification dated 04.07.2013 are receiving full pay without any deduction of increment or recovery of 2 months pay. Hence the appellant has been discriminated.

- 5
- F. That the appellant was innocent and malafidely for no fault on his part has been involved alongwith others and without any proper enquiry under the Law and Rules has been penalized.
 - G. That no legal and proper procedure has been followed by the respondents/ department and the appellant has been illegally and unlawfully in violation of FRs & SRs penalized. Hence the impugned order deserve to be set-aside.
 - H. That the impugned order has been passed on 02.11.2018 and thereafter communicated to the appellant, hence the appeal is being filed quite within time, and furthermore, the impugned order is illegal and unlawful, unwarranted and against the facts and circumstances of the case in the eyes of law, untenable and liable to be set-aside.
 - I. That appellant seek permission of the Court to advance further grounds at the time of arguments.

It is, therefore, prayed that on acceptance of this appeal the impugned order dated 02.11.2018 passed by respondent No.3 and the penalty imposed upon the appellant by the respondent No.4 vide order dated 04.07.2013 may kindly be set-aside and one annual increment and four months' pay may kindly be restored to the appellant.

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Any other order which this Hon'ble Court deem fit may also be passed in favour of appellants.



Appellant

Through



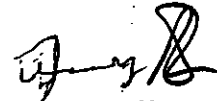
Abdul Qayum Sarwar

Advocate

Supreme Court of Pakistan

VERIFICATION

Verified on Oath that the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing material has been concealed from this hon'ble Tribunal.



Appellants

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR

Service Appeal No. _____/2018

Kifayat Ullah.....Appellant

VERSUS

Secretary Elementary & Secondary
Education Department KP & others.....Respondents

ADDRESSES OF PARTIES

APPELLANT


Kifayat Ullah S/o Aziz Ullah
Govt. High School Manja Kot, Tur Ghar, ^{KPK} Peshawar

RESPONDENTS

- 1) Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2) Director Elementary & Secondary Education, Near Govt. Higher Secondary School, G.T Road, Peshawar.
- 3) Deputy Director (Estb), Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4) District Education Officer (M), Tur Ghar, ^{KPK} Peshawar.
- 5) Principal GHSS Manja Koat, District Tor Ghar.

Appellant

Through


Abdul Qayum Sarwar
Advocate
Supreme Court of Pakistan

8

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E & S E: MANSEHRA


ORDER.

Consequent upon the approval of the Competent authority, The following (Deceased sons/Daughters) of District Manshra, are hereby appointed at school names mentioned against each as Qari against vacant posts in BPS No 7 (3530-190-9230); plus usual allowances as permissible under the rules with effect from the date of their taking over charge in the interest of public service subject to the following terms and conditions.

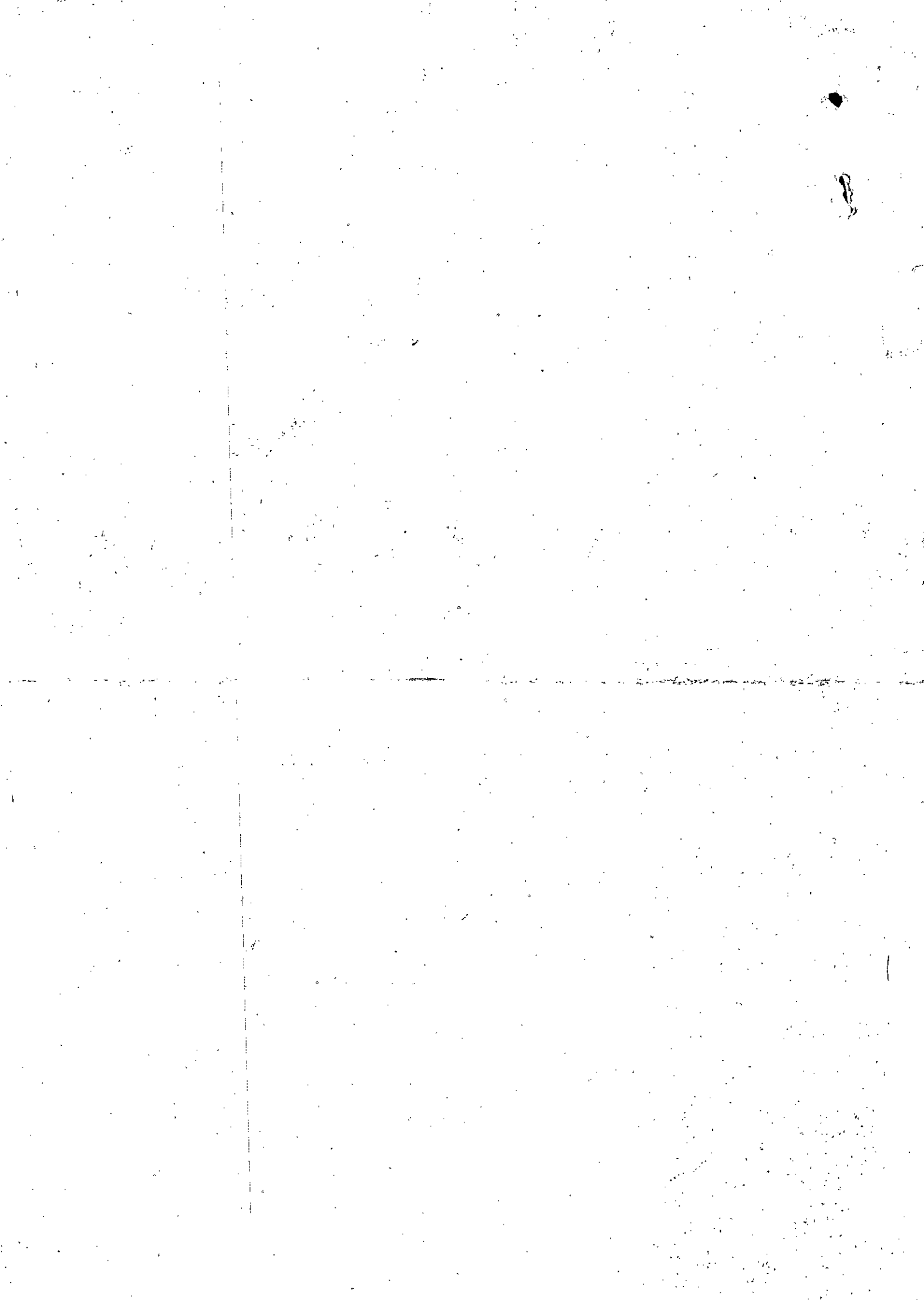
S. No	Name of Candidates/Designation	Father's /Mother's Name	Residence.	Place of posting.
1	Hafiz Kafayatullah	Late Azizullah	Cgla	Malookra
2	Mubashir Iqbal	Late Muhammad Iqbal	Hasanabad	GHS Khair Abad

TERMS AND CONDITION

1. Their appointment is purely on temporary basis and liable to termination at any stage without assigning any reason/notice.
2. They will be Governed by such rules and regulations enforced and as may be prescribed by the Govt: from time to time for the category of the Govt: Servants to which they belong.
3. In case any of the above candidates failed to assume the charge of their post within 15 days of their appointment, candidature will be stand automatically cancelled.
3. The candidate will enter into the Govt: and will be Governed by the Terms and conditions hereinafter mentioned in such agreement/they will signed the agreement on prescribed form on stamp paper before joining service.
4. The Principals concerned is directed to get verified their certificate from the concerned.
5. Their salaries are subject to execution of agreement deed based on the terms and conditions of the contract through DDO concerned.
6. They will get initial of the scale including usual allowance as permissible under the rules and they are entitled to annual increment according to the rules.
7. Their services is liable to termination on one month prior notice from either side in case of resignation without prior notice, their one month's pay and allowances, if any shall be forfeited in favour of Govt.


DISTRICT OFFICER
(E & S E)
Manshra.

Attested

9/1

OFFICE OF THE EXECUTIVE DISTRICT OFFICER E & S EDUCATION MANSEHRA.

CORRIGENDUM.

Please read GHS Garhi Hassan 4ai K.D Instead of GHS Malookra in appointment order issued vide this office Endst No 27-9-57/Apptt; Dated Mansehra the 16/2/2009.

54/-
EXECUTIVE DISTRICT OFFICER E & S
EDUCATION MANSEHRA.

Endst No 3155-58 / Dated 21/02 / 2009.

Copy to the -;

1. The District Accounts officer Mansehra.
2. The Principal Head Master Concerned.
3. Candidate Concerned.
4. Office File.

K
imare
EXECUTIVE DISTRICT OFFICER E & S
EDUCATION MANSEHRA.

Attested
A

بخدمت جناب ہیڈ ماسٹر صاحب GHS منجاکوٹ تور غار

جناب عالی

عور بالہ کنزائرشپ لپچائی ہے کہ مدرس کو ایک فوری اہم ایجوکیشن سے گھر جانا پڑ رہا ہے۔ اور اس دوران میں مدرس الٹی واپسی منہیں سرانجام دینے سے قاصر رہے گا۔

کنڈا مہربان فیکلٹی مدرس کو ایک ٹیم کی رخصتی عنایت فرمائی جائے

حسین نواز شریوٹی

العارض
حافظ کنایت اللہ قادری
GHS منجاکوٹ تور غار
تور غار، 2013-01-11

Allowed for
one day
11-01-2013

~~Head Master
Govt High School
Manjakot Tor Ghar.~~

Attested
[Signature]

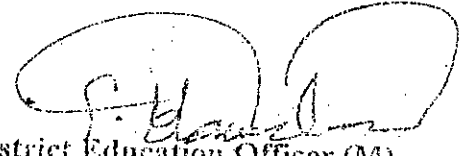
OFFICE OF THE DISTRICT EDUCATION OFFICER (M) TOR GHAR

SUSPENSION ORDER

The following teachers of GHS Manja kot are hereby suspended from service with immediate effect for the period of three months on account of their misconduct.

S.No.	Name of Teacher	Designation
1	Muhammiad Alam	CT
2	Abdul Qayyum	DM
3	Kafayat Ullah	Qari
4	Ibrahim Ullah	AT

- Note: 1) Necessary entries should be made in their service books.
2) Suspension allowance is allowed as per rule.
3) A separate notification for conducting inquiry is also being issued.


District Education Officer (M)
Tor Ghar

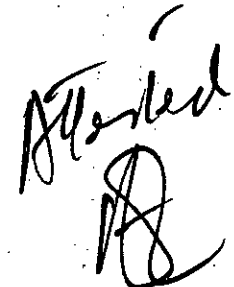
Endst: No. 144

Dated: 26/01/2013

Copy to file:

1. Deputy District Officer (M) Local Office.
2. PA to Director (E&SE) Khyber Pakhtunkhwa Peshawar.
3. Teachers concerned
4. Office File.

District Education Officer (M)
Tor Ghar





12

OFFICE OF THE DISTRICT EDUCATION OFFICER TOR GHAR

Notification

As approved by the competent authority and report of the inquiry officers, the following teachers are hereby penalized with immediate effect on account of their guilty of misconducts (un-lawful absence from duty & tearing of teacher attendance register) under E&D rules 2011. The penalty which are mentioned against their each name.

S.No	Name of employee	School	Penalty.
1	Muhammad Alam S/O Noor Ahmad CT 284950	GHS Manjakot	02 month recovery of pay and stoppage of one annual increment
2	Abdul Qayyum S/O Malak Aman DM 286846	GHS Manjakot	02 month recovery of pay and stoppage of one annual increment
3	Kefayat Ullah S/O Aiz Ullah Qari 449141	GHS Manjakot	04 month recovery of pay and stoppage of one annual increment

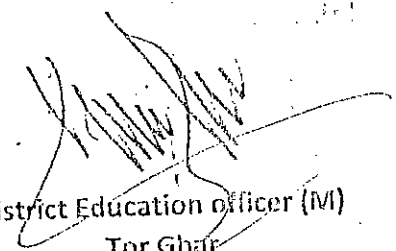
District Education officer (M)
Tor Ghar

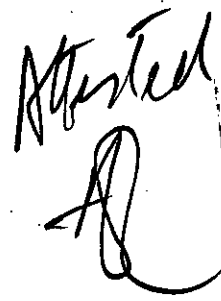
Endst: No 794 /M-Penalty (M)

Dated: 24/07/2013

Copy to the:-

- 1- PS to Secretary E&SE Department Peshawar
- 2- PA to Director E&SE Peshawar
- 3- District Accounts Officer for necessary action.
- 4- Head Master GHS Manjakot with the direction that to make entries in service books of the above teachers as mentioned their penalties.
- 5- Teachers concerned


District Education officer (M)
Tor Ghar



محترم جناب DEO (جیل) صاحب مطلع نوردر

صواب عالی

گزارش کیجائی ہے کہ مدرسہ گورنمنٹ عالی سکول منجاکوٹ سیاحی

2013 سے اپنے فرائض منصبی بطور احسن سرانجام دے رہا ہے۔ عورضاً 11 جنوری 2013 کو ایجوکیشن آفیسر نوردر نے فون پر فاضل رجسٹر دفتر منجاکوٹ۔ اس دن میں

leave پر تھا۔ اور اس دن سے آغازاً نہ میری درخواست پر

Alboud/leave کر رہا تھا۔ تاہم دوسرا غیر موجود اساتذہ کرام کی

Absenty کی وجہ سے DEO صاحب نے مجھے بھی غیر لائٹور کر کے دیگر اساتذہ کرام کو کہا تو

Enclomment No-794 عورضاً 04/07/2013 سے ملت 4 ماہ کی

Recovery اور اینڈ ٹریٹمنٹ stop کر دیا۔ آج صاحب سے التعمانی ملتی ہے کہ اس فیصلے پر تفریق مان کیجائی

جو اس وقت کی عجزاً سزا دی گئی جو مدرسہ کی رہی نہیں

العارض سے عورضاً عین لوازشہ ہوگی

Forwarded To DEO قائد کفایت اللہ (قاری)

FOI N/A GHS منجاکوٹ نوردر

Head Master
Govt High School
Manjakot Tor Ghar.

عورضاً: 16-07-2013

Alboud

صدا عالی

درخواست ذیل پیش ہے تاکہ

مدرس گورنمنٹ ہائی سکول منجاکوٹ ونگز میں ایسے ڈائریکٹرز سے رابطہ کر کے

یہ سرفہرست "پورے 2013ء کے مدرسوں کے پروفیسر ڈیپارٹمنٹ ہائیر ایجوکیشن

کے DEO صاحب کی کارروائی کے ذریعے دیگر اساتذہ کے ساتھ مل کر ایک وفد کے اجراء

کے لئے توجہ فرمائیں تاکہ اس وفد کو تمام اساتذہ کے ساتھ مل کر ایک وفد بنا کر

ڈیپارٹمنٹ ہائیر ایجوکیشن میں پیش کیا جا سکے اور اس وفد کو تمام اساتذہ کے ساتھ مل کر ایک وفد بنا کر

ڈیپارٹمنٹ ہائیر ایجوکیشن میں پیش کیا جا سکے اور اس وفد کو تمام اساتذہ کے ساتھ مل کر ایک وفد بنا کر

ڈیپارٹمنٹ ہائیر ایجوکیشن میں پیش کیا جا سکے اور اس وفد کو تمام اساتذہ کے ساتھ مل کر ایک وفد بنا کر

نوٹ: اس سے پہلے

الغرض

گورنمنٹ ہائی سکول
منجاکوٹ ونگز

منجاکوٹ ونگز

تاریخ: 11 مارچ 2013ء

Attested

Forwarded to
Principal
Govt High School
Manjakot Tor qhar

272 - 2-11-2012

0

11

126/1
10-3-18

عدت عالی

15

گزارش ہے کہ گورنمنٹ ہائی اسکول ٹیچرز اسکول
 فیڈرلٹ علی ٹوٹم میں جاری دوست لہینا ہے عدت عالی
 11 جنوری 2018 کو اسکول سے leave لیا تھا اور اس وقت
 کا اخراج قیوم DM اور محمد عالم AT اسکول میں موجود ہیں
 جس کی وجہ سے اسکول اپنی راجہ ان کو غیر حاضر سمجھتے
 اور انہوں نے اپنی غیر حاضری کو چھان لیا اور رخصت کو تیار
 اور ایک نیا رخصت تیار کیا۔ جس میں ایچ آئی کی leave
 پر مشورہ 12 دنوں کے بعد قیوم سے leave لیا تھا اخراج
 نے DEO صاحب کو دیا بات یہی تھی تو اس قسم میں محمد قیوم اور
 محمد عالم آئے تھے ہی ساتھ ملا دیا۔ اس کے بعد DEO نے ہمارے خلاف
 فائل کیا۔ قیوم DM اور محمد عالم آئے دو دنوں کے بعد Recover لیا اور
 ایک ہینڈ سٹاپ کیا گیا۔ ابھی تک ان کے خلاف کوئی عملی کارروائی نہیں ہوئی
 اور قیوم میں نے کہا ہے میں اس میں کارروائی نہیں کروں گا
 اور آپ اپنے ہینڈ سٹاپ دیکھیں۔ ہائر ایجنٹ کے باوجود کوئی ايقاف
 میں حال ہے۔ ہر وقت کوئی حالتی ہے کہ سارا ہی حال برسر
 نہ ہو سکتا ہے

سینا ٹاؤن میں ہوگا / وقت
 3/17

~~ADD/ADD~~
 ADD/ADD
 10-10-2018
 اقامت اللہ
 عدت عالی

ADD/ADD



1
10/1/19

16



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

No. 3888 /F. No.1035/Vol:I/KC/CT/
DM(M)General.
Dated Peshawar the 9/2 /2018.

To,

The District Education Officer(M)
Torghar.

Subject: **APPEAL.**

Memo:-

I am directed to refer to the subject noted above and to enclose herewith a copy of appeal in respect of Kifayat Ullah Qari GHSS ^{Manjallot} ~~Sakha Kot~~ Torghar and to ask you to submit detail report/comments to this office within a week time.

M. J. 9/10/18
Assistant Director (Estab :)
Elementary & Secondary Edu:
Khyber Pakhtunkhwa Peshawar.

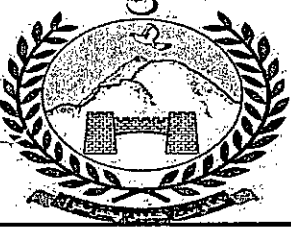
18/10/18

Endst: No. _____/

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

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

Attached
[Signature]



OFFICE OF THE DISTRICT EDUCATION OFFICER (MALE)
DISTRICT TOR GHAR

No. _____ Dated ____ / ____ /2018.

To,

The Director E&SE Khyber Pakhtunkhwa
Peshawar.

Subject: APPEAL

I am to refer to the subject captioned above & to submit the requisite comments as the same has also been submitted vide letter No.3414-18 dated 15-03-2018 regarding subject as follow. *(Please refer to No. 3888/F.No.1035/Vol:1/KC/CT)*

1. That, the applicant has been performing his duty at GHSS Manjakot since 2012.
2. That during the surprise visit of the then DEO Male Tor Ghar, the applicant was found guilty of Misconduct (unlawful absence from duty & tearing of teacher attendance register) along with three others, (copy of suspension order is annexed).
3. That, as per enquiry report, the then DEO (M) Tor Ghar imposed minor penalty upon the said applicant as stoppage of one annual increment & 4 months recovery of pay as well as upon two others as two months recovery of pay and stoppage one increments upon the said applicant(Notification is annexed).
4. That the aforesaid notification regarding imposition of minor penalty against the applicant was passed by the then DEO (M) Tor Ghar on date back to 04-07-2013 vide Endst: No 794.

Now the applicant has approached to your good self for review as an appellate authority against the aforesaid penalty imposed upon him, submitted for further process please.

District Education Officer (M)
E&SE Tor Ghar

Endst: NO 484-86 Dated 23/10/2018

Copy For information to the:

1. Assistant District Education Officer Litigation Local Office.
2. Teacher Concerned.
3. Office file.

Attended
[Signature]

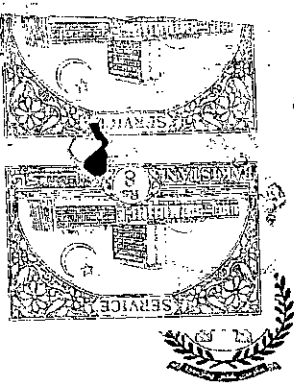
[Signature] 23/10/2018
District Education Officer (M)
E&SE Tor Ghar

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

18

No. 272 /F.No.1035/Vol:I/KC/Appeal of
CT/DM(M)General.
Dated Peshawar the 2 / 11 /2018.

To,

*ADEO of EP
for long transition of
the concerned
teachers.*

The District Education Officer (M)
Torghar.

Subject:- **REQUEST FOR NON DEDUCTION OF INCREMENT.**

Memo:-

I am directed to refer to your letter No.403 dated 23.10.2018 on the subject cited above and to state that the appeal of Mr.Kifayat Ullah Qari GHSS Sakha Kot Torghar in light of DEO(M)Torghar report is hereby rejected.

I am further directed to ask you to inform the teacher concerned accordingly.

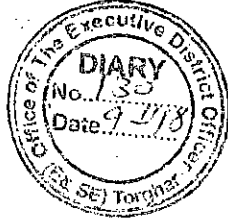
[Signature]
Deputy Director (Estab)
Elementary & Secondary Edu.
Khyber Pakhtunkhwa Peshawar.
3/11/18

Endst: No. _____

Copy forwarded to the:-

1. Section Officer(Primary)Government of Khyber Pakhtunkhwa Elementary and Secondary Education Department w/r to his No.SO(PE)E&SED/9-4/SST dated 27.08.2018.
2. P:A to Director Elementary and Secondary Education local office.

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



Attested
[Signature]

فہرست ضمیمہ - ڈی ایچ ای (ریجنل ایگزیکٹو آفیسر) متنازعہ (KPK) - ضمیمہ 14

14

ضمیمہ 14

ہم افسانہ کہ بدترین درجہ (MAM) - گورنمنٹ ہائر سیکنڈری سکول جھاوٹ ٹورنٹر کے لیے سکول ریارج کے سلسلے میں ہے کہ حلقہ کاری کفایت اللہ گورنمنٹ ہائر سیکنڈری سکول جھاوٹ کے خلاف جو منہجہ جاری رہے تعلیم کو بگاڑنے کے انداز میں کیا گیا تھا۔ حلقہ کاری کفایت اللہ کے ساتھ سراسر زیادتی اور ظلم ہے۔ کوئٹہ کاری کفایت اللہ اور اس صوبہ کے سزا دہائی۔ جو اس کے کیا ہی ہیں۔

ص۔ مانی - 11 جنوری 2013ء کو حلقہ کاری کفایت اللہ رخصت کیا گیا ہے۔ جبکہ حلقہ کاری صوبہ تعلیم میں رخصت کیا گیا ہے۔ ہر نا رہیہ تعلیم بگاڑنے کے ذریعہ عبدالقوی اور جہا عالم آج بھی ہیں۔ صوبہ کے مقصد میں غیر حلقہ کاری کو چھینا جاتا ہے اور مینار صوبہ حلقہ کاری میں بنا کر ہے اور 11 اور 2 دن چھینے کا ظاہر کرنا تھا۔ جبکہ ان کی یہ بھی ہے کہ کوئی لگاؤ نہ ہو اور

لہذا ہم کو یہ ہے کہ حلقہ کاری کفایت اللہ ہا رہیہ تعلیم بگاڑنے کا انداز ملے ہے۔ عبدالقوی DM اور جہا عالم آج کے ساتھ بلکل شریک ہیں۔ حلقہ کاری کفایت اللہ کو ناکرہ صوبہ سزا دہائی ہے اور 4 مینوں کی Recovery اور ایک measurement ہے۔ صوبہ کے ہر جگہ غیر حلقہ کاری DM اور جہا عالم آج کے خلاف نیکو کاروں کو کاروائی میں نہیں لائے گئے۔

- العارضین
- 1۔ ایچ ایم ایچ، SAT، GHS، جھاوٹ ٹورنٹر 9-407-2250-13504
 - 2۔ شاہ رهن، SAT، GHS، جھاوٹ ٹورنٹر 9-135042226836
 - 3۔ نسیم خان، L/A، GHS، جھاوٹ ٹورنٹر 7-0381460-42201
 - 4۔ ابولخاں، ایچ، GHS، جھاوٹ ٹورنٹر 3-13504-7434129

Atty Gen

Recommended & Forwarded in original to Director Sb (ER SE) KPK. for further on rep. Further copy to ...

Principal CHSS Mardan District Torghtai

حضرت صاحب ڈسٹرکٹ ایجوکیشن آفیسر (ایڈمنسٹریشن) ایڈمنسٹریشن (فیلڈ ٹورنٹر) صاحب

20

بیم اسٹانڈرڈ ایڈمنسٹریشن ڈیپارٹمنٹ (جہاں) گورنمنٹ ہائیر سیکنڈری سکول منجاکوٹ ٹورنٹر نے سکول ایجوکیشن کے سلسلے میں حاقوٹ مارا کھائی گورنمنٹ ہائیر سیکنڈری سکول منجاکوٹ کے صدر جعفری رصہ علیہ وسلم کے اہتمام میں کیا گیا ہے۔ حاقوٹ مارا کھائی کے ساتھ سر اسٹانڈرڈ ایڈمنسٹریشن کے اہتمام میں کیا گیا ہے۔ حاقوٹ مارا کھائی کے دوران سر اسٹانڈرڈ ایڈمنسٹریشن کے اہتمام میں کیا گیا ہے۔

صاحب عالی۔ 11 جنوری 2013ء کو حاقوٹ مارا کھائی گورنمنٹ ہائیر سیکنڈری سکول منجاکوٹ ٹورنٹر کے صدر جعفری رصہ علیہ وسلم کے اہتمام میں کیا گیا ہے۔ سر اسٹانڈرڈ ایڈمنسٹریشن کے اہتمام میں کیا گیا ہے۔ صدر ایجوکیشن ڈیپارٹمنٹ کے ذریعہ عبدالقیوم DM اور جہاں آج کے ہیں۔ جن کا مقصد ایسی غیر جعفری کو چھوڑنا تھا اور نیارہہ جعفری علیہ وسلم کے ساتھ آج کے ہیں۔ 11 اور 12 جن کو حاقوٹ مارا کھائی گیا ہے۔ جسے ان کے وہ حاقوٹ مارا کھائی گیا ہے۔

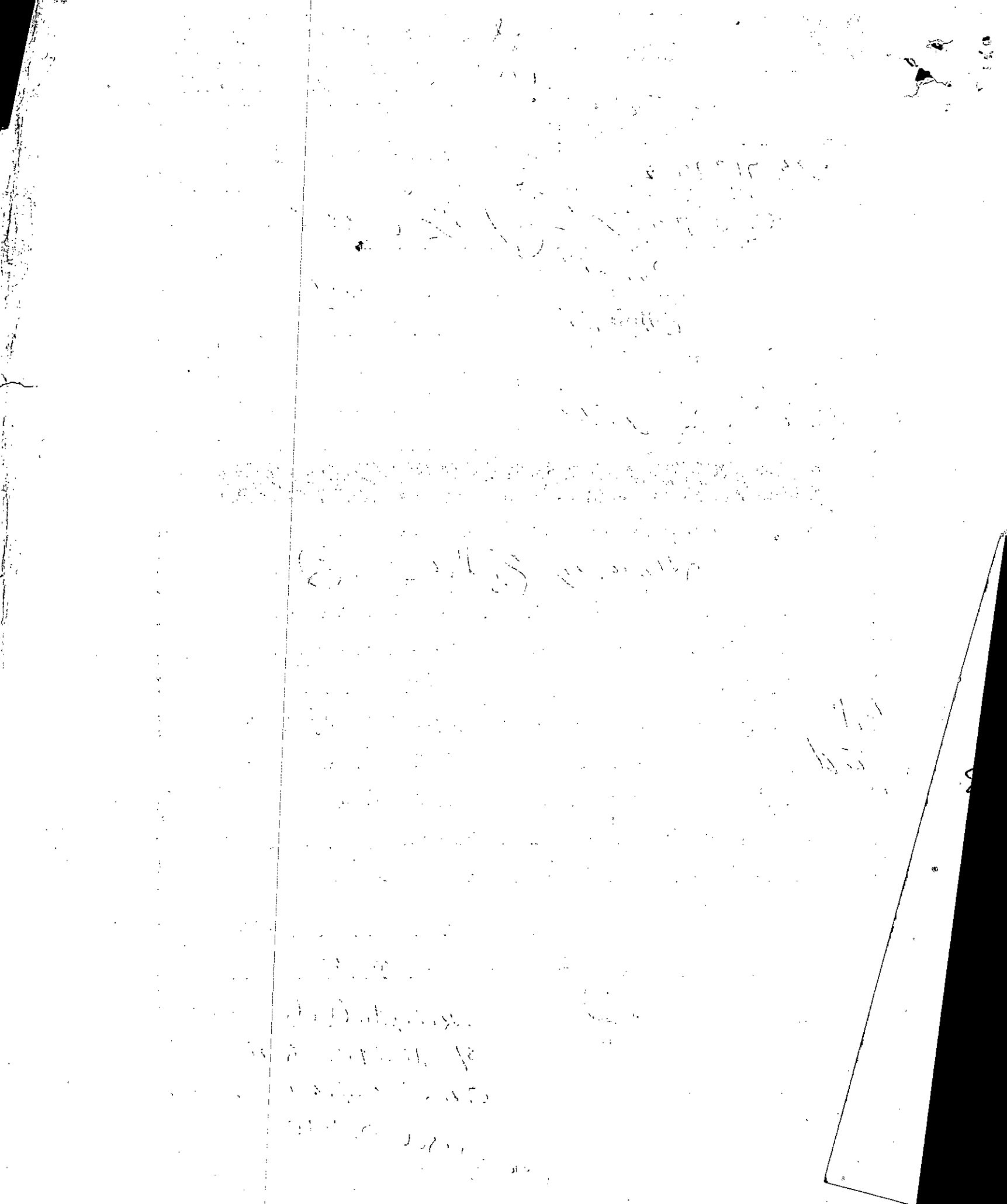
ایڈمنسٹریشن ڈیپارٹمنٹ کے صدر جعفری رصہ علیہ وسلم کے اہتمام میں کیا گیا ہے۔ صدر ایجوکیشن ڈیپارٹمنٹ کے ذریعہ عبدالقیوم DM اور جہاں آج کے ہیں۔ جن کا مقصد ایسی غیر جعفری کو چھوڑنا تھا اور نیارہہ جعفری علیہ وسلم کے ساتھ آج کے ہیں۔ 11 اور 12 جن کو حاقوٹ مارا کھائی گیا ہے۔ جسے ان کے وہ حاقوٹ مارا کھائی گیا ہے۔

- 1- ابراہیم صاحب، SA7، 9H88، منجاکوٹ ٹورنٹر، 13504-2250407
- 2- شاہ رحمن، SA7، 9H88، منجاکوٹ ٹورنٹر، 13504222836-9
- 3- ایمان، 4A، 9H88، منجاکوٹ ٹورنٹر، 42201-0381460-7
- 4- ابولہسان، 9H88، منجاکوٹ ٹورنٹر، 13504-7434129-3

Recommended & Forwarded in original to DEO SB (ES SE) for further on/a pl. Furthermore, the above mentioned signatories,

10/10/18
District Torjhar

Attested



BEFORE THE HONARABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Appeal No. # 1461-/2018

Kafayat UllahAppellant

VERSUS

Govt. Khyber Pakhtunkhwa through Secretary Education, KPK Peshawar & Others..... Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS ARE AS

UNDER:

INDEX

S.No	Particular of Documents	Annexure	Pages
1	Parawise comments along with affidavit		1-4
2	Copy of suspension order dated 26.01.2013	"A"	5
3	Copy of enquiry report	"B"	6-16
4	Copy of notification dated 04.07.2013	"C"	17


Respondent NO 4

BEFORE THE HONARABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Appeal No. # 1461/2018

Kafayat UllahAppellant

VERSUS

Govt. Khyber Pakhtunkhwa through Secretary Education, KPK Peshawar &
Others..... Respondents

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS ARE AS
UNDER:**

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:

1. That the Appellant has got no cause of actions/locus standi.
2. That the instant appeal is filed by suppressing the material facts from this honorable Tribunal, hence not maintainable.
3. That the instant appeal is against the prevailing law & rules.
4. That the instant appeal has been filed just to pressurize the respondents.
5. That the appellant has not come to this honorable tribunal with clean hands.
6. That this honorable tribunal lacks jurisdiction in the instant matter in issue.
7. That the instant appeal is hopelessly time barred.
8. That the appellant is estopped to file appeal by his own conduct.

- 2 -

FACTS

1. That Para No-1 needs no comments, being pertains to the service career of the appellant.
2. That para No.2 as composed is incorrect, the appellant was charged on account of misconduct i.e. unlawful absence from duty and tearing of teacher attendance register. Hence the service of appellant along with two other was suspended vide Endst: No. 144 dated 26.01.2013. Copy of suspension order is appended as annexure "A".
3. In reply to para No. 3 it is submitted that minor penalty of four months recovery of pay and stoppage of one annual increment has been imposed upon him due to unlawful absence from duty and tearing of teacher attendance register, in this regard a discreet and comprehensive enquiry has been conducted by the enquiry officer, Mr. Wajid Iqbal Principal GHSs Baffa Mansehra, wherein it has specifically been mentioned that the charges against the appellant has been proved and he is guilty of misconduct. Copy of enquiry report is appended as annexure "B" whereas the copy of Notification is annexure "C" respectively.
4. In reply to para No.4 it is submitted that the order was passed in the year 2013 while the appellant failed to file the Departmental appeal as well as appeal before the Honorable Tribunal with in statutory period.
5. The complete & comprehensive reply has already been given in preceding paras.
6. NO comments.

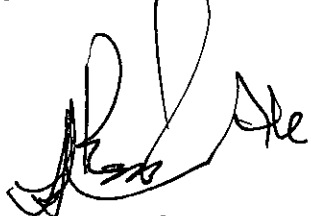
GROUND

- a) That Para A of the grounds is incorrect & denied, the order was passed by the respondents in accordance with law, rules & regulation of the Department.
- b) That, complete and comprehensive reply has already been given in preceding paras.

- c) That, Para No C is incorrect and subject to proof.
- d) . That, complete and comprehensive reply has already been given in preceding paras.
- e) Incorrect, as per reply given in Para A above.
- f) Incorrect, as per reply given in Para A above.
- g) Incorrect, as per reply given in Para A above.
- h) That ground H is incorrect, hence denied.
- i) That the Respondents seek permission to argue further points at the time of hearing.

It is therefore; in the light of above stated facts & circumstances most humbly prayed that the instant appeal may kindly be rejected/dismissed with cost.

Respondent No.1



**Secretary Education
(E&SE) Peshawar**

Respondent No. 2



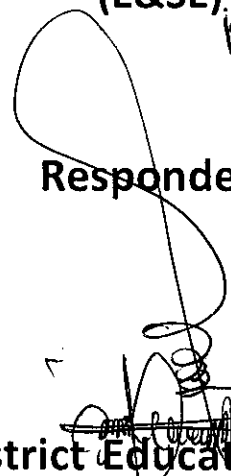
**Director Education
(E&SE) Peshawar**

Respondent No.3



**Dy; Director (Estb:)
(E&SE) Peshawar**

Respondent No.4



**District Education Officer (Male)
District Tor Ghar.**

BEFORE THE HONARABLE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR

Appeal No. # 1461/2018

Kafayat UllahAppellant

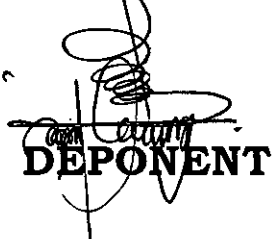
VERSUS

Govt. Khyber Pakhtunkhwa through Secretary Education, KPK Peshawar &
Others..... Respondents

PARA WISE COMMENTS ON BEHALF OF RESPONDENTS ARE AS UNDER

AFFIDAVIT

I Mr, Jaffar Mansoor Abbasi, DEO (M) District
Torghar, do hereby solemnly affirm on oath, that the
contents of Parawise comments are True & Correct in
the best of my knowledge & belief and nothing has
been concealed or suppressed from this honorable
Court.


DEPONENT

OFFICE OF THE DISTRICT EDUCATION OFFICER (M) TOR GHAR

SUSPENSION ORDER

The following teachers of GHS Manja kot are hereby suspended from service with immediate effect for the period of three months on account of their misconduct.

[Handwritten signatures and initials]

S.No.	Name of Teacher	Designation
1	Muhammad Alam	CT
2	Abdul Qayyum	DM
3	Kafayat Ullah	Qari
4	Ibrahim Ullah	AT

- Note:
- 1) Necessary entries should be made in their service books.
 - 2) Suspension allowance is allowed as per rule.
 - 3) A separate notification for conducting inquiry is also being issued.

[Handwritten Signature]
 District Education Officer (M)
 Tor Ghar

Endst: No. 144

Dated: 26/01/2013

Copy to the:

1. Deputy District Officer (M) Local Office.
2. PA to Director (E&SE) Khyber Pakhtunkhwa Peshawar.
3. Teachers concerned
4. Office File.

[Handwritten Signature]
 District Education Officer (M)
 Tor Ghar

OFFICE OF THE GOVERNMENT HIGHER SECONDARY SCHOOLE BAFFA MANSEHRA

No. 189 dated 07 / 03 / 2017

To,
The Director, E&SE,
Department Khyber Pakhtunkhwa Peshawar.

Subject: **INQUIRY REPEORT AGAINST MR.KIFAYYATULLAH QARI GHS MANJAKOT**

With reference to your office letter No.2890/F.No.162 Volume III appeal of PST, Peshawar dated 19.12.2016, enclose find here with an inquiry report along with statement for further necessary action please.

Mr. Wajid Iqbal
Mr. Wajid Iqbal (Principal)
GHSS Baffa Mansehra
Principal
Govt. Higher Secondary School
Baffa (Mansehra)

INQUIRY REPORT AGAINST MR.KIFAYATULLAH QARI GHS MANJAKOT DISTRICT TOR GHAR

Introduction:

Mr.Kifayyatullah Qari GHS Manjakot Tor Ghar was penalized by the competent authority the then DEO Male Tor Ghar vide letter No. 794/M/Penalty (M) dated 04/07/2013.

Mr.Kifayyatullah Qari requested to the Honorable Director E&SE Khyber Pakhtunkhwa Peshawar to review his case.

The honorable Director marked the inquiry to the undersigned vide letter no.2890/F.No162 Volume III Appeal of PST dated 19/12/2016.

Procedure:

The undersigned contacted to all the concerned through Mr.Kifayyatullah Qari.

1. Mr.Shahid Ali SCT submitted his reply through Mr.Kifayyatullah Qari.
2. Mr.Shah Rehman STT personally appeared and submitted his reply while Mr.Abdul Qayyum DM and Mr.Muhammad Alam CT did not give any response.
3. The DEO (M) office was also contacted through Kifayyatullah Qari for relevant record.

Facts:

1. The teacher attendance register 2011-12 is missing.
2. As per statement of Mr.Shahid Ali SCT the attendance register was handed over to the then incharge of the school Mr.Shah Rehman STT and after that he do not know about it.
3. As per the statement of Mr.Shah Rehman STT, the then incharge of the school, the attendance register was taken by Mr.Shahid Ali SCT, Mr.Muhammad Alam CT and Mr.Abdul Qayyum DM he also stated that it was torn by the Mr.Abdul Qayyum DM and Mr.Muhammad Alam CT. He added that Mr.Kifayyatullah Qari was on leave on 11.01.2013, when he was marked absent.
4. According to Mr.Kifayyatullah Qari he performed his duty regularly.

5. The DEO (M) Office could not provide any charge sheet, inquiry report etc and it was verbally told stated that the Tor Ghar was newly established district and record was not properly maintained at that time.
6. Mr.Kifayyatullah Qari, Mr.Muhammad Alam CT and Mr.Abdul Qayyum DM were penalized on their misconduct (un lawful absence) and tearing of attendance register vide Endst No.794/M/Penalty (M) Dated 04/07/2013.

}imp

Conclusion:

The statements of Mr.Shahid Ali SCT and Mr.Shah Rehman STT are contradictory and Mr.Kifayyatullah Qari could not produce any original/verified record in his favour, so the notification No.794/M/Penalty (M) Dated 04/07/2013 shows that he was got absent and found guilty for which penalized.

Recommendations:

The penalty may be retained as notified vide No.794/M/Penalty (M) Dated 04/07/2013.

Wajid Iqbal

Inquiry Officer
Mr.Wajid Iqbal (Principal)
GHSS Baffa Mansehra

Principal
Govt. Higher Secondary School
Baffa (Mansehra)

سوانح سر اے شہ علی علیہ السلام
16-02-2017

(1) نام - شاہد علی

(2) پوسٹ - SST

(3) تفصیل ملازمت - 18-01-2005 سے 23-05-2013 CT پوسٹ پر اور
2013-05-24 سے 01-06-2016 تک SCT پوسٹ پر GHS سیکرٹری میں ایف
فرائض سر انجام دیتا رہا۔ اور 03-06-2016 سے تاحال SST پوسٹ پر MS
دیوبند میں اپنے فرائض سر انجام دے رہا ہوں۔

(4) مہینہ - موجودہ مہینہ - گاؤں شکرہ تحصیل ماروتہ ضلع ساہیوال

(5) منجانب کوئی ایسی سکول سے کب تک تعینات رہے۔

منجانب کوئی ایسی سکول میں 18-01-2005 سے 02-06-2016 تک تعینات رہا۔

M
اللہ

۸۔ محمد علیؑ کی بارگاہ کے بارے میں کون کتنے ہیں۔
اسی وقت میں ان تینوں اساتذہ کرام سے مصفاہیں تھیں۔

۸) ڈی ای او نور علی کے جاری کردہ نوٹیفیکیشن ^{۱۰} ۷۹۶/۱۱ - Penalty
تاریخ ۰۶.۰۷.۲۰۱۳ کے بارے میں کیا جانے ہیں۔

ڈی ای او نور علی کے جاری کردہ نوٹیفیکیشن کی وجہ سے misconduct تھا۔

۹) اس نوٹیفیکیشن کا وہم؟

اس نوٹیفیکیشن کی وجہ سے misconduct تھا۔

۱۰) اس نوٹیفیکیشن میں اس وقت کے جاری شدہ نوٹیفیکیشن کے
کیا رٹے کارڈز تھے۔ آپ اس کے بارے میں کیا کہتے ہیں
اس وقت کے جاری شدہ نوٹیفیکیشن کے بارے میں کیا علم ہے۔

۱۱) کیا آپ علیؑ میں سے کسی ایک کے بارے میں کوئی چیز
کہہ سکتے ہیں۔

(12) کل ریسرچرز کو اب اس میں سے

ریسرچرز کو اس وقت کے ایجنڈے کے جمعہ سے لیا گیا اب اس کے بارے میں مجھے معلوم ہیں ہے کہ اب کیا ہے۔

(13) سٹارڈس کے لیے شروع کی گئی

اور سٹارڈس کے لیے شروع کی گئی اس کے بارے میں مجھے کوئی علم نہیں ہے۔

(14) اور کوئی ایک سٹارڈس

Handwritten signature/initials on the left side.

شاہد علی SST

G.M.S. اور سٹارڈس

Head Master,
Govt. Middle School
Judba Torghar

سٹاف سیکرٹری اور سٹارڈس 42101-61321485

03454884799 موبائل نمبر

16-02-2017 مورخہ

سوالنامہ برائے شاہراہی س.آ.س

شاہراہی

شاہراہی

1

S-TT

2

1993-1994 کی سیدان مڈل سکول
94 سے پانچویں سکول منیاکوٹ

3

4 - منیاکوٹ مداخلت کیمپل ٹنڈر ضلع ٹورنم

799/m - Panel 4

5) ڈی ای او افس ٹورنم کے نوٹیفکیشن

HEADMASTER
Govt High School
Mandiakot Tor nhar

کے بارے میں آگے کو کوئی علم ہے

(2) شاہد علی

کا اس نوٹیفکیشن میں حافظہ کفایت اللہ قاری سے 6 ماہ کی ریکوری
اعداد اور ٹیکس کے بارے میں کیا گیا ہے۔ اس سے متعلق جاننے سے
کے بارے میں کیا گیا ہے۔

جناب حکیم جنوری 2013 سے 11 جنوری 2013 تک عبدالقیوم ڈی ایم

اور محمد عالم سی ٹی اسکول میں موجود تھے اور حافظہ کفایت اللہ قاری
11 جنوری 2013 کو چھٹی بار تھے مڈ انکوائری میں ان کے ساتھ حافظہ کفایت اللہ قاری
غیر حاضر شو کیا گیا اور ان 4 ماہ کی ریکوری اور انڈر ٹیکس سٹاپ کر لیا گیا

(7) مذکورہ نوٹیفکیشن میں حافی رحیم کے بارے میں
کا ذکر ہے۔ اس کے بارے میں جاننے سے

جناب عالی ڈی ای لو کے حکم پر حافی رحیم شاہد علی کے ساتھ

سی ٹی رجسٹر آفس لے گیا مگر آفس پونڈی سے پہلے

عبدالقیوم ڈی ایم اور محمد عالم سی ٹی نے شاہد علی سی ٹی سے رجسٹر لیا

اور واپس آ گیا جب کہ شاہد علی سی ٹی بقیہ رجسٹر ڈی ای او کے ساتھ

پیش ہوئے جس پر ڈی ای او نے غصہ کا اظہار کیا اور فوراً رجسٹر منگوانے کا حکم دیا
(8) شاہد علی سی ٹی نے مجھے فون کیا اور رجسٹر ان کو کہا تو جناب عالی میں نے محمد عالم
اور عبدالقیوم ڈی ایم سے رجسٹر مانگا تو اللہ کے نام سے وہ رجسٹر منگوانے سے انکار کیا

رہنما

شہزادہ شاہ محمد اور مجھے نے جگہ کو دیا۔ میرے اہلکار ہم انہوں نے کیا

آج اس کے علاوہ صبح کے پاس اور کوئی آپشن نہیں ہے

صاحب عالی بہر اندر جسٹریٹ پھارنگ سوسائٹی میں غیر حاضر ہیں

جسٹریٹ ٹیم نے 11 جنوری 2013 سے 11 جنوری 2013 کو

اپنے آپ کو نیو رجسٹر میں بھیج دیا ہے، شو کیا گیا ہے

حافظ لقاوی نے اللہ سے عافری بہر کر اس کو دیا

صاحب عالی حافظ لقاوی نے 10 جنوری تک سکول میں

موجود تھے اور 11 جنوری 2013 کو چھٹی پر تھے

شاہ محمد

شناختی کارڈ نمبر 135022268369

03469677522

موبائل نمبر

شاہ محمد

دستخط

verified
HEAD MASTER
Govt High School
Manikot Tor aha

سوال نمبر ۱ کے کتابت اللہ قاری اور منتہی علی سول منجاکوٹ

۱) آپ کا نام حافظ کفایت اللہ

۲) یونیورسٹی - قاری (جی ایس ایس ۱۲)

۳) کنسل بلڈزٹ - ۲۳ اگست ۲۰۰۹ کو CHS گڑھی حسن ضلع تورنگ

۴) میں تفتان چوٹا ہے - مئی ۲۰۱۱ء سے CHS منجاکوٹ ضلع تورنگ میں اپنی ڈیوٹی انجام دے رہا ہوں۔

مقاموں بطوری تحصیل اولی ضلع مانسہرہ

۵) ڈی ای او آفس تورنگ کے نوٹیفکیشن نمبر ^{(m-famaly (m) ط /} 796/ ^{make} تاریخ 04.07.2013 کے بارے میں کیا ہے

نہ اس سناہ کی دی گئی جو میں نے کیا ہے

۶) آپ کی تعلیمی قابلیت - میٹرک - قرأت - حفظ قرآن

۷) منجاکوٹ ہائٹ سکول میں قرأت کے علاوہ جو کچھ پڑھا ہے

قرأت کے علاوہ تاریخ جغرافیہ اور سہولت پڑھانا پڑھوں

8- گورنمنٹ ہائی سکول بنجاوٹ سے لکھنؤ میں۔
رج 2011 سے گورنمنٹ ہائی سکول بنجاوٹ میں لکھنؤ میں۔

9- ہائی سکول بنجاوٹ میں طلبہ کی تعداد لکھنؤ سے کئی 2012 میں
تقریباً 85 طلبہ تھے۔

10- طبی کے علم کی وجہ
والدین کے عدم تعاون کی وجہ سے

11- کئی سیدھا ہائی سکول اور کئی سکولوں میں
لائی گئی۔
(پتہ جاب) میں ایم ایڈری سے ڈیوٹی انجام دیتا رہا، رہا ہوں

12- مذکورہ نوٹیفکیشن کی وجہ سے اعلیٰ حوالہ میں

عدالتی فیصلہ اور دیگر امور کی وجہ سے جاری کیا گیا ہے۔

13- کیا اور مذکورہ نوٹیفکیشن سے متعلقہ میں۔ اگلی نوٹ

آنکے نظر میں باقی سٹاف کی سجاوٹ کی صورتوں سے
بے نیکیاں بہا رہیں۔ مذکورہ نوٹیفکیشن جاری ہوا

13-1-13
4 شاف ڈپوٹی میں پانچ فٹ لائنیں ہیں جنہیں
13-11 میں مندرجہ بالا اور ہر ماہ کی منبر جاری مسئلہ

6- سجاوٹ سے آگے رہیں؟

سجاوٹ میں سیکورٹی سے رکھیں۔

20- گورنمنٹ ہائی سکول سجاوٹ سے آگے لے کر
کوئی مسئلہ نہیں ہے

21- آج مذکورہ نوٹیفکیشن کی سجاوٹ کی آمد کے بارے
میں

ڈپوٹی ای او کے ذریعے ملی

22- آج کوئی کٹی ہوئی سٹیٹس آگے مذکورہ نوٹیفکیشن
کے مطابق انٹرنل کے

ہاں ایک انٹرنل اور 4 ماہ کی ایکویٹی ہو گئی

۱۴۔ آئیے حنا کی آنکھیں سزاوار رہ سکتے ہیں؟

خدا کو حاضر نظر سمجھ کر سب سے پہلے میں ان تمام معاملات میں
پہنچ گیا۔ میں با حضور تھا۔ لیکن پھر مجھے شام بتایا

۱۵۔ 2013 میں ~~آئیے~~ آئیے فلڈ کارروائی پر عمل درآمد کیا گیا
صبح آئیے نے 2016 میں اس کی - دم

EDO سے رابطہ کرنا اور تمام مراسلات منسوخ ہیں جب
کچھ نہ ہو سکا تو انصاف کے لئے حکام بالا سے اپیل پر حضور ہوا

۱۶۔ آئیے آئیے کو بے حضور نظر کرنے کی بجائے دیکھ
اس لئے کہ وہ حضور دار لہرائے میں گیا اس لئے
مطلب یہ ہے کہ آئیے کو ایسی سزا سے عطف میں
تکرات کو عم سزا ملنے پر حاضر ہیں؟

کوئی مالوسی نہیں نہ باقی اس لئے کہ مجھ پر زہ داری نہیں ہے
نا انصافی مجھ سے کی گئی۔ اور با حضور سزا کی وجہ سے مجال
ڈیپریشن کا شکار رہا۔

۱۷۔ ~~آئیے~~ آئیے نے نورہ رحیم عافی کی کج عمل میں گرفتار
اور کئی برس لئے رہا، جا رہا تھا۔

2- کہ مختار کی کیسوں اور سی. آ. پی. سٹاف سمیت سے 2012ء
 مٹیں گے۔ آرڈر نوٹس عدالت اور آرڈر سیشن نوٹس
 منجانبوں کیلئے تمام مشاوق سے مٹیں گے اور مٹیں گے

30- کہ منجانبوں کی کیسوں 2012ء کی آرڈر نوٹس سے جس میں
 آرڈر خارجہ نوٹس گئے۔ اور آرڈر عدالت کے الٹی وک
 مٹیں گے۔ اور اس وقت کے سی. آ. پی. کے سمیران کو

جی سیشن، ~~PTC~~ ~~Statement~~ ~~ان کے ناموں میں سے~~ ~~جی سیشن~~
 Statement جی سیشن کے لئے

31- اس وقت کے سی. آ. پی. کے عدالت نوٹس کے
 اس وقت کے جی سیشن کے جی سیشن کے لئے

32- آرڈر مٹیں گے جو آئی کی عدالت نوٹس کے آرڈر کے
 کیوں نوٹس نہ لیا۔ PTC کے لئے نوٹس
 جی سیشن میں Statement کے لئے جو درخواست کے ساتھ منسلک ہے

33- گورنمنٹ کے آرڈر کے مختار سے طلبہ کی تعداد کو کم کرنے کے لئے

3۔ اپنے خیال سے آپ کتنے عرصہ عید جائے گا۔

N/A

24۔ بڑوں، حکمرانوں کے پاس سے سزاوار لوگ۔ اور یہ کام کس کس وقت کیا۔

مذکورہ لاکھ بھارت کے ذمہ دار عبدالصوم DM اور محمد عالم آج کے

25۔ آپ کے خیال سے لوگ کیا کریں گے۔

تعمیرت وہ سکول میں یکم جنوری 2013 سے 11 جون 2013

تک عید ظہر کے

26۔ سزاوار لوگ کیا سزاوار لوگ کریں گے۔

سزاوار لاکھ عبدالصوم DM اور محمد عالم آج کے سزاوار
ان کے پاس سے

27۔ کیا سزاوار لوگ اس وقت کے

D.O یا D.O

کے ذمے سے کیا۔

جی ہاں

28۔ کیا آپ نے کوئی اس کے حکم پر عمل کیا ہے۔

29۔ گھنٹہ داری اسٹریٹ آفیسر کے دفتر سے طریق کار سے خط میں کہیں۔

جی ہاں خط میں ہیں

30۔ آفیسر کو خط میں 4 صفیں

Handwritten signature/initials

Sir نام کو ایڈریس دینے کے لئے اس کو پتہ لکھنا

کی بنیاد پر مسئلہ دینے کی درخواست ہے

جواب عالی سوال نمبر سابق PTC سٹیٹ منسٹری کی کاپی
سابق سر اسٹریٹ آفیسر اور زیادتی کی گئی ہے۔ آڈن کی ممبر کا حاضر کیا پر اس
کا نشان لگا کر غیر حاضر ٹھہرایا گیا۔ جبکہ منسٹری 10 تاریخ تک حاضر اور
11 کو چھٹی پر تھا۔ جواب عالی باقی اساتذہ خیر القیوم D.M اور محمد عالم
CT نے اپنے آپ کو اجبوری 2013 سے 11 جنوری 2013 تک ایسی غیر جانبداری
جبانے کے لئے رجسٹر منسٹری کو کھار دیا اور نئی رجسٹر میں اپنے آباء کو چھٹی پر
تتو کیا۔ جواب عالی نہ تو ان دنوں کی چھٹی کی اجازت ہے ان کے پاس اور نہ ہی کوئی
اور شیون جبکہ D.O صاحب نے منسٹری کے بعد انہوں نے منسٹری کی کاپی کو چھٹی پر
انہوں نے ایسی سروس تک نہ مانگا اور ہم سزا سے بچنے کے لئے منسٹری کو چھٹی پر

حیات حالی اور ہوا ہے ایسے کہ نہ تو ان کی سرکس یکا میں ریشری ہوتی
 اب تک شہر میں سزا کے مطابق ان کا ریکرڈ اسٹا پیا ہوا اور ان
 میں زور عاہ کی ریکورڈ کی ہوئی حیا با علی سائل میں ایک ٹیکریٹیا آئی
 اور نہ ہی اسکا سبب سبب یاری سے تعلق ہے اور نہ ہی انکو کس
 آفس کس سے تعلق ہے۔ اس بات کا جائزہ دیکھا کہ انکو ان سببوں سے سیاسی اور
 دفتر کا تعلق اس کے بنیاد پر ایسے آں کو جر آئے گی کیا جس میں کادہ
 جس جر آئے طور پر مجرم خطا ہے۔ جبکہ سائل اس جر م سے کوئی تعلق نہیں ہے
 حیا با علی یاد بار دوست رہنے کے باوجود انکو کس آفس میں
 سے جائیں ہو اس کے بعد نظام بالا سے رابطہ کرنا پڑے گا اور وہ
 حیاں سے گزارش ہے کہ سائل نے دربار کی کھوکھری کھانے کو سوا
 جمع کیے ہیں جو کہ آپ کی خدمت میں پیش ہیں۔ وہ سوا
 میں سپینس آرڈر اور فیصلے کی کاپی ہے۔

حیا با علی ریکورڈنگو سکر کا افسر ہم آں کو غافری سے دوست
 کرتے ہیں کہ شرعی اور قانونی فیصلہ کیا جائے

الحار ضار
 کفایت اللہ قاری
 H.S. صاحب کوٹ
 ضلع نور پور
 تاریخ، 2017-02-18

دستخط

12



OFFICE OF THE DISTRICT EDUCATION OFFICER TOR GHAR

Notification

As approved by the competent authority and report of the inquiry officers, the following teachers are hereby penalized with immediate effect on account of their guilty of misconducts (un-lawful absence from duty & tearing of teacher attendance register) under E&D rules 2011. The penalty which are mentioned against their each name.

S.No	Name of employee	School	Penalty.
1	Muhammad Alam S/O Noor Ahmad CT 284950	GHS Manjakot	02 month recovery of pay and stoppage of one annual increment
2	Abdul Qayyum S/O Malak Aman DM 286846	GHS Manjakot	02 month recovery of pay and stoppage of one annual increment
3	Kefayat Ullah S/O Aiz Ullah Qari 449141	GHS Manjakot	04 month recovery of pay and stoppage of one annual increment

District Education officer (M)
Tor Ghar

Dated 24/07/2013

Endst: No 794 /M-Penalty (M)

Copy to the:-

- 1- PS to Secretary E&SE Department Peshawar
- 2- PA to Director E&SE Peshawar
- 3- District Accounts Officer for necessary action.
- 4- Head Master GHS Manjakot with the direction that to make entries in service books of the above teachers as mentioned their penalties.
- 5- Teachers concerned

District Education officer (M)
Tor Ghar

Attested
[Signature]



DIRECTORATE OF ELEMENTARY & SECONDARY
EDUCATION KHYBER PAKHTUNKHWA,
PESHAWAR

Notification

1. WHEREAS, Mr. Amin Dad SPET BSP-16 GHS Manjakot Torghar was preceded under E&D Rules 2011, charge of absent from duty on 21/09/2013 by the DEO (M) Torghar as per Show Cause Notice issued on: 18/12/2013.
2. AND WHEREAS, on finality of disciplinary proceeding against the said SPET, Minor penalty "Stoppage of One increment and deduction of One Month salary w.e.f 01/10/2013-31/10/2013" was imposed upon him by the DEO (Male) Torghar vide Notification No. 16 Dated.08/01/2014.
3. And WHEREAS, the aggrieved PET Teacher lodged an appeal to the Director Elementary Secondary Education Khyber Pakhtunkhwa, Peshawar (appellant authority) against the aforesaid penalty imposed upon him by the DEO concerned on the grounds that he was on casual leave due to illness of his daughter on the day the DEO concerned visited the school.
4. AND WHEREAS, his appeal was considered for review by the Director E&SE Khyber Pakhtunkhwa, Peshawar being appellant authority as per provision envisaged in sub para-17 of the E&D Rules-2011 in the instant case, His appeal was sent to the DEO concerned vide letter No. 2404 dated 18/12/2015, subsequent Reminder No. 166 dated 01/04/2016. And the SPET concerned was called for personal hearing by the appellant authority and he was heard on 22/03/2017.
5. AND WHEREAS, having personal hearing, and examining the record e.g Application for casual leave which was submitted by the appellant to GHS Manjakot Torghar, statement of Headmaster, and statement of the staff of GHS Manjakot Torghar, the appeal of Mr. Amin Dad SPET GHS Manjakot Torghar was found justified under the circumstances explained by him which was accordingly reviewed by the appellant authority in terms of the procedure as laid down in the E&D Rules, 2011.
6. Now, THEREFORE, in exercise of powers conferred by the Khyber Pakhtunkhwa Government Services (Efficiency & Discipline) Rules-2011, the appellant authority is pleased to accept the appeal of Mr. Amin Dad SPET GHS Manjakot Torghar on the grounds mentioned in para-5 above and the penalty imposed upon him vide Notification No. 16 Dated.08/01/2014 is hereby set aside, and the DEO (Male) Torghar is directed to deduct one-day salary for 19/09/2013 from the appellant's salary and deposited the same into Government treasury.

DIRECTOR

Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst.No. 1320-23 /F.No. 33 General Appeals of PETs/DPEs

Dated: 5/4 /2017.

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

- District Accounts Officer Torghar.
- District Education Officer (Male) Torghar.
- Mr. Amin Dad SPET GHS Manjakot Torghar.
- PA to Director E&SE Khyber Pakhtunkhwa, Peshawar.

DEPUTY DIRECTOR

Elementary & Secondary Education

OFFICE OF THE DISTRICT EDUCATION OFFICER (M)
DISTRICT TOR GHAR

NOTIFICATION

Consequent upon the acceptance of Departmental appeal by the appellant authority Director E&SE Khyber Pakhtunkhwa Peshawar, vide his letter No. 1320-23 F.No.33 General appeals of PETs/DPEs dated 05 04 2017

The Competent authority District Education Officer Male Tor Ghar is pleased to set aside the order No 1613 dated 08 01 2014 in r/o Mr. Amin Dad SPET BPS-16 GHSS Manjakot and deduction of one day salary for 19 03 2013 from the Teacher concerned.

District Education Officer (M)
E&SE Tor Ghar

Endst: No 3624-22 Dated 31 10 2018.

Copy for information to the

1. Director E&SE Khyber Pakhtun Khuwa Peshawar.
2. Dist. of account officer Tor Ghar
3. Teacher Concerned
4. Office File

District Education Officer (M)
E&SE Tor Ghar



PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY

GHSS Manjakot

OFFICE OF THE SUB-DIVISIONAL EDUCATION OFFICER (M.A.P.) FOR GHAR

FOR THE MONTH OF 4 2018

DDO Code (Cost Center) **1 6 6 0 2 0** S.D.O.

Personnel Number **0 0 2 2 6 1 3 8**

Employee Name **Amin Dal SPET**

Grade/Pay Scale Group **1 0**

GHSS Manjakot

National ID Card Number **3311550913**

Salary Status Start Stop

Date	Field ID	New Contents	CHANGE IN PAYMENTS/DUCTIONS			Effective Date	Remarks
			Wage Type	Amount			
			Rupces	Paisa	Aid		
			5801	2180	P		Pay of the official change due to award
			5002	0	P		award of One Pro-Merit Increment
			5011	0	P		on upgradation of pay Scale 4th
			5012	0	P		Notification issued vide Govt. O.P.K.
			5535	-2080	P		Finance Department No FD/5058/1
			5309	-500	P		2-123/2014 Dated 30/03/2017
			5950	2000	P		Allowances claimed in this bill have
			5961	1836	P		not been drawn /paid to him in the year
			5775	2588	P		
			Grand Total	64961.75			
			AR 2017	2282			
			U.P	1000			
			AR 2017	1275			
			Deduction	20			
			Net Payable	105284.75			

Audited/Checked By



Principal
GHSS Manjakot

Entered/Verified By

DATE:

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1461 /2018

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 1694

Dated 30-11-2018

Kifayat Ullah S/o Aziz Ullah
Govt. High School Manja Kot, Tur Ghar, ^{KPK} Peshawar

.....Appellant

VERSUS

- 1) Secretary Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2) Director Elementary & Secondary Education, Near Govt. Higher Secondary School, G.T Road, Peshawar.
- 3) Deputy Director (Estb), Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 4) District Education Officer (M), Tur Ghar, KPK.
- 5) Principal GHSS Manja Koat, District Tor Ghar.

.....Respondents

APPEAL U/S 4 OF KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL
ACT, 1974 AGAINST THE IMPUGNED
ORDER DATED 04.07.2013 AGAINST
WHICH THE DEPARTMENTAL APPEAL
(REPRESENTATION) HAS BEEN
REJECTED VIDE ORDER DATED
02.11.2018

30/11/18

5/12/18

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. 1461/2018

Date of Institution ... 30.11.2018

Date of Decision ... 07.12.2021

Kifayat Ullah S/O Aziz Ullah, Government High School Manja Kot,
Tur Ghar, Khyber Pakhtunkhwa.

... (Appellant)

VERSUS

Secretary Elementary & Secondary Education Department, Khyber
Pakhtunkhwa, Peshawar and four others.

... (Respondents)

MR. ABDUL QAYUM SARWAR,
Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK,
Additional Advocate General

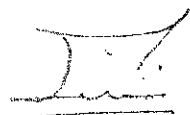
--- For respondents.

MR. AHMAD SULTAN TAREEN
MR. SALAH-UD-DIN

CHAIRMAN
MEMBER (JUDICIAL)


JUDGMENT:

SALAH-UD-DIN, MEMBER:-


Precise facts as gleaned out from the record are that the appellant while serving as Qari in GHSS Manjakot District Torghar was proceeded against departmentally on the allegations of unlawful absence from duty and tearing of attendance Register of Teachers, which constituted misconduct. On conclusion of the inquiry, the appellant was awarded minor penalty of recovery of 04 months pay and stoppage of one annual increment. The departmental appeal of the appellant was rejected vide order dated 02.11.2018, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions made by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the appellant performed his duty regularly and did not commit any act of misconduct; that the appellant was on casual leave on the relevant day, which fact is supported by the relevant record, therefore, he cannot be held liable for any misconduct; that no inquiry as required under the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 has been conducted and the appellant has been awarded the impugned penalty without providing him any opportunity of self defense or personal hearing; that no regular inquiry was conducted in the matter, therefore, the impugned orders being wrong and illegal are void ab-initio, hence liable to be set-aside.


4. On the other hand, learned Additional Advocate General for the respondents has contended that the appellant had remained absent from duty and was found involved in the act of tearing of Teachers Attendance Register, therefore, disciplinary action was taken against him; that after conducting of inquiry in the matter, the allegations against the appellant stood proved, therefore, he has rightly been awarded the impugned penalty.


5. We have heard the arguments of learned counsel for the appellant as well as learned Additional Advocate General for the respondents and have perused the record.

6. A perusal of the record would show that the impugned minor penalty was awarded to the appellant on the ground that he was found guilty of misconduct on account of his absence from duty and tearing of Teachers Attendance Register. The impugned penalty was awarded to the appellant vide the impugned order dated 04.07.2013, however it is astonishing that the respondents in their comments have referred to a discreet inquiry conducted by Mr. Wajid Iqbal

Principal the then Principal GHSS Baffa Mansehra in the year 2017. Copy of the aforementioned inquiry has been annexed by the respondents with their comments and the same would show that the said inquiry was conducted upon the directions of Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar. It has been mentioned by the inquiry officer in para-5 of the aforementioned inquiry report that the District Education Officer (Male) could not provide any charge sheet, inquiry report etc. It is thus an established fact that the appellant was neither issued any charge sheet or statement of allegations nor any regular inquiry was conducted in the matter. Moreover, the impugned order dated 04.07.2013 would show that the competent Authority has not at all mentioned any particular period during which the appellant was found absent from duty. The impugned orders are thus not sustainable in the eye of law and are liable to be set-aside.

7. In view of the foregoing discussion, the appeal in hand is allowed as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
07.12.2021


(AHMAD SULTAN TAREEN)
CHAIRMAN


(SALAH-UD-DIN)
MEMBER (JUDICIAL)



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 2595 /ST

Dated: 27/12 /2021

All communications should be
addressed to the Registrar KPK Service
Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262

To

The District Education Officer Male,
Government of Khyber Pakhtunkhwa,
Tor Ghar.

Subject: JUDGMENT IN APPEAL NO. 1461/2018, MR. KIFAYAT ULLAH.

I am directed to forward herewith a certified copy of Judgement dated
07.12.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR