

1st June, 2022

Muhammad Zahid Khan, Advocate present on behalf of learned counsel for the appellant and submits that the appellant was removed from service vide order dated 01.10.2021 against which he filed departmental appeal on 28.10.2021 which was dismissed on 08.12.2021 and then filed the present appeal on 06.01.2022 which is within time and admitted for full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security and process fee and security within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 14.07.2022 before S.B.

Rs-500/-
Appellant Deposited
Security & Process Fee

A. H. Khan
03/06/22

03/06/22

9

(Kalim Arshad Khan)
Chairman

14.07.2022

Learned counsel for the appellant present Mr. Kabirullah Khattak, Additional Advocate General for respondents present.

Reply/comments on behalf of respondents not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of reply/comments. Adjourned. To come up for reply/comments on 15.09.2022 before S.B.






(MIAN MUHAMMAD)
MEMBER (E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 58/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/01/2022	<p>The appeal of Mr. Fahim Khan presented today by Mr. Zahir Shah Marwat Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-	<p>P</p> <p>2-3-2022</p>	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>02/03/22</u>.</p> <p> CHAIRMAN</p> <p>Due to retirement of the Honorable chairman the case is adjourned to come up for the same as before on <u>1⁶/2022</u></p> <p> Reader</p>

The appeal of Mr. Fahim Khan S/O Habib Ullah Khan, R/O Village Begu Khel, Tehsil and District lakki Marwat received today i.e. on 06.01.2022 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. Annexures of the appeal may be attested.
3. Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.

No. 38 /S.T,

Dt. 07/01 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zahir Shah Marwat Adv. Pesh.

Respected Sir,

file completed and re-submitted
furthermore, the department is not
providing the attested copies therefore,
Attested by the counsel



BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL KP,
PESHAWAR

Service Appeal No. 58/ 2022

Fahim Khan.....Appellant

Versus

District Education Officer (Male) Lakki Marwat and
others.....Respondents.

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Grounds of Appeal		1-5
2.	Affidavit		6
3.	Addresses of the parties		7
4.	Copies Jail Report and Hospital Certificates	A&B	8-12
5.	Copy of Publication	C	13
6.	Copies of Application and letter date 13/09/2021	D&E	14-15
7.	Copy of order dated 01/10/2021	F	16
8.	Copies of appeal and order dated 08/12/2021	G	17-20
9.	Wakalat Nama		21

Appellant

Through

Dated: 06/01/2022

B. Khan
Bashir Ahmed Khan
&

S. Marwat
Zahir Shah Marwat
Advocates, High Court
Peshawar.
Cell No. 0313-9851385

(1)

BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL KP,
PESHAWAR

Service Appeal No. _____ 2022

Fahim Khan S/o Habib Ullah Khan R/o Village Begu Khel, Tehsil
and District Lakki Marwat.....Appellant

Versus

1. District Education Officer (Male), Lakki Marwat.
2. Director Elementary and Secondary Education, Khyber
Pakhtunkhwa, Peshawar.
3. Secretary Elementary and Secondary Education, Khyber
Pakhtunkhwa, Peshawar.....Respondents.

SERVICE APPEAL U/S 4 OF THE KP SERVICE
TRIBUNALS ACT 1974 AGAINST THE IMPUGNED
ORDER DATED 08/12/2021 PASSED BY THE
RESPONDENT NO. 2, WHERE BY THE APPEAL OF
THE APPELLANT AGAINST THE ORDER DATED
01/10/2021 PASSED BY THE RESPONDENT
NO.1/DEO LAKKI MARWAT WAS DISMISSED.

PRAYER:

*On acceptance of this appeal the impugned order dated
01/10/2021 of the respondent no.1, and order dated
08/12/2021 of respondent no.2 may kindly be declare
null and void and the same may please be set aside and*



(2)

the appellant may kindly be order to re-instated into service with all back benefits.

Respectfully Sheweth:-

1. That the appellant joined the respondents department as a laboratory Attendant BPS-3 on 01/11/2017 and performed his duties at with commitment and devotion to the satisfaction of his superiors and regularly drawn his pay and allowance.
2. That the appellant due to some family shocks was suffering from depression disease and got treatment etc and later on he was falsely implicated in criminal case and was confined in Judicial lock up, due which his depression was further increased. After release from jail on 17/03/2021 the appellant was taken to the local hospital for checkup but he was advised/referred for proper treatment to Mind Care Rehab Center Rawalpindi and he was admitted there on 18/03/2021 and is still under the treatment in the said hospital. (Copies Jail Report and Hospital Certificates are attached as Annexure "A & B")
3. That after admitting in hospital the elder brother of the appellant immediately informed the Head Master of the School regarding the admission and treatment of the appellant in hospital and was also provided with admission slip.
4. That the appellant had also sent leave application to the school authorities along with proof of admission in hospital but the head master of the school instead of sanctioning the leave sent the absentee report to the high ups on 25/06/2021.

SCR

(3)

5. That thereafter, the respondents issued Notice through publication in Daily "Mashriq" dated 28/08/2021 with direction to explain the reasons of absence within 15 days. (Copy of Publication is attached as Annexure "C")
6. That after issuing notice through publication in Daily "Mashriq" the appellant appeared through his elder brother and also submitted another application for medical leave wherein he mentioned the reason of his absence which was properly forwarded to respondent No.1 by the Head Master of the concerned school on 13/09/2021. (Copies of Application and letter date 13/09/2021 are attached as Annexure "D&E")
7. That thereafter, without giving any opportunity, issuing any final show cause notice and conducting any enquiry the respondent No. 1 passed impugned order dated 01/10/2021 whereby major punishment of "Removal from Service, was imposed upon the appellant. (Copy of order dated 01/10/2021 is attached as annexure "F")
8. That the appellant preferred appeal to respondent No.2 against the impugned order dated 01/10/2021 which was rejected vide order dated 08/12/2021. (Copies of appeal and order dated 08/12/2021 attached as annexure "G")
9. That now being aggrieved the appellant prefers this Service Appeal on the grounds inter-alia as follow:-

SC

4

GROUND:-

- A. That the appellant has not been treated according to law and rules and his rights secured under the law and constitution are badly violated.
- B. That no show causes notice, no charge sheet and statement of allegations whatsoever were issued to the appellant.
- C. That no inquiry was at all conducted and the respondents issued the impugned orders against the law and rules on the subject matter.
- D. That the respondent No.3 passed the impugned order is void being without jurisdiction and legal authority.
- E. That even the order is not maintainable passed under a law which is not applicable in case of the appellant.
- F. That the appellant has served the department since 2002 having curiosity to work hard, throughout his career the high ups trusted him and no complaints whatsoever was made against him during his stay at various police station.
- G. That the respondents through the blind orders stigmatized the bright career of the appellant not only through this illegal order within department but in the public as well.

See
✓

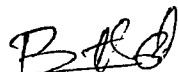

- (5)
- H. That the impugned order is the clear violation of Art. 4 and 25 of the constitution of Islamic Republic of Pakistan, 1973, which guaranteed the fundamental rights of the appellant.
- I. That the appellant has never ever willfully been remained absent but was confined in fake case and thereafter, remained admitted in admitted in hospital for medical treatment and this regard the appellant has also submitted application to his high ups.
- J. That the appellant would like to offer some other additional grounds during the course of arguments where the stance of the respondents is known to the appellant.

It is therefore humbly prayed that the instant appeal may graciously be accepted as prayed for the above. Any other relief as deemed appropriate in the circumstances of case not specifically asked for may also be granted to the appellant.


Appellant

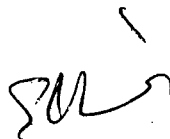
Through

Dated: 06/01/2022


Bashir Ahmed Khan
& 
Zahir Shah Marwat
Advocates, High Court
Peshawar

Certificate.

Certified that the appellant has not filed any Service Appeal before this Tribunal on the subject matter.


Advocate.

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**BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL KP,
PESHAWAR**

Service Appeal No. _____ 2022

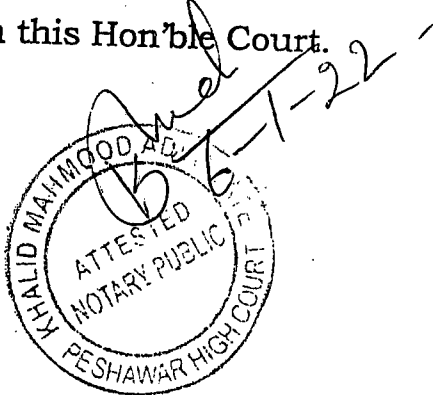
Fahim Khan.....Appellant

Versus

District Education Officer (Male) Lakki Marwat and
others.....Respondents.

AFFIDAVIT

I, Fahim Khan S/o Habib Ullah Khan R/o Village Begu Khel,
Tehsil and District Lakki Marwat, do hereby affirm and declare
on that the contents of the accompanying are true and correct
to the best of my knowledge and belief and nothing has been
concealed from this Hon'ble Court.



Handwritten signature
DEPONENT
11201-78965829

(7)

**BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL KP,
PESHAWAR**

Service Appeal No. _____ 2022

Fahim Khan.....Appellant

Versus

District Education Officer (Male) Lakki Marwat and
others.....Respondents.

ADDRESSES OF THE PARTIES

PETITIONER:

Fahim Khan S/o Habib Ullah Khan R/o Village Begu Khel,
Tehsil and District Lakki Marwat

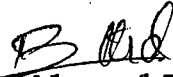
RESPONDENTS:

1. District Education Officer (Male), Lakki Marwat.
2. Director Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar.
3. Secretary Elementary and Secondary Education, Khyber Pakhtunkhwa, Peshawar


Appellant

Through

Dated: 06/01/2022


Bashir Ahmed Khan

&


Zahir Shah Marwat
Advocates, High Court
Peshawar

Independent
Jat Lakhi Narwa
2/11/22

It is certified that Mr Fakimullah 810 Habibi
will involved in Case P.P. no 537 of 25-9-00 U.S.
Against 150A. Is later has admitted on 30-10-
to District Jail Lahore; removed from Central
Prison Barron can He be released on 17-2-2020
By the order of P.S. 1-1-2m on hand

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A
A



This is a scan of a document with significant noise and artifacts. The text is mostly illegible due to the high contrast and graininess. However, some fragments of text are visible:

...to whom it may concern...
 ...MIND CARE BEHAVIOR IN THE COURT...
 ...PATIENTS IN HAVING UNLAWFUL...
 ...DISTRICT...
 ...

Handwritten notes and markings include:

- A large handwritten number "9" inside a circle at the bottom left.
- Handwritten text "Annex - B" in the lower middle section.
- A stamp or logo at the bottom right, partially obscured, with the word "HE PLING" visible.

Better copy

10

TO WHOM IT MAY CONCERN

It has been stated that **FAHEEM KHAN S/O HABIB ULLAH KHAN CNIC NO: 1120178965829** has been admitted in **MIND CARE REHAB CENTER**. Ghouri Town phase 5/4B Islamabad on the date **17-03-2021**. He has been diagnosed with **Major Depressive Disorder**. It is suggested by penal of Mind Care psychiatrists' practitioners that he needs minimum one year to be in stable state because he is suffering from severe mental illness.

Psychiatrist

Psychiatrist

Psychiatrist

Attested
Sami

Address Ghouri town phase 5/4b Islamabad Ph 0347-5300141

0347 - 3169141
0347 - 5300141

(11)

Drug Test Report:

Amphetamine, Benzodiazepine, Marijuana and ICA are present in Ten Drug Test Report

Medications:

- AB _____ Estezene 5mg
- AB _____ Kempro 5mg
- AB _____ Clumpiril 25mg

Advice by Psychologist

Patient needs proper indoor treatment that includes timely medication and counseling to change his irrational behavior. As he is a relapse case so it needs time to get better for complete recovery process he needs minimum Three months treatment course that will be divided into two parts.

- Detoxification
- Rehabilitation

Therapies and counseling sessions will be conducted with patient to prevent him from relapse

Signed and Prepared by:

Psychiatrist
Dr. Asif Raza
FCPS PSYCH
Senior Consultant
Medical Officer
Rehab Centre

Medical Officer
Dr. Muhammad Asif
MBBS (Raz) RMP
Medical Officer
Senior Consultant
Rehab Centre

Psychologist
Muhammad Hanif
Clinical Psychologist
FCGDCP

[Signature]
MRCP-II (UK) FCPS MBBS
Senior Consultant
Rehab Centre

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(12)

Drug Test Report

Amphetamine. Benzodiazepine. Marijuana and TCA are present intent drug report

Medication

TAB _____ Estezene 5mg

TAB _____ Kempro 5mg

TAB _____ Clumpiril 25mg

Advice by Psychologist

Patient needs proper indoor treatment that includes timely medication and counseling to change his irrational behavior. As he is relapse case so it needs time to get better

For complete recovery process he needs minimum Three months treatment course that will be divided into two parts.

- Detoxification
- Rehabilitation

Therapies and counselling sessions will be conducted with patient tp prevent him from relapse.

Signed and Prepared by;

Psychiatrist

Dr Adnan Sohail

Medical Officer

Dr Muhammad Asif

Psychiatrist

Dr Muqaddas Hanif

Attested
S
/

SECRET

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Ali

Annex D

(14)

بخدمت جناب ہیڈ ماسٹر صاحب گورنمنٹ ہائی سکول بیگو خیل لکی مروت

عنوان: درخواست برائے رخصتی دئے جانے بابت بیماری۔

گزارش ہے کہ سائل کچھ عرصہ سے بیماری میں مبتلا ہو چکا ہے۔ سائل شفا یابی کے لیے مختلف ڈاکٹروں سے علاج معالجہ کر چکا ہے۔ اور حال میں بھی اسلام آباد میں ہسپتال میں زیر علاج ہے۔ جس کی وجہ سے سکول میں حاضر ہونے سے لاچار ہے۔ واضح رہے کہ سائل 18-03-2021 سے بیمار ہو چکا ہے۔

لہذا آپ صاحبان مہربانی فرما کر سائل کو تاشفا یابی رخصت عنایت فرمائیں۔

نوٹ: ڈاکٹر صاحبان کے کاغذات بیماری ہمراہ لف ہے۔

سائل تاحیات دعا گو رہے گا۔

مورخہ 07-09-2021

صمیم خان العارض

سائل محمد فہیم خان ولد حبیب اللہ خان (Lab Attendant) کلاس فور گورنمنٹ ہائی سکول بیگو خیل لکی مروت

Attested

نی

Annex-E
ہیڈ ماسٹر گورنمنٹ ہائی سکول بیگوخیل ضلع لکی مروت۔

15

نمبر 13-09-2021 تاریخ 469

منجانب: ہیڈ ماسٹر گورنمنٹ ہائی سکول بیگوخیل ضلع لکی مروت۔
بہ منجانب: جناب ڈسٹرکٹ ایجوکیشن آفیسر صاحب (میل) لکی مروت۔

عنوان: درخواست برائے رخصت استحقاقیہ۔

جناب عالی

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گزارش ہے کہ انہیں اللہ L/Att: جو کہ 02-11-2017 سے موجودہ سکول میں سروس سرانجام دے رہا ہے۔ کچھ کر مثل کیسز

(criminal cases) کی وجہ سے جیل چلا گیا تھا جس کی رپورٹ آپ صاحبان کو کی گئی تھی چونکہ سائل جیل سے 17-03-2021 کو

ریلیز ہو چکا ہے لیکن بدستور سکول سے غیر حاضر ہے۔ سربراہ ادارہ نے آپ صاحبان کو بار بار آگاہ بھی کیا جس کے بعد آپ صاحبان نے

اخبار میں بذریعہ اشتہار شیٹیں رپورٹ نہ کرنے کے بعد سروس سے فارغ کرنے کا نوٹس دیا۔

لہذا انہیں اللہ نے غیر حاضری کا جواز بتاتے ہوئے کہا کہ 18-03-2021 سے سائل ہسپتال میں ایڈمٹ ہے۔ لہذا انہیں اللہ نے

18-03-2021 سے رخصت استحقاقیہ کی درخواست ارسال کر دی ہے (میڈیکل رپورٹ اور درخواست لف ہے)

لہذا آپ صاحبان سے درخواست ہے کہ بذریعہ لیزر بس اگاد کیا جائے کہ مزید ملازم کے خلاف کیا اقدامات لئے جائیں۔

نوٹ: نیز ملازم نے سربراہ ادارہ کو آگاہ کئے بغیر علاج کی غرض سے ہسپتال گیا ہوا ہے۔

العارضہ
ہیڈ ماسٹر گورنمنٹ ہائی سکول بیگوخیل ضلع لکی مروت۔
HEAD MASTER
G.H.S Begu Khel Distt: Lohkhi Mawot
Distt: Lohkhi Mawot

Attached
ساز



Annex - F

Office of The District Education Officer
Male Lakki Marwat

(16)

Ph: (0969)538291 email: emislakki@yahoo.com
www.facebook.com/deomaleLakki, www.twitter.com/deo_m_lakki

NOTIFICATION:-

1. WHEREAS, Mr. Fahim Ullah Laboratory Attendant GHS Begu Khel was proceeded under the Khyber Pakhtunkhwa Govt. Servants Efficiency & Discipline (E&D) Rules-2011 for the charges of his habitual willful absence from official duty w.e.f. 17-03-2021 till date as per report of the Head Master GHS Begu Khel vide letter bearing No.502 dated. 17-06-2021.
2. AND WHEREAS, the District Education Officer (Male) Lakki Marwat, served an absence notice upon the cited official on his home address through registered post covering letter vide No.3390 dated. 25-06-2021, with the directions to resume official duty within fifteen days (15), but he no avail.
3. AND WHEREAS, District Education Officer (Male) Lakki Marwat published an absence notice through daily Newspapers "Mashriq" dated. 28-08-2021 at S.No.2, with the directions to resume his official duty and explain the reasons of willful absence but the cited official willfully failed to follow the directions.
4. AND WHEREAS, in view of the above, the cited official neither resumed his official duty in GHS Begu Khel, nor appeared before the office of DEO (Male) Lakki Marwat to justify his willful absence.
5. AND NOW THEREFORE, keeping in view the above facts and office record the competent authority (District Education Officer Male Lakki Marwat) in exercise of powers conferred under section 9 of Khyber Pakhtunkhwa Govt. Servants (Efficiency & Discipline) Rules-2011 read with Rule-4 (1) (L) (iii), is satisfied and is pleased to impose Major Penalty of "Removal from Service" upon Mr. Fahim Ullah Laboratory Attendant GHS Begu Khel Lakki Marwat from the date of absence.

o/c District Education Officer
(Male) Lakki Marwat. *30/9/21*

Endst No. 5877-82 Dated. 01-10-2021

Copy to the:-

1. Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. District Monitoring Officer (EMA), Lakki Marwat.
3. District Accounts Officer, Lakki Marwat.
4. Deputy District Education Officer (Male) Local Office.
5. Head Master GHS Begu Khel with the directions to:-
 - (iii) Recover illegally paid salary during the above cited period at earliest under intimation to this office.
 - (iv) Record necessary entry in his service book.
6. Mr. Fahim Ullah Ex-Laboratory Attendant GHS Begu Khel R/O Begu Khel Lakki Marwat.

o/c District Education Officer
(Male) Lakki Marwat. *30/9/21*

Attes SOP
SC

To:- The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Annex G^v (17)

Subject: DEPARTMENTAL APPEAL RULE 4 OF THE SERVICE TRIBUNAL
ACT, 1974 AGAINST THE IMPUGNED ORDER NO. 5877-82
DATED 01.10.2021 PASSED BY THE DISTRICT EDUCATION
OFFICER (MALE) LAKKI MARWAT VIDE WHICH THE APPELLANT
HAS BEEN REMOVED FROM THE SERVICE ILLEGALLY,
MALAFIDE AND ON PERSONAL GRUDGES.

Respected Sir,

The appellant aggrieved from the above mentioned order being illegal, malafide and based on personal grudges. hereby submit departmental appeal/representation, as under:-

FACTS

1. That the appellant is the bonafide resident of Village Begu Khel Tehsil and District Lakki Marwat.
2. That the appellant was appointed as Laboratory Attendant BPS-03 vide District Education Officer (Mae) Lakki Marwat office order o. 175-85 dated 01.11.2017 against the vacant post of Lab Attendant GHS Begu Khel District Lakki Marwat.
3. That the appellant has performed his duties to the entire satisfaction of his superiors and regularly drawn his pay and allowances and is a poor class IV employee.
4. That due to some family shocks, the appellant was suffering from depression diseases and got treatment etc.
5. That due to family disputes in own village/family, illegally charged by the opponents in case FIR No. 915 dated 15.10.2019 under section 324/34 (Photostat copy enclosed) and arrested by the local police of P.S Lakki Marwat on the same day and sent to Judicial Lock in Lakki Marwat.
6. That the same moment my depression problems increased, however, released from the Jail on 17.03.2021 and my elder brother evacuated me to local hospital where it was advised to get treatment from Mind Care Rehab Centre Rawalpindi and admitted there on 18.03.2021 and is still under treatment in the said hospital vide admission slip (Photostat copy attached).
7. My elder brother immediately informed the Headmaster GHS Begu Khel regarding his admission and produced copy of the admission slip immediately but now said to be displaced however, the schools were closed due to corona pandemic.
8. That the appellant sent a leave application and give justification of admission in hospital and hand over to the Chowkidar of the school but the Headmaster instead sanction of leave kind, sent absentee report to the authority concerned on 25.06.2021 as evident from the impugned order.
9. That the services of the appellant verified upto 30.11.2020 as evident from the Service Book (Photostat copy of relevant pages enclosed).

.....P/2

Attested
S/L

10. That the appellant sent applications for grant of leave on the grounds of admission in hospital but non considered on one or the other pretext as our enemies are men of means and always put us under harassment and local influential pressure.
11. That the appellant has neither served with any noticed nor informed regarding the consequences.
12. That the appellant for the time and again sending messages from Hospital for payment of salary and grant of leave kind but in vain and the request of the appellant neither considered by immediate officer ie Headmaster concerned nor competent authority which is injustice with the ill government employee and seem personal grudges and malafide.
13. No enquiry conducted nor any charge sheet framed but illegally applied Rule 9 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules, 2011. as authority is clearly in knowledge regarding my illness and admission in hospital which needs to be proceeded against under Rule 6 & 10 of the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules, 2011.
14. Beside all above mentioned facts and figures, the appellant kept in dark as is in the hospital and straightaway removed from the service vide impugned order and also penalized for recovery of pay and allowances which is an illegal act, hence the instant appeal on the following grounds:-

GROUNDS

- A. That the appellant performed satisfactory services as evident from the service book since date of appointment upto 30.11.2020 and drawn pay and allowances.
- B. That the appellant is a poor class IV employee having large family members and minor school going children.
The facts regarding illness and charge in FIR were personally known to the Headmaster and the authority concerned.
- C. That no intimation regarding kind of my lapses served as required under the rules.
- D. That the appellant remained in jail upto 17.03.2021 and admitted in hospital on 18.03.2021 and is still in hospital under special care of Psychologist.
- E. That the appellant and his elder brother time and again requested the Headmaster of GHS Begu Khel and authority concerned for release of pay and allowances and grant of leave kind.
- F. That no enquiry as required vide Rule 6 & 10 of Khyber Pakhtunkhwa (Efficiency & Discipline) Rules, 2011, conducted nor any intimation served upon me and kept in dark unheard.
- G. As evident from the removal order, the notice may published in the newspapers read in Khyber Pakhtunkhwa whereas the appellant is still admitted in Hospital at Rawalpindi where no newspaper is allowed to the patients of depression/psychiatry .

.....P/3

Attested
S/S

(19)

- H. That the act of the authority is based on personal grudges and has totally damaged my family including my school going children.
- J. That no proper rule applied in this particular case and appeal needs to be set aside in the larger interest of justice and humanity.
- K. That the appellant was living closed to the school and the Headmaster could be able to easily inform me and my family members.

PRAYER

Sir, Keeping in view the above mentioned facts and grounds, I very humbly prayed that the impugned order mentioned above may kindly be set aside and:-

1. The appellant may very kindly be re-instated into service with all back benefits.
2. The pending pay and allowances may kindly be disburse to me as soon as possible.
3. The authority concerned may please be asked not to operate the impugned order.

Thanking You Sir.

Yours Humble Appellant

Dated: _____/10/2021

Fahim Khan S/O Habib Ullah Khan
R/O Village & Post Office Begu Khel
Tehsil and District Lakki Marwat
Lab Attendant GHS Begu Khel
CNIC No. 11201-7896582-9

800

28/10/2021
hr

Attested
SEN



**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.**
Phone: 091-9225344 Email: ddadmn.es@gmail.com

20

NOTIFICATION

1. **WHEREAS**, Mr. Fahim Ullah Ex Laboratory Attendant GHS Begu Khel Lakki Marwat was removed from service by DEO (Male) Lakki Marwat vide his Endst No.5877-82 dated 01/10/2021 on charge of willful absence from duty.
2. **AND WHEREAS**, the said aggrieved Ex Laboratory Attendant GHS Begu Khel Lakki Marwat filed a departmental appeal dated 28/10/2021 to the Director E&SE Khyber Pakhtunkhwa Peshawar (appellate Authority) for redressal of his grievances/reinstatement in service.
3. **AND WHEREAS**, this Directorate nominated Mr. Saleh Badshah Assistant Director Complaint Cell as inquiry officer vide Endst: No. 6478-82 dated 04/11/2021.
4. **AND WHEREAS**, The inquiry officer conducted inquiry and submitted detail inquiry report with the conclusion that the applicant concerned is not exist in country and going to abroad, he did not meet with the inquiry officer.
5. **NOW, THEREFORE**, the Director E&SE Khyber Pakhtunkhwa Peshawar, the Appellate Authority, under section-17 read with rules 2(b) of E&D Rules-2011 has **decided to reject the appeal** lodged by Mr. Fahim Khan Lab Attendant GHS Begu Khel (appellant) for re-instatement in service and uphold the order of the DEO (Male) Lakki Marwat issued vide Endst No 5877-82 dated 01/10/2021.

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa, Peshawar

3865-70
Endst: No. _____ /F.No. /A-20/Class-IV/Fahim Ullah Lab Attd: Lakki Marwat

Dated Peshawar the 8 / 12 / 2021.

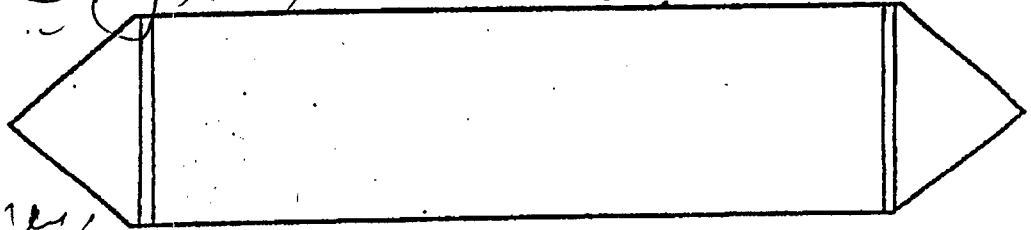
Copy of the above is forwarded for information and n/action to the:-

- 1- District Education Officer (Male) Lakki Marwat.
- 2- District Account Officer Concerned.
- 3- Principal/HM Concerned.
- 4- Appellant concerned.
- 5- PA to the Director E&SE Khyber Pakhtunkhwa Peshawar.
- 6- Master File.

Deputy Director (F&A)
Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

29/11/2021

بعد الت ضاب سروس ٹریسنگ سروس



2، منجانب 1، پبلک

عصم صا بنام DEF

موزخه
مقدمه
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 آن مقام کیلئے لشیر احمد خان ایچ اے کا لہر شاد و سہ
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دینے جو جواب دہی اور اقبال دعویٰ اور
 بصورت ڈگری کرنے اجراء اور صولی چیک درو پیہار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لانا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
 پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ درجہ جانا التوائے مقدمہ کے سبب سے وہ ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

العبد
العبد
العبد

عصم صا بنام لشی احمد خان ایچ اے

المرقوم _____
 29
 Acceptance

کے لئے منظور ہے۔

بمقام

“B”

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. S.B

No.

Appeal No. 58 of 20 22

Fahim Khan Appellant/Petitioner

Versus

D.E.O (Male) Lokki Marwat Respondent

Respondent No. 2

Notice to: — Director ERSE KPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 14/7/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

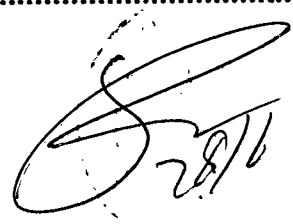
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal ~~is~~ attached. Copy of appeal has already been sent to you vide this office Notice No. _____ dated _____

Given under my hand and the seal of this Court, at Peshawar this 3rd th

Day of _____ 20 June 22

for Reply



Registrar,
 Khyber Pakhtunkhwa Service Tribunal,
 Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX, (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

Appeal No. S8 of 20 22

Fahim Khan Appellant/Petitioner

D.E.O (Male) Lakki Maawat Respondent

Respondent No. 3

Notice to: —

Secretary ERSE KPK Peshawar
[Signature]
976

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 14/7/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Given under my hand and the seal of this Court, at Peshawar this 3rd

Day of June 20 22

for Reply

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

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