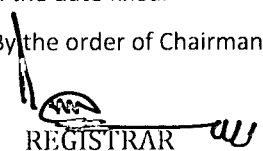


Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 547/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.09.2022	<p>The execution petition of Mr. Abdul Jamil submitted today by Mr. Muhammad Arshad Khan Tanoli Advocate. It is fixed for implementation report before touring Single Bench at A.Abad on _____. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

AAG

BEFORE THE CHAIRMAN SERVICE TRIBUNAL,
PESHAWAR

E.P. no. 547/2022

C.M No. _____ -A/2022
IN
Service Appeal No. 355/2019

Abdul Jamil son of Mohammad Amin, lastly Senior Clerk Govt. Higher Secondary School, Ziarat Masoom, Tehsil & District Abbottabad.
...APPELLANT/ APPLICANT

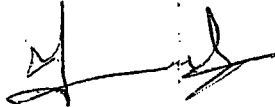
VERSUS

District Education Officer (DEO) Male, Abbottabad & others.
....RESPONDENTS

APPLICATION

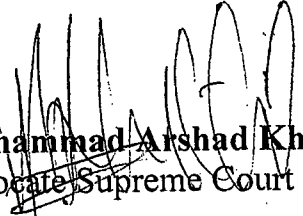
INDEX

S. #	Description	Page Nos.	Annexures
1.	Application alongwith affidavit	1 to 3	
2.	Copy of appointment order of appellant/ applicant	4-29	"A"
3.	Copy of service appeal	30-39	"B"
4.	Copy of judgment dated 18.01.2022	30-42	"C"
5.	Copy of applications	43-46	"D"
6.	Wakalatnama	47	


...APPLICANT/ APPELLANT

Through;

Dated: _____/2022


(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan

BEFORE THE CHAIRMAN SERVICE TRIBUNAL,
PESHAWAR

C.M No. _____-A/2022
IN
Service Appeal No. 355/2019

Abdul Jamil son of Mohammad Amin, lastly Senior Clerk Govt. Higher
Secondary School, Ziarat Masoom, Tehsil & District Abbottabad.

...APPELLANT/ APPLICANT

VERSUS

1. District Education Officer (DEO) Male, Abbottabad.
2. District Education Officer (DEO) Male, Haripur.

....RESPONDENTS

SERVICE APPEAL

APPLICATION FOR IMPLEMENTATION OF
JUDGMENT DATED 18.01.2022, OF THIS
HONOURABLE SERVICE TRIBUNAL PESHAWAR
IN SERVICE APPEAL NO. 355/2019, WHEREIN, THE
HONOURABLE TRIBUNAL DISPOSED OFF THE
INSTANT APPEAL AND HELD THAT THE
APPELLANT SHALL BE CONSIDERED AS
RETIRED FROM SERVICE ON 07.04.2021 BY
TREATING THE ABSENCE PERIOD AS WELL AS
INTERVENING PERIOD AS EXTRA-ORDINARY
LEAVE, LEAVE OUT PAY.

Respectfully Shewth;

1. That the appellant was appointed as Projectionist in education department on 08.08.1985. Copy of appointment order is annexed as Annexure "A".
2. That the appellant filed service appeal No. 355/2019 before this Honourable Tribunal for his adjustment with all back benefits. Copy of service appeal is annexed as Annexure "B".
3. That this Honourable Tribunal after hearing the arguments service appeal was accepted vide judgment dated 18.01.2022 and held that the appellant shall be considered as retired from service on 07.04.2021 by treating the absence as well as intervening period as extra-ordinary leave without pay. Copy of judgment dated 18.01.2022 is annexed as Annexure "C".
4. That inspite of elapsing of near about 07 months, respondents department did not implement the judgment dated 18.01.2022 of this Honourable Tribunal so far.

5. That non-implementation of judgment of this Honourable Tribunal amounts to contempt of court. The respondents are adamant not to implement the judgment of this Honourable Tribunal.

In view of the above, it is prayed that respondents may graciously be directed to implement the judgment dated 18.01.2022 of this Honourable Tribunal forthwith failing which contempt of court proceedings may graciously be initiated to punish them.

...APPLICANT/ APPELLANT

Through;

Dated: _____/2022


(Muhammad Arshad Khan Tanoli)
Advocate Supreme Court of Pakistan

AFFIDAVIT;

I, *Abdul Jamil son of Mohammad Amin, lastly Senior Clerk Govt. Higher Secondary School, Ziarat Masoom, Tehsil & District Abbottabad*, do hereby solemnly affirm and declare that the contents of foregoing application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.

DEPONENT

(10) 2
 (For use in Police Department only)

Passed ^{Electronics} ~~Electrician~~ from NWFP Board of Technical Education Peshawar held on 2-6-81 obtaining 191 marks. Result declared on: 8-7-1982.

Annex A

3. Verification Roll No. dated 2-9-86
 7-4-61
 2-5-85

⑦ Attended Projectors Educational Technology Training Programme

⑥ Passed Projectors Course

Organized by the Bureau of Curriculum Development and Education Ext. Centre Services NWFP Abbottabad from: 1-11-89 to 30-11-1989. Securing 118/200 marks and Division.

held from: 14th to 23rd April: 1992 organized in collaboration with the Bureau of Curriculum Development and Education Ext. Centre Services NWFP, Dtd

Principal
 P.E.C. Haripur

Principal
 P.E.C. Haripur

Qualification	Date	Qualifications	Date
---------------	------	----------------	------

① Passed FA Examination from the Board Peshawar in English (Annual) under Roll No. 18 obtaining 43/100 marks.

Arts
 All set

Pashtu Govt College of Elem: Haripur Dist: Abbottabad

B.A. Abbottabad

Urdu

Pleadership examination

Plan-drawing

Training School Final examination

② Passed Diploma in Electrician Course from NWFP Board of Technical Education Peshawar in 1987 under R. No. 292 obtaining 191/300 marks. Reserve duties

③ Passed SSC Examination from the BSE Peshawar in 1980 (Annual) under R. No. 12834 obtaining 305/350 marks.

④ Attended Projectors course organized by the Director of Bureau of Curriculum Development and Education Services NWFP Abbottabad from: 1-11-1984 to 13-12-84. Also to be drawn under the qualification possessed. and was successful securing 78/200 marks. Result declared on 12-1-1985.

⑤ Attended A.V. Arts Course organized by the Bureau of Curv. Develop: and Edu: Ext: Centre Attd: w.e.fr: 27-10-86 to 15-11-86 and completed the course successfully.

Principal
 P.E.C. Haripur

Principal
 P.E.C. Haripur

121-92-042121 3

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

1. Name *Mr. Abdul Jumeil*

2. Race *Chambeel*

3. Residence *UM 75 Upper Madhepur A. Area*



4. Father's name and residence *Mohammad Amin UM 75 Upper Madhepur A. Area*



5. Date of birth by Christian era as nearly as can be ascertained *(7.4.1961) Seventh April N.H. & Sixty one.*

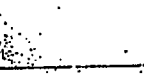
6. Exact height by measurement *6*

7. Personal marks for identification *A mole on left arm.*

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

Little Finger.  Ring Finger 

Middle Finger  Fore Finger 

Thumb. 

9. Signature of Government servant *[Signature]*

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

*classer
no logs
small*

*to
992
collaborate
of sum
at rest
P. 110
successfully
of sum
11/11/80*

Date

ation

*and name
the name
not
of 30/1/80
1/11/80*

[Signature]

9/11/80

Head of the Office

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant in blue
Projectionist G.E. Hanifur			590/- 790-34-1470 BPS-8	(BPS-8) 790/- (FIXED)		9.9.86	[Signature]
Office of the Accountant General N. W. P. State Pay fixed in the Revised Basic Pay Scale 1987, of Rs. 790/- (B-7) as per 790/- dated 1.7.1987 with effect from 1.12.1987		Office of the Accountant General N. W. P. State Pay fixed in the Revised Basic Pay Scale 1987, of Rs. 790/- (B-7) as per 790/- dated 1.7.1987 with effect from 1.12.1987		Office of the Accountant General N. W. P. State Pay fixed in the Revised Basic Pay Scale 1987, of Rs. 790/- (B-7) as per 790/- dated 1.7.1987 with effect from 1.12.1987		Office of the Accountant General N. W. P. State Pay fixed in the Revised Basic Pay Scale 1987, of Rs. 790/- (B-7) as per 790/- dated 1.7.1987 with effect from 1.12.1987	
Projectionist Bureau office Aah. O. Talab	Temp	Accounts Offices Pay fixation Party	1270/- (fixed)	F.D. NO. 89 (P.R.C.) 1-1-89 dated 1.12.89		12.4.92	[Signature]
Projectionist G.E. Hanifur	Off/Per	BPS No. 08	Rs. 824/- P.M.	Rs. 790-34-1470		1.12.89	[Signature]
Bureau of civ. Sup. G.E. (M) Hanifur	-	BPS No. 08	Rs. 858/- P.M.			1.12.90	[Signature]
G.E. (M) Hanifur	-	BPS No. 08	Rs. 1465/- P.M.			1.6.91	[Signature]
G.E. (M) Hanifur	-	BPS No. 08	Rs. 1530/- P.M.			1.12.91	[Signature]
P. S. Hanifur	✓		including Two Adv. Quor. on Pending FA Exam.				[Signature]

UNDER TAKING

I, Abdul Jamid, Name: Professionist
(Designation & office) undertake to make good any over payment made to me as a result of in-correct fixation of pay in the Revised Basic pay Scales. The same may be recovered from my pension/Gratuity.

ATTESTED:

Munir Ahmad
Principal
Govt. College of Education for
Elam, Teachers (M) Haripur.

Signature [Signature]
Name with designation Professionist
Dated: [Date]

Signature
Government
servant

Period	to which	debitable		
30-6-87	Grade Director		Appointed as <u>Professionist</u> vide Director Bureau of Edu: Development & Ext. Services Abbotabad. B.S. No. 5699-5705/BSM. Dr. (Professionist 666) dated 8.9.86.	
31-5-91	Grade Director		Services verified w.e.f. 9.9.86 to 31-5-88 from Acq. Roll & other office record.	
11-4-88	Transfer		Services verified w.e.f. 1-4-88 to 30-11-88 from Acq. Roll & other office record.	
11-4-92	Transfer		Services verified w.e.f. 1-12-88 to 30-11-89 from the Acq. Roll & other office records.	
30-11-89	Allowed granted pay		Granted leave on full pay for 10 days (one day) vide Director Bureau of Edu: Dist. Edu: with sanction N.W.F.P. Abbotabad No. 19906-7/Sole Dr III/HE dated 20.11.91.	
30-11-90	Incr:		Services verified w.e.f. 1-12-89 to 30-11-90 from the Acq. Roll & other office records.	
31-5-91	Scale Revised			
11-4-91	Incr:			
30-11-92	Annual Grant			

1987
1988
1989
1990
1991
1992

① Services verified w.e.f. 9.9.86 to 31-5-88 from Acq. Roll & other office record.
② Services verified w.e.f. 1-4-88 to 30-11-88 from Acq. Roll & other office record.
③ Services verified w.e.f. 1-12-88 to 30-11-89 from the Acq. Roll & other office records.
④ Services verified w.e.f. 1-12-89 to 30-11-90 from the Acq. Roll & other office records.

Principal
Deputy Director
Deputy Director
Deputy Director
Deputy Director

Principal
Deputy Director
Deputy Director
Deputy Director
Deputy Director

(14)

P-8

Mr. Abdul To
good
with a...

Present day
on 27.5.94

1 Name of post	2 Whether substan- tive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay to officiating	Other allowance under the term "Pay"	Date of appointment	Signature of the Principal Government Officer	Signature and signature of the officer of the office or other attesting officer in attestation columns 1 to 8
Projectionist BUREAU A. Akad	Subj/Perm	B. 1140 - 65-2115 B-8	B. 1595/PM	/	/	1-12-92	/	Deputy Bureau
Projectionist G. E. (M) Hampur	"		1595/PM	/	/	15.2.93	/	Govt. (Elementary)
- Do -	"		Rs 1660/PM	/	/	1.12.93	/	Govt. (Elementary)
G. E. C. Bari Kot (SWat)	Subj. Per.		RS-1660/PM	/	/	11/4 94	/	Principal A. T. T. T. Peshawar
Govt: Agro: Tech: TEACHER - Training Centre Gul Bahar Deshwar on	Subj. Per.		RS-1660/PM	/	/	28.5 94	/	Principal A. T. T. T. Peshawar
G. E. C (M) Hampur	/	Training time	/	/	/	16.5 94	/	Govt: Coll Elementary
G. E. C (M) Hampur	/	/	/	/	/	/	/	Govt: Coll Elementary
Projectionist	Subj/Per.	-	Rs-2244/	/	/	16.6 94 (FN)	/	Govt: Coll Elementary

Accepted

Wm

(8) Sent
from
B

Mr. Abdul Jamal projectionist hereby in witness whereof the effect that I will make good the amount involved in the award of running pay Sec 14 W.F.F. 1/12/89 vide Director Bureau No 11504-7 Dated 12-18/92 if the court decided the award otherwise etc.

8	9	10	11	12	13	14	15
<p>Signature of the appointing authority I.T.T. Pashawar</p>	<p>Signature and location of the office or other attesting officer in attestation columns 1 to 8</p>	<p>Date of termination of appointment</p>	<p>Signature of the head of the office or other attesting officer</p>	<p>Nature and duration of leave taken</p>	<p>Allocation of period of leave on average pay upto four months for which leave salary payable debitable to another Government</p>	<p>Signature of the head of the office or other attesting officer</p>	<p>Reference to any recorded punishment or reward or praise of the Government Servant.</p>
<p>Signature of the appointing authority I.T.T. Pashawar</p>	<p>Signature and location of the office or other attesting officer in attestation columns 1 to 8</p>	<p>10-11-92</p>	<p>Signature of the head of the office or other attesting officer</p>	<p>Leave</p>	<p>Period Government to which debitable</p>	<p>DEPUTY DIRECTOR</p>	<p>16.6.92</p>
<p>Signature of the appointing authority I.T.T. Pashawar</p>	<p>Signature and location of the office or other attesting officer in attestation columns 1 to 8</p>	<p>13-6-94 (A.N)</p>	<p>Signature of the head of the office or other attesting officer</p>	<p>Transfer</p>	<p>Period Government to which debitable</p>	<p>DEPUTY DIRECTOR Bureau of Curr/Edu: Services, ABBOTTABAD</p>	<p>Allowed two advanced in exam on passing F.A. examination on 1-6-91</p>
<p>Signature of the appointing authority I.T.T. Pashawar</p>	<p>Signature and location of the office or other attesting officer in attestation columns 1 to 8</p>	<p>13-6-94 (A.N)</p>	<p>Signature of the head of the office or other attesting officer</p>	<p>Transfer</p>	<p>Period Government to which debitable</p>	<p>DEPUTY DIRECTOR Bureau of Curr/Edu: Services, ABBOTTABAD</p>	<p>Allowed two advanced in exam on passing F.A. examination on 1-6-91</p>
<p>Signature of the appointing authority I.T.T. Pashawar</p>	<p>Signature and location of the office or other attesting officer in attestation columns 1 to 8</p>	<p>13-6-94 (A.N)</p>	<p>Signature of the head of the office or other attesting officer</p>	<p>Transfer</p>	<p>Period Government to which debitable</p>	<p>DEPUTY DIRECTOR Bureau of Curr/Edu: Services, ABBOTTABAD</p>	<p>Allowed two advanced in exam on passing F.A. examination on 1-6-91</p>
<p>Signature of the appointing authority I.T.T. Pashawar</p>	<p>Signature and location of the office or other attesting officer in attestation columns 1 to 8</p>	<p>13-6-94 (A.N)</p>	<p>Signature of the head of the office or other attesting officer</p>	<p>Transfer</p>	<p>Period Government to which debitable</p>	<p>DEPUTY DIRECTOR Bureau of Curr/Edu: Services, ABBOTTABAD</p>	<p>Allowed two advanced in exam on passing F.A. examination on 1-6-91</p>
<p>Signature of the appointing authority I.T.T. Pashawar</p>	<p>Signature and location of the office or other attesting officer in attestation columns 1 to 8</p>	<p>13-6-94 (A.N)</p>	<p>Signature of the head of the office or other attesting officer</p>	<p>Transfer</p>	<p>Period Government to which debitable</p>	<p>DEPUTY DIRECTOR Bureau of Curr/Edu: Services, ABBOTTABAD</p>	<p>Allowed two advanced in exam on passing F.A. examination on 1-6-91</p>
<p>Signature of the appointing authority I.T.T. Pashawar</p>	<p>Signature and location of the office or other attesting officer in attestation columns 1 to 8</p>	<p>13-6-94 (A.N)</p>	<p>Signature of the head of the office or other attesting officer</p>	<p>Transfer</p>	<p>Period Government to which debitable</p>	<p>DEPUTY DIRECTOR Bureau of Curr/Edu: Services, ABBOTTABAD</p>	<p>Allowed two advanced in exam on passing F.A. examination on 1-6-91</p>
<p>Signature of the appointing authority I.T.T. Pashawar</p>	<p>Signature and location of the office or other attesting officer in attestation columns 1 to 8</p>	<p>13-6-94 (A.N)</p>	<p>Signature of the head of the office or other attesting officer</p>	<p>Transfer</p>	<p>Period Government to which debitable</p>	<p>DEPUTY DIRECTOR Bureau of Curr/Edu: Services, ABBOTTABAD</p>	<p>Allowed two advanced in exam on passing F.A. examination on 1-6-91</p>
<p>Signature of the appointing authority I.T.T. Pashawar</p>	<p>Signature and location of the office or other attesting officer in attestation columns 1 to 8</p>	<p>13-6-94 (A.N)</p>	<p>Signature of the head of the office or other attesting officer</p>	<p>Transfer</p>	<p>Period Government to which debitable</p>	<p>DEPUTY DIRECTOR Bureau of Curr/Edu: Services, ABBOTTABAD</p>	<p>Allowed two advanced in exam on passing F.A. examination on 1-6-91</p>
<p>Signature of the appointing authority I.T.T. Pashawar</p>	<p>Signature and location of the office or other attesting officer in attestation columns 1 to 8</p>	<p>13-6-94 (A.N)</p>	<p>Signature of the head of the office or other attesting officer</p>	<p>Transfer</p>	<p>Period Government to which debitable</p>	<p>DEPUTY DIRECTOR Bureau of Curr/Edu: Services, ABBOTTABAD</p>	<p>Allowed two advanced in exam on passing F.A. examination on 1-6-91</p>
<p>Signature of the appointing authority I.T.T. Pashawar</p>	<p>Signature and location of the office or other attesting officer in attestation columns 1 to 8</p>	<p>13-6-94 (A.N)</p>	<p>Signature of the head of the office or other attesting officer</p>	<p>Transfer</p>	<p>Period Government to which debitable</p>	<p>DEPUTY DIRECTOR Bureau of Curr/Edu: Services, ABBOTTABAD</p>	<p>Allowed two advanced in exam on passing F.A. examination on 1-6-91</p>
<p>Signature of the appointing authority I.T.T. Pashawar</p>	<p>Signature and location of the office or other attesting officer in attestation columns 1 to 8</p>	<p>13-6-94 (A.N)</p>	<p>Signature of the head of the office or other attesting officer</p>	<p>Transfer</p>	<p>Period Government to which debitable</p>	<p>DEPUTY DIRECTOR Bureau of Curr/Edu: Services, ABBOTTABAD</p>	<p>Allowed two advanced in exam on passing F.A. examination on 1-6-91</p>

(5) Service verified from 30-11-91 from the Army: Rolls and other office records

(6) Service verified from 1-12-91 to 11-4-92 (AN) from the Army: Rolls and other office records.

Awarded 7 months pay from 1-12-89 to 31-8-90 vide Director Bureau No 11504-7 Dated 12-18-92

(8) Service verified from 15-2-93 to 7-4-94 from Army: Rolls and other records of the office

W.O. of 1-12-89 to 31-8-90 + 7 months increment

Leave sanctioned on Half Pay for 148 days from 11-11-93 to 7-4-94 vide Director Bureau No 4258-59/106/10E-III dated 25.4.94

(7) Service verified from Army: Rolls and other records from 12.4.92 to 14.2.93

Ahsan

P. 10

(16)

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature Government servant	9 nature and nature of the office or attesting in attestation forms 1 to
Mr. - 8: RSL 1540-88-2860								
Projectionist GEC (M) Mansab	Per/Off		Rs. 2332/-	-	-	12/94	[Signature]	Govt Elementary
GEC (M) Mansab	do		2337/-	-	-	12/94	[Signature]	Princip G.E.C Mansab
do	do		Rs. 2420/-	-	-	01/95	[Signature]	Princip G.E.C Mansab
do	do		2508/-	-	-	12/95	[Signature]	Princip G.E.C Mansab
do	do		2596/-	-	-	12/97	[Signature]	Princip G.E.C Mansab
do	do		2684/-	-	-	12/98	[Signature]	Princip G.E.C Mansab
do	do		2772/-	-	-	12/99	[Signature]	Princip Govt- Eler
do	do		2860/-	-	-	12/2000	[Signature]	Princip Govt- Eler
S/clerk of D EDO (Edn) Kh.			Rs. 2860/-	-	-	7/2001	[Signature]	Ed Dist
			Rs. 2860/-	-	-	12/2001	[Signature]	Ed Dist
4-7	RSL 2310-130-6210							
			4380/-			12/2001	[Signature]	Ed Dist
gc D/O			4260/-			4/2002	[Signature]	Ed Dist
Guss Barwala	Per/Off		4260/-			20/2002	[Signature]	Ed Dist

(17)

Approved

MS

6	9	10	11	12	13		14	15
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Signature Government servant	Nature and position of the office or post attesting (Forms 1 to 8)	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
					Period	Government to which debitable		
	Govt. College of Education (Elementary Teachers) Haripur	12/11/94	Principals Haripur	Govt. College of Education Haripur				(9) Service verified w.e. 8/11/94 to 26/5/94 from Acct. Roll and this office record. 26/5/94
	Principal G.E.C. (M) Manshera	30/11/95	Principals Manshera	Principal G.E.C. (M) Manshera				
	Principal G.E.C. (M) Manshera	30/11/97	Principals Manshera	Principal G.E.C. (M) Manshera				
	Principal G.E.C. (M) Manshera	30/11/97	Principals Manshera	Principal G.E.C. (M) Manshera				(10) Service Verified w.e. 27.5.94 to 13.6.94 from the acqui roll and other record of this office.
	Principal Govt. College of Education for Elementary Teachers (M) Manshera	30/11/2000	Principals Manshera	Principal Govt. College of Education for Elementary Teachers (M) Manshera				Principal Govt. Agr. Tech Teachers Training Centre Gulbahar Peshawar
	Principal Govt. Elementary College 2001	30/11/2001	Principals	Principal Govt. Elementary College 2001				(11) Services Verified w.e. from 16-6-1994 to 30-11-94 from the Acct. Roll and other record of this office
	E.D.O. Educ. & Lts Distt. Kohistan	11/11/94	E.D.O. Educ. & Lts Distt. Kohistan	E.D.O. Educ. & Lts Distt. Kohistan				Principal Govt. College of Education (Elementary Teachers) Haripur
	E.D.O. Educ. & Lts Distt. Kohistan	11/11/94	E.D.O. Educ. & Lts Distt. Kohistan	E.D.O. Educ. & Lts Distt. Kohistan				
	E.D.O. Educ. & Lts Distt. Kohistan	11/11/94	E.D.O. Educ. & Lts Distt. Kohistan	E.D.O. Educ. & Lts Distt. Kohistan				(12) Services verified w.e. from 1-12-94 to 19-12-1994 from the acquisition roll and other relevant record of this office
	E.D.O. Educ. & Lts Distt. Kohistan	11/11/94	E.D.O. Educ. & Lts Distt. Kohistan	E.D.O. Educ. & Lts Distt. Kohistan				

Attached

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature and position of the officer or attesting Government in attestation serval columns 1 to 8
S/C C.A.S.S. Bareilly	Per 10/01		4390	4500/- ✓		01/12/2002	
-do-	-do-		4520	4620/- ✓		01/12/2003	
-do-	-do-	8-7 Grade Revised B-8 (26557-150-7450)	4650	4740/- ✓		01/12/2004	
-do-	-do-		5255	5495/- ✓		01/7/2005	
-do-		<div data-bbox="462 955 909 1286" style="border: 1px solid black; padding: 5px;"> <p>1991 Office of the Accounts General N. W. F. P. Peshawar. Pay fixed in the revised scale of Rs. 5400-2860-8 at Rs. 2260/- with next increment on 1-1-1994</p> <p>Accounts Officer Pay Fixation Party N. W. F. P. Peshawar</p> </div>	5500	5635/- ✓		01/12/2005	
<p>RKD Admission of subject must against SC may be put off.</p> <p>A.S.I. F.P.I.</p>							<p>Noted that of 13th 8 of 9/dec/05</p> <p>10/1/05</p> <p>10/1/05</p> <p>10/1/05</p>
S/c C.A.S.S. Bareilly	Per 10/01		5655	5775/- ✓		01/12/2006	

III

(19)

8	9	10	11	12	13	14	15	
Signature and position of the head of the office or other attesting officer		Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government's Servant.
					Period	Government to which debitable		
[Signature]		30/11/2003	Inc.	[Signature]		(13) Services verified w.r.t 20-12-94 to 30-11-95 from the Acquittance Rolls and other records maintained in this office	Principal Govt. College of Education for Elementary Teachers (Male) Mansehra	
[Signature]		30/11/04	6 Grade	[Signature]		(14)	Principal Govt. Elementary College (Male) Mansehra	
[Signature]		30/11/05	Annual	[Signature]			Superintendent vide Director Bureau of Curriculum Education Inspection Services N.W.F.P. Abbottabad Division No. 9416 Dated 15/12/96 & issued under Order No. 5644-46 Dated 24/12/96 due to MIS - Conduct w.r.t 15.12.96 to 14.3.97	
[Signature]		30/11/05	Inc.	[Signature]			Principal Govt. Elementary College (Male) Mansehra	
[Signature]		15.12.96 20.12.96					Principal Govt. Elementary College (Male) Mansehra	
[Signature]			Extended suspension period w.r.t 15.8.97 to 14.9.97 vide office order issued under Order No. 3504-11/ER/AF-2 Dated 14-6-97				Principal Govt. Elementary College (Male) Mansehra	
[Signature]		30/01/97	Pay	[Signature]			Principal Govt. Elementary College (Male) Mansehra	
[Signature]		15.9.97 to 13.12.97	Extended suspension period w.r.t 15.9.97 to 13.12.97 vide Director Bureau A. Abbottabad Order No. 5884 11-S/ER/AF-2 Dated 15.9.97				Principal Govt. Elementary College (Male) Mansehra	
[Signature]							Principal Govt. Elementary College (Male) Mansehra	

Attended

P. 14

(20)

12

W

1	2	3	4	5	6	7	
Name of post	Whether substantive or officiating and whether permanent or temporary	If officiating state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	Pay in substantive post	Additional Pay for officiating	Other emolument falling under the term "Pay"	Date of appointment	Signature of Government servant in attestation in columns 1 to 3
<i>S/ Clerk G.H.S. Barakot</i>	<i>Pay Band B-7 (2940-140-7740)</i>	<i>Govt/Sub.</i>	<i>6620/- ✓</i>			<i>01/7/2007</i>	
<i>no F-I -do- S/ Clerk</i>	<i>Grade Band B-9 (3185-190-8885)</i>	<i>(1) Imp 2007 13 July 2007</i>	<i>6795/- ✓</i>			<i>01/7/07</i>	
<i>G.H.S. Barakot</i>			<i>6925/- ✓</i>			<i>1/12/07</i>	
<i>-do-</i>			<i>8420/- 8322/-</i>			<i>1/7/08</i>	
<i>-do-</i>			<i>8650/- 8572/-</i>			<i>1/12/08</i>	
			<i>8880/-</i>			<i>1/12/09</i>	

G.H.S

2001
 OFFICE OF THE ACCOUNTANT GENERAL
 N.W.F.P. PESHAWAR
 PAY FIXED IN THE REVISED BASIC
 PAY SCALES 2001

OF RS. 22200/- (2001)
 AT RS. 13800/- P.M.W.E.F.
 With Next Increment on

M. Shahi
 Accounts Officer
 Pay Fixation Party, N.W.F.P. Peshawar

2005
 OFFICE OF THE ACCOUNTANT GENERAL
 N.W.F.P. PESHAWAR
 PAY FIXED IN THE REVISED BASIC
 PAY SCALES 2005

OF RS. 25550/- (2005)
 AT RS. 54950/-
 With Next Increment on

M. Shahi
 Accounts Officer
 Pay Fixation Party, N.W.F.P. Peshawar

Musey

P. 15

(21)

Musey

13

9 Signature of Government servant	10 Date of termination of appointment	11 Reason of termination (such as promotion, transfer, dismissal, etc).	12 Signature of the head of the office or other attesting officer	13 Nature and duration of leave taken	13 Leave Allocation of period of leave on average pay upto four months for which leave salary is payable to another Government	14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
	30/11/07	Higher Secondary School Barcola Harijpur			Extended Suspension period w.e.f 14.12.97 to 13.3.98 vide Director Bureau of Curriculum Development & Extension Services N.W.F.P. Abbottabad credit: No 7974-82/576/AR dated 13.12.97		Principal Govt. Elementary College (Male) Manshera
	01/02	Govt. Elementary College (Male) Manshera			Services verified w.e.f 1.12.96 to 30.11.97 from the Acquittance Rolls and other record maintained in this office		Principal Govt. Elementary College (Male) Manshera
	31/09	G.H.S.S. Barcola (Harijpur)			Extended suspension period w.e.f 14.3.98 to 11.6.98 vide Director Bureau of Curriculum Development & Extension Services N.W.F.P. A/Abad credit: No 1053-60/ED/AR-V dt: 17.3.98		Principal Govt. Elementary College (Male) Manshera
		G.H.S.S. Barcola (Harijpur)			Extended suspension period w.e.f 12.6.98 to 9.9.98 vide Director Bureau A/Abad credit: No 3149/56 dt: 27/6/98		Principal Govt. Elementary College (Male) Manshera
		G.H.S.S. Barcola (Harijpur)			Extended suspension period w.e.f 10.9.98 to 8.12.98 vide Director Bureau A/Abad credit: No 637-77 dt: 19/12/98		Principal Govt. Elementary College (Male) Manshera

183
9/14-8
Add, ... of ...
w.e.f 17/01 to 8/1-7
on ... of ...
... of ...
... 8110
... 2001
... 6109/
...
Senior District Account Officer
Barcola

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating, state (i) substantive appointment, or (ii) whether service counts for pension under Art. 87k C. S. E.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature Government servant	9 Signature and position of the attesting officer in attestation columns 1 to 3	10 Date
	P-16							//	
	Attested							waf L ere	
								① Ser for inc	
								L JH Tso no. et. low his D BT	
								no Dr to di	

Period to which debitable
 Expenditure suspension period
 w.e.f. 9.12.95 to 9.3.99 vide
 Director's Circular No. 92/15.22/ED/AB-V
 dated 11.12.95

Search & Exam. Exam
 No. 13-8-01 & 18-4-02
 for Holy Aveng at Vile

16) Services verified w.e.f. 1.12.95
 to 30.11.99 from the Acquittance
 Rolls and other record maintained
 in this office

19) Services verified w.e.f. 1.7.2001 to 19.12.2002
 from the Acquittance Rolls & other record maintained in this office

20) Services verified w.e.f. 1.12.95
 to 30.11.99 from the Acquittance
 Rolls and other record maintained
 in this office

Principal
 Govt. Elementary College
 (Males) Manesha

Principal
 Govt. Elementary Teachers
 (Males) Manesha

Principal
 Govt. Elementary Teachers
 (Males) Manesha

Principal
 Govt. College of Education
 for Elementary Teachers
 Manesha

2001-02
 2002-03
 2003-04
 2004-05
 2005-06
 2006-07
 2007-08
 2008-09
 2009-10
 2010-11
 2011-12
 2012-13
 2013-14
 2014-15
 2015-16
 2016-17
 2017-18
 2018-19
 2019-20
 2020-21
 2021-22
 2022-23
 2023-24
 2024-25
 2025-26
 2026-27
 2027-28
 2028-29
 2029-30

17) Services verified w.e.f. 1.12.95
 to 30.11.99 from the Acquittance
 Rolls and other record maintained
 in this office

18) Services verified w.e.f. 1.12.95
 to 30.11.99 from the Acquittance
 Rolls and other record maintained
 in this office

19) Services verified w.e.f. 1.7.2001
 to 19.12.2002 from the Acquittance
 Rolls and other record maintained
 in this office

20) Services verified w.e.f. 1.12.95
 to 30.11.99 from the Acquittance
 Rolls and other record maintained
 in this office

21) Services verified w.e.f. 1.12.95
 to 30.11.99 from the Acquittance
 Rolls and other record maintained
 in this office

22) Services verified w.e.f. 1.12.95
 to 30.11.99 from the Acquittance
 Rolls and other record maintained
 in this office

23) Services verified w.e.f. 1.12.95
 to 30.11.99 from the Acquittance
 Rolls and other record maintained
 in this office

Attested

P-19

Mus 17

(25)

8	9	10	11	12	13		14	15
					Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		
Signature of Government servant	Signature and designation of the head of the office or other attesting officer	Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Period	Government to which debitable	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.
				(20)	Service verified w.e.f. 20/11/2002 to 30/11/2002 from the Acq. Roll and other office records.			
					<p>Sum in 7 9010 Ac 223600%</p> <p>20.02.04 to 31/12/04 w. 22283</p> <p>84-12-13-03</p> <p>12-1828 to 17-9-03</p> <p>12-1828 to 17-9-03</p>			
					<p>12-1828 to 17-9-03</p> <p>07-1819 to 17-9-03</p>			
				(21)	Service verified w.e.f. 01/12/2001 to 30/11/2003 from the Acq. Roll and other office records.			
				(22)	Service verified w.e.f. 01/12-03 to 30-11-2004 from the Acq. Roll and other office records.			
				(23)	Service verified w.e.f. 01/12-04 to 30-11-05 from the Acq. Roll and other office records.			

PRINCIPAL
Govt. Higher Secondary School Barcola Haripur

PRINCIPAL
Govt. Higher Secondary School Barcola Haripur

PRINCIPAL
Govt. Higher Secondary School Barcola Haripur

PRINCIPAL
Govt. Higher Secondary School Barcola Haripur

4-21

(27)
19

121-92-042121
12/19/58 7071/133

Almas

8 Signature Government servant	9 Date of termination of appointment	10 Reason of termination (such as promotion, transfer, dismissal, etc.)	11 Signature of the head of the office or other attesting officer	13 Leave		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment, or censure, or reward or praise of the Government Servant.
				Nature and duration of leave taken	Allocation of period of leave on average pay upto four months for which leave salary is debtible to another Government		
				Period	Government to which debtible.		
				Sanction 9/10/58	338900/2		
				D. G. D. A. Sanction 19-12-55	3637-38		
				Sanction 23.12.55	3611		
				Sanction 24-12-55	3612		
			(24)	Service verified w.e.f. 01/12/55 to 30/11/56 from the Acty: Roll and other office records.			
				The competent authority has been pleased to accord sanction to up gradation from Pds-7 to Pds-9 w.e.f. 01-7-2007 vide Govt. of Madhya Pradesh Department No FD/105/FA/172/2007 dated 30 July 2007			
				Sanction 10.11.58	372800		
				Sanction 24.12.58	345800		
				Sanction 22.12.58	364000		

Handwritten signature

Handwritten initials

Handwritten initials

PRINCIPAL
Govt. Higher Secondary
School Barabeta Haripur

PRINCIPAL
Govt. Higher Secondary
School Barabeta Haripur

Handwritten initials and date

1 Name of post	2 Whether substantive or officiating and whether permanent or temporary	3 If officiating state (i) substantive appointment, or (ii) whether service counts for pension under Art. 371 C. S. R.	4 Pay in substantive post	5 Additional Pay for officiating	6 Other emolument falling under the term "Pay"	7 Date of appointment	8 Signature of Government servant	9 Postul of the es att to et lwan
		P-22						

ALL
llw

P-23

(29)

8 Signature of Government servant	10 Date of termination of appointment.	11 Reason of termination (such as promotion, transfer, dismissal, etc.)	12 Signature of the head of the office or other attesting officer	13 Leave Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government		14 Signature of the head of the office or other attesting officer	15 Reference to any recorded punishment or censure, or reward or praise of the Government servant.
				Nature and duration of leave taken	Period to which debitable		
			<i>AKSled</i>				Granted Medical leave W.E.F 11-9-08 TO 22-9-08. (12 days) vide E.D.O E/SE order no 963-64 dated 14-01-09.
			<i>AKS</i>				<p>Sarada Varadachari 20-11-07 to 30-11-07 for the A.G. P.H. and other office record.</p> <p>Reserve P.H. Sarada Varadachari 01-12-07 to 30-11-07 from the A.G. P.H. and other office record.</p>
							<p>Granted leave W.E.F 06-05-2009 to 06-06-2009 (32 days) on full pay by Executive District Officer (E.D.O) Hanuman Khandat # 9873 dated 15-05-09</p>

8	9	10	11	12	13	14	15	
Signature and designation of the head of the office or other attesting officer in attestation (columns 1 to 8)		Date of termination of appointment	Reason of termination (such as promotion, transfer, dismissal, etc.)	Signature of the head of the office or other attesting officer	Nature and duration of leave taken	Signature of the head of the office or other attesting officer	Reference to any recorded punishment or censure, or reward or praise of the Government Servant.	
					Leave			
					Allocation of period of leave on average pay upto four months for which leave salary is debitable to another Government			
					Period	Government to which debitable		
<p style="text-align: center; font-size: 2em; font-weight: bold;">Assessed</p> <p style="text-align: center; font-size: 2em; font-weight: bold;">Nil</p>							<p>Granted (Medical) & leave w.e.f. 01/07/2009 to 31/07 (31 days) on full pay in accordance with Do (M) Haripur Krodh No 16852-94 dated 18.12.2009.</p> <p style="text-align: right;">02/01/2009</p>	
							<p style="text-align: center;">Principal Govt. Higher Secondary School, Bareela (Haripur)</p>	
			<p style="text-align: center;">Principal Govt. Higher Secondary School, Bareela (Haripur)</p>					
			<p style="text-align: center;">Principal Govt. Higher Secondary School, Bareela (Haripur)</p>					
			<p style="text-align: center;">Principal Govt. Higher Secondary School, Bareela (Haripur)</p>					

80
7/6/2009 to 30/6/2009

Accounts Officer

Medical leave w.e.f. 01-8-2009 to 28-11-2009. (120 days) on full pay and w.e.f. 29-11-2009 to 30-12-2009 (32 days) on half pay under EDO (M) Haripur Krodh No. 3028-29 dated 8/3/2009.

Leave w.e.f. 01-12-2009 to 5-5-2009. From the Reg. Roll and other office record.

Leave w.e.f. 7-6-2009 to 30-6-2009. From the Reg. Roll and other office record.

BEFORE THE SERVICE TRIBUNAL OF KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 355 / 2019

Abdul Jamil S/o Mohammad Amin, lastly Senior Clerk
Govt Higher Secondary School, Ziarat Masoom, Tehsil &
District Abbottabad.

... APPELLANT

VERSUS

1. Govt of KPK through Secretary Elementary & Secondary Education of KPK Peshawar.
2. Director Elementary & Secondary Education, KPK Peshawar
3. District Education Officer (DEO) (Male) District Abbottabad.
4. District Education Officer (DEO) (Male) District Haripur.

...RESPONDENTS

Altered

MS

=====

**SERVICE APPEAL UNDER SECTION 4 OF THE NWFP NOW
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 TO
THE EFFECT THAT THE APPELLANT HAVING BEEN
APPOINTED AS "SENIOR CLERK" IN EDUCATION
DEPARTMENT VIDE THE ORDER DATED 23/12/2009 AND
LASTLY TRANSFERRED FROM GOVT HIGHER SECONDARY
SCHOOL (GHSS) BAREELA HARIPUR TO GHSS ZIARAT
MASOOM DISTRICT ABBOTTABAD, WHEN THE SCHOOL, DUE
TO WINTER VACATION WAS CLOSED DURING WHICH THE
APPELLANT DUE TO SERIOUS ILLNESS COUPLED WITH
CERTAIN DOMESTIC PROBLEMS, WAS UNABLE TO ATTEND
HIS DUTIES, AND SUBSEQUENTLY SUBMITTED AN
APPLICATION FOR CONVERSION OF HIS ABSENCE TO HIS**

EARNED LEAVE, BUT THE RESPONDENT DID NOT PAY ANY ATTENTION TO THE APPLICATION OF THE APPLICANT AND MALAFIDLY AND IN-JUSTIFIABLY STOPPED HIS SALARY FROM DEC 2009 UPWARDS AND ALSO INITIATED SO-CALLED IMPERFECT INQUIRY AGAINST THE APPELLANT WITHOUT ISSUANCE OF ANY SHOW CAUSE NOTICE OR GIVING HIM ANY OPPORTUNITY OF PERSONAL HEARING, WHICH IS TOTALLY ILLEGAL, UNLAWFUL, ULTRAVIRES, MALAFIDE AND AGAINST THE NATURAL JUSTICE, HENCE THE APPELLANT IS LIABLE TO BE REINSTATED ALONGWITH ALL BACK BENEFITS W.E.F DEC 2009 OR ANY OTHER RELIEF AS IS DEEMED APPROPRIATE IN THE CIRCUMSTANCES OF THE CASE.

Attached

llh

=====

PRAYER:

ON ACCEPTANCE OF THE INSTANT APPEAL, RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO ADJUST THE APPELLANT WITH ALL BACK BENEFITS W.E.F. DECEMBER 2009 UP TO FINAL DISPOSAL OF THE INSTANT APPEAL. FURTHERMORE, THE LAST APPLICATION OF APPELLANT BEFORE THE RESPONDENT NO.2, DATED 06/11/2018, MAY KINDLY BE TREATED AS A DEPARTMENTAL APPEAL BECAUSE NO SPEAKING ORDER LIKE SHOW CAUSE, SUSPENSION AND TERMINATION HAS BEEN ISSUED BY THE RESPONDENTS SO FAR AND THE APPELLANT IS STILL ENROLLED IN THE DEPARTMENT.

=====

Respectfully Sheweth:

FACTS:

1. That, Appellant born on 07/04/1961 and joint service on 08/08/1985 as a "Projectionist" in Education Department. Later on he promoted as "Senior Clerk" and posted at Govt Higher Secondary school, Bareela, District, Haripur, where he served from 01/01/2000 to 31/12/2009. During his service, he applied for transfer from District Haripur to District Abbottabad and his transfer was approved by the Minister of Education KPK, Peshawar and his transfer was recommended from Govt Higher Secondary school Bareela, Haripur to Govt Higher Secondary School Ziarat Masoom, Abbottabad. The Directorate of E&SE Peshawar, transferred the appellant from Govt Higher Secondary Bareela Haripur to GHSS, Ziarat Masoom, Abbottabad and on 31/12/2009, the appellant was relieved from GHSS, Bareela, District Haripur. (Copies of Service Book, Approval of Education Minister KPK, dated 09/12/2009, the transfer order No.3366-73, dated 23/12/2009 and Relieving Chit No.1934 dated 31/12/2009 are annexed as Annexure "A,B, C & D" Respectively)
2. That, on 01/01/2010, the appellant went to GHSS, Ziarat Masoom and submitted his arrival and when he was returning back to Abbottabad through local transport, an accident was taken place and the appellant sustained injury and remained under Medical treatment and then due to certain other serious family problems, was unable to join his duties.
3. That, on his recovery, the appellant approached to DEO (M), Abbottabad and submitted application that the post of Senior Clerk at GHSS.Ziarat Masoom has been filled up so he be adjusted at GHSS, Langrial, District Abbottabad and he

Approved

M/S

also requested to convert unavoidable absence of the appellant from 01/01/2010 to 15/01/2011 to earned leave in the credit of the appellant. (Copy of said application is annexed as Annexure "E")

4. That, on the said application of appellant, the concern Authority take no action and orally promised to adjust the appellant at any suitable place / School.
5. That, later on the appellant was not appointed / adjusted at any station as per verbal promise made by DEO (M), Abbottabad. *Allowed*
6. That, after that, the appellant submitted applications time and again to Higher Forum i.e. Director E&SE, KPK, Peshawar for his adjustment but the application were not entertained nor replied. *W/S*
7. That, later on the appellant came to know that a secret and without notice to the appellant, an inquiry No. 997 dated 03/03/2011, have been initiated by the order of DEO (Male) Abbottabad and in this regard, Principal Govt High School No.4, Abbottabad conducted the inquiry against the appellant and submitted the report that appellant have not complied with the order and did not take over the charge at GHSS, Ziarat Masoom, District, Abbottabad. Hence the application of appellant is not entertain able and the appellant was further directed to approach DEO (Male) District, Haripur and Director E&SE, Peshawar. In this regard, copy of order No.5647 dated 10/05/2011 have been forwarded to DEO (M) Haripur, on this, the Principal GHSS, Bareela, Haripur given the remarks that the said Senior Clerk have been relieved from this school w.e.f. 31/12/2009, through letter No. 2273 dated 23/05/2011.

(Copies of inquiry findings and letter No.2273 dated 23/05/2011 are annexed as Annexure "F") § F A

8. That, after information of inquiry findings, the appellant filed an application before the Director E&SE, Peshawar (Respondent No.2), on 06/11/2018 for adjustment of appellant alongwith back benefits the application remained un-answered and un-entertained and no reply have been made so far by the said authority.

Alleged

9. That, the appellant have no other efficacious and speedy remedy except the instant appeal on the following grounds:-

U/S

G R O U N D S :-

a) That, the appellant was absent from the duty due to sustaining injury coupled with many incidental problems and just after recovery, the appellant approached the DEO(M) Abbottabad and submitted the reason of his absence through written application and applied conversion of absence to earned leave but nothing was done by the respondents. However, the appellant had never been issued any notice regarding his aforementioned absence.

b) That, instead of genuine reason by the appellant, the inquiry was subsequently carried out in absentia of appellant and inquiry officer did not even inform the appellant regarding inquiry and also call the appellant

to submit the reports of his injury, which is totally illegal, malafide and based on un-justice.

c) That, the after inquiry the appellant was neither given any show cause nor suspended and nor terminated which is mechanical just to throughout the appellant out of service and out of salary whereas, the appellant served the department for 24 years with utmost dedication.

Handwritten marks:
AII-200
1/1/2

d) That, after inquiry, the appellant was not charged for any corruption or misconduct with regard to his 24 years unblemished service.

e) That, the orders of respondent No. 3&4, are ultravariuous, without any justification and shifted the responsibility to each other.

f) That, after submission of application by the appellant before conducting the so-called inquiry and instead of sanction of post leave, there was a genuine reason for the adjustment of appellant.

g) That, without any fault on the part of appellant, his salary has been stopped by the department from Dec 2009 to onward i.e. up till now, which is against the natural justice, against the law of service.

h) That, the appellant is still enrolled in the department because he is neither suspended nor terminated or dismissed from the service, the silence of department

regarding the appellant, is highly based on un-justice, against the law and natural justice due which the appellant is suffering from serious financial crises / loss.

Attorn

- i) That, the appellant was verbally promised by the respondents to adjust the appellant and on every application no written response was made by the authority and the last application of appellant dated 06/11/2018, be treated as Departmental Appeal. (Copy of the postal receipt of last application to respondent No.2, is annexed as Annexure "G")
- j) That, the other points will be agitated at the time of arguments.
- k) That, the instant appeal is well within time. Moreover, under the circumstances as stated above, any delay in filing the instant appeal is condonable under section-5 of the limitation act.

Malik

It is therefore humbly prayed that on acceptance of the instant appeal, respondent may graciously be directed to adjust the appellant with all back benefits w.e.f. December 2009 up to final disposal of the instant appeal. Furthermore, the last application of appellant before the Respondent No.2, dated 06/11/2018, may kindly be treated as a Departmental appeal.

Dated 19-2-2019

[Signature]

APPELLAN

Through:

Malik Shamaroz

(Malik Shamaroz)
Advocate, Abbottabad

BEFORE THE SERVICE TRIBUNAL OF KHYBER

PAKHTUNKHWA, PESHAWAR

Service Appeal No. _____/2019

Abdul Jamil S/o Mohammad Amin, lastly Senior Clerk
Govt Higher Secondary School, Ziarat Masoom, Tehsil &
District Abbottabad.

... APPELLANT

VERSUS


Govt of KPK through Secretary Elementary &
Secondary Education of KPK Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

AFFIDAVIT:

I, Abdul Jamil S/o Mohammad Amin, lastly Senior Clerk Govt Higher
Secondary School, Ziarat Masoom, Tehsil & District Abbottabad, do
hereby solemnly affirm and declare on oath, that all the contents of
Instant Appeal are true and correct to the best of my knowledge and
belief and that nothing has been concealed from this Honourable
Tribunal.


DEPONENT

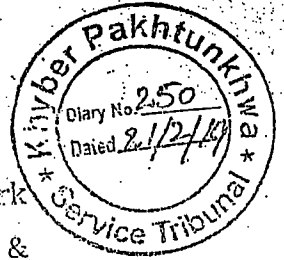
Abdul Jamil

Dated 18-2- /2019

BEFORE THE SERVICE TRIBUNAL OF KHYBER

PAKHTUNKHWA, PESHAWAR

Service Appeal No. 355 /2019



Abdul Jamil S/o Mohammad Amin, lastly Senior Clerk
Govt Higher Secondary School, Ziarat Masoom, Tehsil &
District Abbottabad.

... APPELLANT

VERSUS



1. Govt of KPK through Secretary Elementary & Secondary Education of KPK Peshawar.
2. Director Elementary & Secondary Education, KPK Peshawar.
3. District Education Officer (DEO) (Male) District Abbottabad.
- ← 4. District Education Officer (DEO) (Male) District Haripur.

...RESPONDENT'S

=====

SERVICE APPEAL UNDER SECTION 4 OF THE NWFP NOW
 KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 TO
 THE EFFECT THAT THE APPELLANT HAVING BEEN
 APPOINTED AS "SENIOR CLERK" IN EDUCATION
 DEPARTMENT VIDE THE ORDER DATED 23/12/2009 AND
 LASTLY TRANSFERRED FROM GOVT HIGHER SECONDARY
 SCHOOL (GHSS) BAREELA HARIPUR TO GHSS ZIARAT
 MASOOM DISTRICT ABBOTTABAD, WHEN THE SCHOOL, DUE
 TO WINTER VACATION WAS CLOSED DURING WHICH THE
 APPELLANT DUE TO SERIOUS ILLNESS COUPLED WITH
 CERTAIN DOMESTIC PROBLEMS, WAS UNABLE TO ATTEND
 HIS DUTIES, AND SUBSEQUENTLY SUBMITTED AN
 APPLICATION FOR CONVERSION OF HIS ABSENCE TO HIS

[Handwritten signature and date]

[Handwritten signature and date]

Respondent's copy
15/2/19

ATTESTED

[Signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

P. 39

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR
AT CAMP COURT ABBOTTABAD**



Service Appeal No. 355/2019
Date of Institution ... 21.02.2019
Date of Decision ... 18.01.2022

Abdul Jamil S/O Mohammad Amin, lastly Serving as Senior Clerk
Government Higher Secondary School, Ziarat Masoom, Tehsil &
District Abbottabad. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary
Elementary & Secondary Education of Khyber Pakhtunkhwa
Peshawar and three others. ... (Respondents)

MR. MOHAMMAD ARSHAD KHAN TANOLI,
Advocate -----
For appellant.

MR. KABIRULLAH KHATTAK,
Additional Advocate General -----
For respondents.

MR. SALAH-UD-DIN
MS. ROZINA REHMAN -----
MEMBER (JUDICIAL)
MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Precisely stated the facts as alleged by the appellant in his
appeal are that he was appointed as Projectionist in Education
Department vide order dated 08.08.1985; that the appellant was
later on promoted to the post of Senior Clerk and posted at
Government Higher Secondary School Bareela District Haripur;
that the appellant was transferred to Government Higher
Secondary School Ziarat Masoom Abbottabad, vide order dated

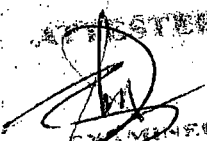
APPOINTED

MEMBER
Khyber Pakhtunkhwa Services Tribunal
Peshawar

23.12.2009 and was relieved on 31.12.2009; that the appellant made his arrival in Government Higher Secondary School Ziarat Masoom on 01.01.2010, however on his way back to Abbottabad through local transport, an incident took place in which the appellant sustained injuries and remained under medical treatment due to which as well as due to certain other serious family problems, the appellant was unable to join his duty; that upon his recovery, the appellant submitted an application to DEO (Male) Abbottabad, requesting therein that as the post of Senior Clerk at GHSS Ziarat Masoom has been filled up, therefore, the appellant may be adjusted at GHSS Langrial District Abbottabad and that his absence from duty with effect from 01.01.2010 to 15.01.2011 may be treated as earned leave; that no action was taken upon the aforementioned application of the appellant as well as so many other applications submitted by the appellant to the DEO (Male) Abbottabad as well as Director Elementary and Secondary Education Khyber Pakhtunkhwa Peshawar; that later on the appellant came to know that a discreet inquiry was conducted against the appellant upon the order of DEO (Male) Abbottabad, wherein the inquiry officer had held that after transfer of the appellant from GHSS Bareela Haripur, he was relieved on 31.12.2009 but he did not assume charge in GHSS Ziarat Masoom District Abbottabad; that after gaining knowledge about the aforementioned inquiry, the appellant submitted an application to the Director Elementary and Secondary Education Peshawar on 06.11.2018 for his adjustment, however the same remained un-responded, 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 absence of the appellant from duty was not willful, rather it was due to the reason that he was injured in a road incident and there-after certain unavoidable domestic problems became hurdle in attending his duty; that it is an admitted fact that the appellant submitted an application to the District Education Officer (Male)


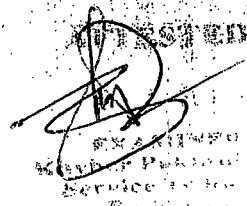
ACCEPTED

 DISTRICT EDUCATION OFFICER (Male)
 Peshawar

Abbottabad, requesting therein that the appellant may be adjusted at GHSS Langrial Abbottabad by treating the absence period with effect from 01.10.2010 to 15.01.2011 as extra-ordinary leave, however the same was neither accepted nor rejected; that no proper disciplinary action as required under the relevant rules was taken against the appellant and his service remained intact as no order of his removal or dismissal from service has been made by the competent Authority till date; that the appellant has reached the age of superannuation during the pendency of the instant service appeal, therefore, he may be considered as retired from service with all back benefits.

4. On the other hand, learned Additional Advocate General for the respondents has contended that upon transfer of the appellant, he was relieved from duty from GHSS Bareela Haripur vide order dated 23.12.2009 but he did not assume charge in GHSS Ziarat Masoom District Abbottabad and willfully remained absent from duty for considerable long period without any plausible reason; that the appellant willfully remained absent from duty and in view of the inquiry conducted against him, the plea of the appellant for his adjustment was legally not entertainable; that the appeal is badly time barred and is liable to be dismissed on this score alone.

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 it is an admitted fact that the appellant was initially appointed as Projectionist in Education Department vide order dated 08.08.1985, who was later on promoted as Senior Clerk and was posted in GHSS Bareela District Haripur. The appellant was then transferred to GHSS Ziarat Masoom District Abbottabad vide order dated 23.12.2009. It is contention of the respondents that the appellant did not assume charge in GHSS Ziarat Masoom District Abbottabad and remained absent from duty. The respondents have, however been unable to show that any disciplinary action was taken against the appellant within the ambit of the procedure



 Additional Advocate General
 Abbottabad

provided in Rule 8-A of the Government Servants (Efficiency & Disciplinary) Rules, 1973, which was later on replaced by Rule 9 of the Government Servants (Efficiency & Disciplinary) Rules, 2011. It is evident from the record that the appellant had approached the competent Authority in the year 2011 for his adjustment and treating the period of his absence as extra-ordinary leave, however the competent Authority informed the appellant vide letter dated 10.05.2011 that his application was not entertainable. The appellant was having considerable regular service at his credit, therefore, the competent Authority was required to have considered his application for adjustment sympathetically, particularly when no departmental action was taken against the appellant regarding his absence from duty.

7. It is pertinent to mention that during the pendency of the instant service appeal, the appellant has reached the age of superannuation on 07.04.2021. As discussed above, nothing is available on the record to show that any departmental action was taken against the appellant. Simultaneously, the appellant has also failed to show that he has performed duty during the intervening period from 01.01.2010 till reaching the age of superannuation on 07.04.2021; therefore, appellant is not entitled to any salary of the said period.

08. In light of the above discussion, the appellant shall be considered as retired from service on 07.04.2021 by treating the absence period as well as intervening period as extra-ordinary leave without pay. The appeal in hand is disposed of accordingly. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
18.01.2022

(ROZINA REHMAN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

Certified to be true copy
EX-100/2021
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD

Date of Preparation _____ 08/02/22
Number of Words _____ 2000
Copying Fee _____ 22/-
Frgent _____
Total _____ 22/-
Name of Copier _____
Date of Completion of Copy _____ 07/03/22
Date of Delivery of Copy _____ 07/03/22

Annex-D

گورنمنٹ ہائیئر سیکنڈری اسکول، ہریپور

جی۔ اے۔ 43

جورنل نمٹاس کنوینشن کے لئے گورنمنٹ کے ہائیئر سیکنڈری اسکول، ہریپور میں ایک ایف۔ اے۔ میں لکچر سنٹر قائم کیا گیا جو کہ ایف۔ اے۔ ڈیوٹی کے لئے منعقد ہوا۔ اور اس کے حالیہ سیشن میں خیریت سے کام لیا گیا۔ جو کہ 18 جولائی 2022ء تک چل رہا ہے۔

گورنمنٹ ہائیئر سیکنڈری اسکول، ہریپور میں ایف۔ اے۔ ڈیوٹی کے لئے لکچر سنٹر قائم کیا گیا جو کہ ایف۔ اے۔ ڈیوٹی کے لئے منعقد ہوا۔ اور اس کے حالیہ سیشن میں خیریت سے کام لیا گیا۔ جو کہ 18 جولائی 2022ء تک چل رہا ہے۔

جی۔ اے۔ کی عین توجہ میں ہوگی

مہاشی عبدالحق نے ایف۔ اے۔ ڈیوٹی کے لئے لکچر سنٹر قائم کیا جو کہ ایف۔ اے۔ ڈیوٹی کے لئے منعقد ہوا۔ اور اس کے حالیہ سیشن میں خیریت سے کام لیا گیا۔ جو کہ 18 جولائی 2022ء تک چل رہا ہے۔

No. 4250

Dated - 25/05/22

Forwarded in original to the DEO (M), Haripur for necessary action please

Principal
Govt. Lt. Zeeshan Wazir Shaher
Higher Secondary School
Bareela Haripur

P. 44



GOVERNMENT OF KHYBER PAKHTUNKHWA
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT

Block "A" Civil Secretariat, Peshawar

Phone No. 091-9211128

MOST IMMEDIATE / COURT MATTER

NO.SO (Lit-II) E&SED/1-3/SA# 355/19/Jamil

Dated Peshawar, the 27-04-2022.

To

The Assistant Director (Lit-II),
Directorate of E&SE, Peshawar.

Subject:

**REQUEST FOR FILING OF CPLA AGAINST THE JUDGMENT DATED
18-01-2022 OF THE SERVICE TRIBUNAL IN SERVICE APPEAL NO.
355/19 TITLED ABDUL JAMEEL VS GOVT. OF KHYBER
PAKHTUNKHWA THROUGH SECRETARY, E&SE & OTHERS
BEFORE THE AUGUST SUPREME COURT OF PAKISTAN**

I am directed to refer to your letter No 4105/AD/(Lit-II) dated 28.03.2022 on the subject noted above and to enclose herewith a copy of Govt. of Khyber Pakhtunkhwa, Law, Parliamentary Affairs & Human Rights Department letters No. SO(Lit)LD/Law/8-5/E&SED/2022/7963-66 dated 19-04-2022 along with minutes of the meeting held on 06-04-2022 under the Chairmanship of Secretary Law Department, Govt. of Khyber Pakhtunkhwa, wherein it was decided with consensus by Scrutiny Committee that the subject case may be returned to the Administrative Department as unfit.

Enc: as above.

Endst: of even No. & date.

Muhammad Faris Khan
SECTION OFFICER (LIT-II)

Copy is forwarded to the:-

- ✓ 1 The DEO (M) Haripur for doing the same necessary action.
- 2 The Solicitor, Law Department. w/r to his letter quoted above.
- 3 PA to Deputy Secretary (Legal) E&SE, Department.

~~FILED IN SUPDIT: Lit~~

378
11-05-2022

Muhammad Faris Khan
SECTION OFFICER (LIT-II)

P. 45



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT

No. SO(Lit)/LD/Law/8-5/E&SED/2022/
Dated Peshawar the 19/04/2022

To

1. The Advocate General,
Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa,
Elementary & Secondary Education Department.

Subject:

SERVICE APPEAL NO.355/2019 ABDUL JAMIL VERSUS GOVT.
OF KHYBER PAKHTUNKHWA THROUGH SECRETARY
ELEMENTARY & SECONDARY EDUCATION DEPARTMENT
AND OTHERS

Dear Sir,

I am directed to refer to refer to Govt. of Khyber Pakhtunkhwa Elementary & Secondary Education Department letter No.SO(Lit-II)E&SED/1-3/SA#355/19/ Jamil dated 28.03.2022 on the subject noted above and to forward herewith minutes of the Scrutiny Committee meeting held on 06-04-2022 in Law Department (which are self explanatory) for perusal and further necessary action, please.

Yours faithfully,

ASSISTANT LAW OFFICER (Lit)

Endst: No. & Date Even.

Copy to:

1. PS to Secretary Law Department Khyber Pakhtunkhwa.
2. PA to Law Officer, Law Department.

ASSISTANT LAW OFFICER (Lit)

P-46



GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT

MINUTES OF THE SCRUTINY COMMITTEE MEETING.

(AGENDA ITEM NO. 20)

SUBJECT: SERVICE APPEAL NO. 355/2019 ABDUL JAMIL VERSUS GOVERNMENT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY ELEMENTARY & SECONDARY EDUCATION DEPARTMENT AND OTHERS.

A meeting of the Scrutiny Committee was held on 06.04.2022 at 11:00 A.M. in the Committee room of Law, Parliamentary Affairs & Human Rights Department under the Chairmanship of Secretary Law to determine the fitness of the subject case for filing of Appeal/CPLA in the Supreme Court of Pakistan. Advocate-on-Record (Mr. Mian Saad Ullah Jandoli) represented the Advocate General, Khyber Pakhtunkhwa.

2. The representatives of E&SE Department Mr. Khalid Mateen, SO (Lit) along with Mr. Hafiz Shakeel Ahmad, ADEO and Mr. Hafiz Sabeel-ur-Rehman, Lit (Officer) apprised the Committee about the background of the case and stated that the Appellant filed the subject Service Appeal with the prayer that Respondents may be directed to adjust the Appellant with all back benefits w.e.f. December, 2009 upto final disposal of the instant Appeal and the last application of the Appellant before the Respondent No. 2 dated 06.11.2018 may kindly be treated as a Departmental Appeal as no speaking order like show cause, suspension and termination has been issued by the Respondents so far and the Appellant was still enrolled in the Department. The Khyber Pakhtunkhwa Service Tribunal vide order dated: 18.01.2022 disposed of the subject Service Appeal and held that the Appellant shall be considered as retired from service on 07.04.2021 by treating the absence period as well as intervening period as extra-ordinary leave without pay. The Scrutiny Committee returned the subject case to the Administrative Department on the following grounds:

GROUND/DISCUSSIONS:

- i. The Scrutiny Committee perused the record of the case and the impugned Judgment which revealed that the Appellant had submitted application to the District Education Officer (Male), Abbottabad requesting that the Appellant may be adjusted at GHSS, Langrial, Abbottabad and his absence period w.e.f. 01.10.2010 to 15.01.2011 may be treated as extra-ordinary leave but the same application was neither accepted nor rejected. The record further revealed that the Department had not initiated any disciplinary action against the Appellant under the prevailing rules.
- ii. The record transpired that during pendency of the subject Service Appeal, the Appellant stood retired on the basis of superannuation on 07.04.2021. The Scrutiny Committee noticed that the absence period of the appellant has been treated by the Service Tribunal as extra ordinary leave without pay and after being retired from service the department could not initiate any disciplinary action against the appellant. The Scrutiny Committee held that the competent authority was required to initiate disciplinary proceeding against the appellant but the competent authority was failed to initiate disciplinary action against the Appellant. The Scrutiny Committee further held that no plausible grounds existed against which CPLA before the Supreme Court of Pakistan could be filed.

ADVICE:

3. Hence in view of above, it was decided with consensus by the Scrutiny Committee that the subject case may be returned to the Administrative Department as unfit.


(TAHIR IQBAL KHATTAK)
SOLICITOR

کورٹ فیس

وکالت نامہ

بعدالت Service Tribunal Wple Peshawar

عنوان: Abdul Jamil D.E.O. etc نام

مخائب: Appellant

نوعیت مقدمہ: Appellacion

باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دی کل کاروائی متعلقہ آن مقام

APD. M. Arshad Khan Tanoli ASC at

کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل

صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے اقبال دعویٰ اور بصورت دیگر ڈگری

کرائے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت

ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی

بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا

ساختہ پرداختہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچہ و ہر جانہ التوا نے مقدمہ کے سبب ہوگا اس کے

مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا

حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکور کریں اور اگر مختار مقرر کردہ میں

کوئی جزو بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست بمراد

استجارت ناش بیضیہ مفلسی کے دائرہ کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کیا تاکہ سند رہے۔

المرقوم: ۱۵ ۲۰۲۲

بمقام Abdullah

Abdullah

M. Arshad Khan Tanoli
ASC AD APD