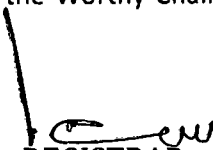

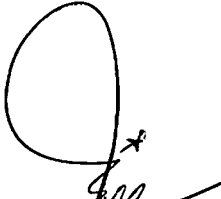


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 15184 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	23/11/2020	<p>The appeal of Mr. Umar Farooq presented today by him may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p>	31.12.2020	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/01/2021</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Nemo for the appellant present.</p> <p>Notices be issued to the appellant and his counsel for preliminary hearing.</p> <p>Adjourned to 25.03.2021 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member(E)</p>

25.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 15.06.2021.



Reader

22.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 10.08.2021 for the same as before.



Reader

10.08.2021

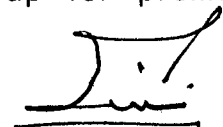
Since 10.08.2021 has been declared public holiday on account of Ist Muharram, therefore, case to come up for the same on 07.10.2021 before S.B.



Reader

07.10.2021

Appellant in person present and sought time for preliminary hearing. Adjourned. To come up for preliminary hearing before the S.B on 14.10.2021.



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

14.10.2021

Appellant in person present.

Appellant requests for adjournment on the ground that his counsel is not available today. Granted. To come up for preliminary hearing before the S.B on 18.11.2021.



(MIAN MUHAMMAD)
MEMBER (E)

18.11.2021

Appellant in person present.

Appellant seeks adjournment on the ground that his counsel is not available today. Adjourned. To come up for preliminary hearing before the S.B on 02.12.2021.




(MIAN MUHAMMAD)
MEMBER (E)

02.12.2021

Appellant in person present. The appellant chose and opted to argue the case personally. Preliminary arguments have been heard.

The instant service appeal has been submitted invoking jurisdiction of the Service Tribunal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned notification dated 25.06.2020 whereby recovery of an amount of Rs. 27290/- was ordered. The appellant submitted departmental appeal to respondent No.1 on 22.07.2020 which was not responded to within the stipulated statutory period, hence the instant service appeal filed on 23.11.2020. It would, therefore, be appropriate to issue a pre-admission notice to the official respondents to submit their reply/parawise comments and assist the Tribunal. Adjourned. To come up for preliminary hearing on 03.02.2022 before S.B.


(Mian Muhammad)
Member(E)

03.02.2022

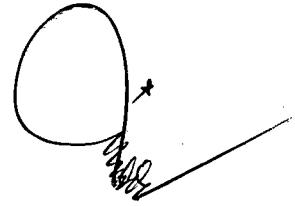
The Tribunal is non-functional, therefore, the case is adjourned to 07.04.2022 before S.B for the same.


Reader

07.04.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Ahmad Seed, Senior Auditor and Mr. Tariq Shah, Senior Auditor for respondents present.

Written reply /comment on behalf of respondents No. 1 to 4 submitted which is placed on file. A copy of the same is also handed over to the appellant. Adjourned. To come up for preliminary hearing on ~~01.07~~ 07.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER(E)

01.07.2022

Appellant person in person. Preliminary arguments heard and record perused

Points raised need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. To come up for come up for written reply/comments on 13.09.2022 before D.B.



(Fareeha Paul)
Member (E)



**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

15184

Service Appeal No. _____ 2020 -

UMAR FAROOQ SHAH VERSUS GOVT: OF KHYBER PAKHTUNKHWA etc.

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Annexure-D Pay Slips July 2018 Oct 2020	14-15
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Umar Farooq Shah

Appellant

UMAR FAROOQ SHAH

(IN PERSON)

03169110014

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____ 2020

UMAR FAROOQ SHAH

SCT,

GHSS RISALPUR CANTT:NOWSHERA

..... APPELLANT

Versus

1: DIRECTOR
Elementary & Secondary Education (Peshawar)

2: DISTRICT EDUCATION OFFICER (M)
Nowshera

3: DISTRICT ACCOUNT OFFICER
Nowshera

4: ACCOUNTANT GENERAL
KPK, Peshawar

.....
RESPONDENTS

Appeal under section 4 of service tribunal act, 1973 against

IMPUNED ORDER/ NOTIFICATION OF DEO (M) NOWSHERA NO2086-91 DEO (M) NSR DATED 25/6/2020 TO EXTENT OF RECOVERY OF AMOUNT Rs/27290 AS PANELTY UNDER EFFICIENCY & DISCIPLINE RULES,2011, KPK. A RECOVERY OF Rs 27290 WAS INITIATED FROM THE APPELLANT SINCE 01-07-2018 CONTINUED TILL DATE DUE TO THE NOTIFICATION DATED 20-6-2018 OF THE DEO (M) NOWSHERA NO:ENDSTT NO 8100-05 DEO (M) NSR

SETTING ASIDE THE DCO NOTIFICATION DATED 17-11-2009

Prayer: That on acceptance of this service appeal the impugned order/notification of the Respondents/District Education Officer DEO (M) Nowshera No 2086-91 DEO (M) NSR dated 25-06-20 to the extent of the recovery of Rs 27290 being a minor penalty under E& d Rules 2011 Rule 4 (A) (iii) of the service Rules KPK be set aside & the notification of DCO No 14 /DCO/ /EA/NSR/ 7053-60 Dated 17 Nov 2009 may please be restored. Moreover, recovery of the allegedly excess paid amount may also be declared nullity in the eyes of law in consequence whereof appellant may please be allowed the benefits of the notification dated 17 Nov 2009 DCO/14/EA/NSR 7053-60

Respectfully sheweth,

Short facts, giving raise to the present service appeal, are as under

- 1: That the appellant has submitted an appeal No 1402/18 on 13-11-18 decided on 30-10-2019 by this Hon'ble tribunal against the impugned notification of District Education Officer (M) Nowshera No 8100-05 dated 20-06-2018. **Annexure A & B**
- 2: That the appeal of the appellant was accepted by the Hon'ble service tribunal & the DEO (M) notification No Endstt98100-05 dated 20-06-18 was set aside. After receiving the judgment the appellant forwarded an application for the implementation on the behalf of setting DDO Office No 325 dated 22-02-2020. **Annexure (C)**
- 3: That after the receiving the implementation application, no action was taken on the judgment by the department as the recovery was started from 01-07-18 till 01-11-2020. Pay rolls of the said period are accompanied with appeal. **Annexure (d)**
- 4: That again a notification was issued from the Distt. Education Officer Nowshera NO:2086-91 DEO (M) NSR/ S&P dated 20-6-2020 for the recovery of the penalty of Rs 27290 on account of DEO Notification Endstt No: 8100-05 dated 20-6-18 **Annexure (E)**
- 5: That on receiving the Notification from the hon'ble DEO (M) Nowshera on 18-07-20 the appellant made a departmental appeal on 22/07/20 which was

(4)

received on 23/07/20 by the DEO (M) Nowshera on behalf of Director Education
E&S kpk. (ANNEXURE) F

6: That on completion the prescribed period the appellant is filing the in hand
appeal before this Hon'ble tribunal.

7: That the provided benefits from the department owes to the Notification No
14/DCO/EA/NSR 7053-60 dated 17 Nov 2009 (Annexure G)

Grounds

(a) That the impugned order/notification is illegal, unlawful, void and ineffective.

(B) That the said benefits in pay which were initiated from the pay of the
appellant since 01-07-2018 and are continued till 01-11-20 are according to a
valid & considered notification of the DCO Nowshera No 14/DCO/EA/NSR 7053-60

(c) That the impugned notification is badly time barred.

(d) That there were no directions given by the Hon'ble service tribunal to impose
the E&D rules 2011 on the appellant.

(e) That the frame work of their action is not according to the obliged manner.

(f) That the action of the deptt. is based on the victimization, which was aimed to
harass and deny the appellant from the legal right under notification dated 25-06-
2020.

It is, therefore requested that the subject appeal may be accepted as prayed for.


Appellant

(In Person)

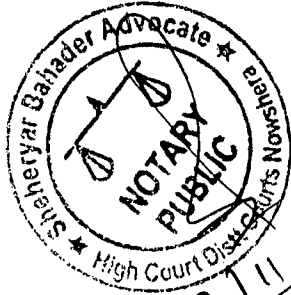
BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____ 2020

UMAR FAROOQ SHAH VERSUS GOVT: OF KHYBER PAKHTUNKHWA etc.

AFFVIDAVIT

I, Umar Faoroq Shah, SCT Govt Higher Secondary School Risalpur Nowshera hereby on oath affirm and declare that the contents of the service Appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Honorable Tribunal.



23/11/20

Deponent
Umar Farooq Shah
(in person)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. _____ 2020

UMAR FAROOQ SHAH VERSUS GOVT: OF KHYBER PAKHTUNKHWA etc.

ADDRESSES OF PARTIES

APPELLANT

UMAR FAROOQ SHAH SCT GOVT: HIGHER SECONDARY SCHOOL
RISALPUR CANTT: NOWSHERA

RESPONDANTS

1: DIRECTOR

Elementary & Secondary Education (Peshawar)

2: DISTRICT EDUCATION OFFICER (M)

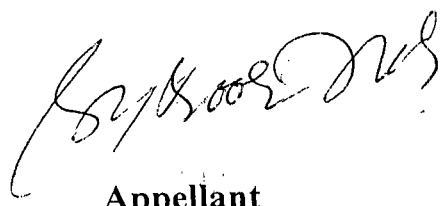
Nowshera

3: DISTRICT ACCOUNT OFFICER

Nowshera

4: ACCOUNTANT GENERAL

KpK, Peshawar



Appellant
(in person)

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Peshawar

Service Appeal No2020

UMAR FAROOQ SHAH

versus

Govt of Khyber Pakhtunkhwa etc

APPLICATION FOR CONDONATION OF DELAY

Respectfully Sheweth,

- 1: That the accompanied service appeal has been filed today in which no date has yet been fixed.
- 2: That on 22/11/2020 was Sunday it would not be possible to submit the instant appeal
- 3: That, the delay, if any, is not intentional or malafide.
- 4: That, even otherwise the matters of pay, perks and allowances are continues cause of action which can be agitated any time before any competent forum.
- 5: That even otherwise the superior courts had time and again held that matters be decided on merits rather than on technicalities.

It is, therefore, requested that on acceptance of subject application the delay, if any, be condoned.

[Signature]
Applicant/Appellant

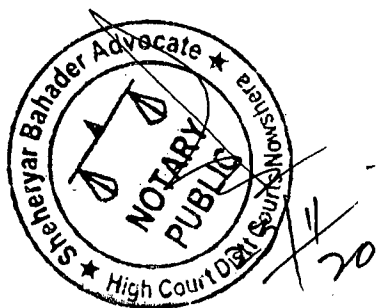
(In person)

AFFIDAVIT

I, Umar Farooq Shah do here by solemnly affirm and declare on oath that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this honorable tribunal.

[Signature]

Deponent _____

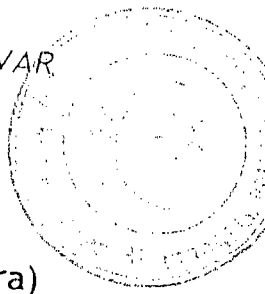


"ANNEXURE A!" ⑧

BEFC

AKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 1402 / 2018



UMAR FAROOQ SHAH (CT) Govt High School Sadiq Abad (Nowshera)

...APPELLANT

ADU (Khyber Pakhtunkhwa) 17/12/2018

VERSUS

Khyber Pakhtunkhwa Service Tribunal

Diary No. 1631

Dated 13-11-2018

1: DIRECTOR

Elementary & secondary Education (Peshawar)

2: DISTRICT EDUCATION OFFICER (M) Nowshera

3: DISTRICT ACCOUNT OFFICER Nowshera

4: ACCOUNTANT GENERAL KpK, Peshawar

ATTESTED

...RESPONDENTS

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST IMPUGNED ORDER/NOTIFICATION DATED 20/6/2018 OF THE DISTRICT EDUCATION OFFICER (M) NOWSHERA FOR THE RECOVERY OF AMOUNT: RS27290 BEING A MINOR PENALTY UNDER EFFICENCY & DISCIPLINARY RULES 2011, RULE 4 (A) (III) OF THE SERVICE RULES KPK.

A RECOVERY OF RS: 27290 WAS INITIATED FROM THE PAY OF THE APPELLANT DUE TO HIS REDUCTION /DOWNGRADATION FROM BPS 15 to 14 SETTING ASIDE OF DCO NOTIFICATION DTED 17/11/2009

PRAYER:

THAT ON ACCEPTANCE OF THIS SERVICE APPEAL THE IMPUGNED ORDER/NOTIFICATION OF THE RESPONDENTS BE SET-ASIDE AND APPELLANT'S PAY SCALE I.E. BPS-15 MAY PLEASE BE RESTORED SINCE 23/07/009 MOREOVER RECOVERY OF ALLEGEDLY EXCESS PAID AMOUNT MAY ALSO BE DECLARED NULLITY IN THE EYES OF LAW IN CONSEQUENCE WHEREOF APPELLANT MAY PLEASE BE ALLOWED TO GET THE BENEFITS OF DCO NOTIFICATION DATED: 17-11-2009

RESPECTFULLY SHEWETH:

(9) (7)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

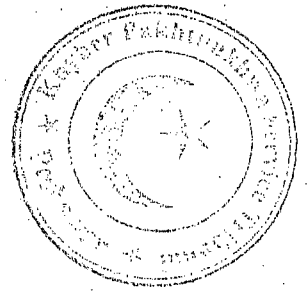
Service Appeal No. 1402/2018

Date of Institution ... 13.11.2018

Date of Decision ... 30.10.2019

Umar Farooq Shah, (CT) Govt High School Sadiqabad, Nowshera.

... (Appellant)



VERSUS

The Director, Elementary and Secondary Education, Peshawar and three others.
... (Respondents)

Mr. UMAR FAROOQ SHAH,

--- In Person.

MR. M. RIAZ KHAN PAINDAKHEL,
Assistant Advocate General

--- For respondents

MR. AHMAD HASSAN
MR. MUHAMMAD AMIN KHAN KUNDI

--- MEMBER (Executive)
--- MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the

parties heard and record perused.

ARGUMENTS.

02. The appellant while arguing his case invited attention to judgment of this Tribunal dated 17.08.2018, whereby directions were given to the respondents for redressal of his grievances. As the respondents failed to act upon the judgment referred to above, therefore, the appellant was compelled to file execution petition. During the pendency of execution petition, impugned order dated 20.06.2018 was passed by the respondents and the appellant was awarded minor penalty of recovery of Rs. 27290/-. He filed departmental appeal on 16.07.2018, which was not decided within the stipulated period, hence, the present service appeal. He further argued that he was penalized by the respondents for filing service appeal in this Tribunal, as was evident from the contents of

the impugned order. He was neither involved in any embezzlement or mis-appropriation of government funds. Financial benefits previously awarded to him were withdrawn by the Audit party. Thus nothing was outstanding against him.

03. Learned Assistant AG argued that the appellant was not entitled to BPS-15 in the light of Finance Department notification dated 26.01.2008, as he was appointed as C.T vide order dated 17.11.2009. Notification dated 26.01.2008 was issued prior to his appointment as onetime benefit allowed to the existing teachers. Subsequently, the audit party through order dated 14.03.2016 made necessary entry in his service book and downgraded him to BPS-14. He was treated according to law and rules.

CONCLUSION:

04. The record suggests that vide notification dated 17.11.2009 issued by the then DCO, Nowshera, the appellant was awarded BPS-15 w.e.f 23.07.2009. The pay fixation party while making entry in his service book on 14.03.2016 fixed his pay in BPS-14 instead of BPS-15 and also ordered recovery of the excess amount received by him. The appellant assailed this order of the respondents by filing service appeal no. 758/2016 decided on 17.08.2017, whereby the matter was remitted to the pay fixation party for resolution within a period of six days in accordance with the observations contained in the said judgment. When the respondents failed to comply with the directions of this Tribunal contained in the aforementioned judgment it forced the appellant to file implementation petition. During the pendency of implementation petition the respondents passed impugned order dated 20.06.2018, whereby minor penalty of recovery of Rs. 27290/- was imposed on the appellant. In view of fresh cause of action as a result of said impugned order the implementation was adjourned sine die.

05. The contents of the impugned order as rightly agitated by the appellant are quite interesting as well as astonishing/amazing. They are also against the spirit of E&D Rules

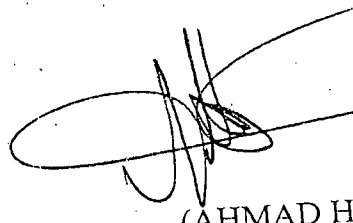
APPEALED

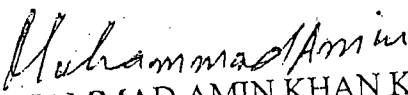
Nowshera
Feshawar

10/4

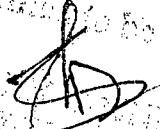
2011. It is pointed out that the appellant was not guilty of mis-conduct, financial corruption, embezzlement and mis-appropriation of government funds. Therefore, there was hardly any occasion for initiating action against the appellant under the rules referred to above. It is pertinent out that BPS-15 was granted to him on the strength of notification dated 17.11.2009 issued by the then DCO, Nowshera and it has also not been disputed that the same was obtained by the appellant through forgery /fraud. As his case was not covered under the Finance Department notification dated 26.01.2008, therefore, the pay fixation party made necessary entry in his service book on 14.03.2016 by fixing his pay in BPS-14 instead of BPS-15 and further ordered recovery of excess amount received by him. Viable option available with the respondents was to have recovered the excess amount, if received by him. The impugned order passed against the appellant arbitrary, whimsical, without lawful authority and against the cannons of justice. The respondent failed to act within the parameters of laid down rules/policy.

06. As a sequel to the above, the instant appeal is accepted and the impugned order dated 20.06.2018 is set aside. However, the respondents are placed at liberty to recover any excess amount if drawn by the appellant. Parties are left to bear their own costs. File be consigned to the record room.


 (AHMAD HASSAN)
 Member


 (MUHAMMAD AMIN KHAN KUNDI)
 Member

ANNOUNCED
 30.10.2019

Certified to be true copy

 Secretary, Nowshera
 Peshawar

Date of Presentation of Appeal 30-10-19
 Number of Pages 1600
 Copying Fee 1800
 Urgent 1800
 Total 1800
 Name of Officer [Signature]
 Date of Copying 12-11-19
 Date of Delivery of Copy 12-11-19

19/11/19



ANN(B) 12

**OFFICE OF THE
EDUCATION OFFICER (MALE)
NOWSHERA**

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

Notification

1. Whereas, Mr. Umar Farooq Shah (CT) GMS Sadiq abad, in compliance of the Service Tribunal order dated 17/8/2018 passed in SA No.758-16 was proceeded under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules-2011, on the charges of receiving benefit in the light of notification of finance department vide No. FD/SO (FR) 10-22/2017 dated:26/1/2008 for which he was not entitled.
2. And whereas, at the time of issuance of finance department notification dated 26/1/2008 you were not in service while the said notification was issued only for one time for the benefit of in service teachers.
3. And whereas, notice was served upon Mr. Umar Farooq Shah (CT) GMS Sadiq abad Nowshera vide this office No. 1240-44 dated 21-12-2017, for submission of reply of showcase notice on his home address within Seven days (07) of the issuance of the notice.
4. And whereas, Mr. Umar Farooq Shah (CT) GMS Sadiq abad Nowshera badly failed to satisfy the competent authority against the allegation levelled against him.
5. And whereas, the authority having considered the charges, evidence on the record and giving the opportunity of personal hearing/appearing in person, to the accused official, is of the view that the charges leveled against him have been proved.
6. Now, Therefore, in exercise of the powers conferred by the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, rule 4 (a (iii)), the Competent Authority is pleased to impose the Minor Penalty of recovery of amount; Rs.27290/- upon Mr. Umar Farooq Shah (CT) GMS Sadiq abad and to deposit it in Government Treasury.

(Fayyaz Hussain)
District Education Officer (M)
Nowshera

Endst No: 2100-65 /DEO (M)/NSR/Disc Act/ Mr. Umar Farooq Shah (CT) GMS Sadiq abad Dated 20/
6/2018

Copy for information to the:-

1. Director (E&S) Education Govt: of Khyber Pakhtunkhwa Peshawar
2. Deputy Commissioner Nowshera
3. District Accounts Officer Nowshera.
4. Deputy District Education Officer Nowshera
5. Head Master GMS Sadiq abad Nowshera.
6. Mr. Umar Farooq Shah (CT) GMS Sadiq abad Nowshera.
7. Office Copy

Attested
for Head of Office

(Competent Authority)
District Education Office
Nowshera
2018

ANN. C. (13)

OFFICE OF THE PRINCIPAL

PUR CANTT: DISTT:

Gmail: ghssrisalpur@gmail.com Cell No. 0923-631035

Endst: No. 325

Dated 22 February, 2020.

From: -

The Principal
GHSS Risalpur Cantt:
Distt: Nowshera

To

The District Education Officer
(Male) Nowshera

Subject:

APPLICATION FOR IMPLEMENTATION OF JUDGMENT IN
R/O MR. UMAR FAROOQ SHAH SCT

Memo:

Enclosed please find herewith an original application along with Service Tribunal decision in R/O Mr. Umar Farooq Shah SCT GHSS Risalpur Cantt: Distt: Nowshera for your kind perusal and further necessary action please.

Encl: As above

*Attested
by*

Principal
GHSS Risalpur Cantt:
Distt: Nowshera

[Signature]

*Reviewed
Ali
22-02-2020
Dispatcher
O/O The DEO (M) Now*

[Signature]

Dist. Govt. NWFP-Provincial
District Accounts Office Nowshera
Monthly Salary Statement (July-2018)



14

Personal Information of Mr UMAR FAROOQ SHAH d/w/s of SANGEEB

Personnel Number: 00473485

CNIC: 1720122743139

Date of Birth: 04.02.1976

Entry into Govt. Service: 23.07.2009

Age: 09 Years 00 Months 010 Days

Employment Category: Vocational Temporary

Designation: CERTIFICATED TEACHER

80003789-DISTRICT GOVERNMENT KHYBE

DDO Code: NR6079-D.O.SECONDARY (M) NSR

Payroll Section: 001

GPF Section: 001

Cash Center:

GPF A/C No:

Interest Applied: Yes

GPF Balance:

205,558.00

Vendor Number: -

Pay and Allowances:

Pay scale: BPS For - 2017

Pay Scale Type: Civil BPS: 15

Pay Stage: 8

Wage type		Amount	Wage type		Amount
0001	Basic Pay	26,760.00	1000	House Rent Allowance	2,349.00
1300	Medical Allowance	1,500.00	2148	15% Adhoc Relief All-2013	600.00
2199	Adhoc Relief Allow @10%	410.00	2211	Adhoc Relief All 2016 10%	2,135.00
2224	Adhoc Relief All 2017 10%	2,676.00	2247	Adhoc Relief All 2018 10%	2,676.00

Deductions - General

Wage type		Amount	Wage type		Amount
3015	GPF Subscription - Rs2890	-2,890.00	3501	Benevolent Fund	-600.00
3609	Income Tax	-50.00	3914	Education (ROP)	-2,000.00
3990	Emp.Edu. Fund KPK	-125.00	4004	R. Benefits & Death Comp:	-1,052.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 1,000.00 Recovered till July-2018: 50.00 Exempted: 400.00 Recoverable: 550.00

Gross Pay (Rs.): 39,106.00 Deductions: (Rs.): -6,717.00 Net Pay: (Rs.): 32,389.00

Payee Name: UMAR FAROOQ SHAH

Account Number: 0084010320181-8

Bank Details: ASKARI BANK LIMITED, 100084 ASKARI COMMERCIAL BANK NOWSHERA CANTT,

Leaves:

Opening Balance:

Availed:

Earned:

Balance:

Permanent Address:

City: NOWSHERA

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: syedumarfarooq975@gmail.com

Umar Farooq Shah
Umar Farooq Shah

17 NN D

(15)

Dist. Govt. NWFP-Provincial
District Accounts Office Nowshera
Monthly Salary Statement (October-2020)



Personal Information of Mr UMAR FAROOQ SHAH d/w/s of SANGEEN KHAN

Personnel Number: 00473485 CNIC: 1720122743139 NTN:
Date of Birth: 04.02.1976 Entry into Govt. Service: 23.07.2009 Length of Service: 11 Years 03 Months 010 Days

Employment Category: Vocational Temporary

Designation: SENIOR CERTIFIED TEACHER 80003705-DISTRICT GOVERNMENT KHYBE

DDO Code: NR6051-G.C.S.S RESALPUR NSR

Payroll Section: 001 GPF Section: 001 Cash Center:
GPF A/C No: Interest Applied: Yes **GPF Balance:** 385,969.00

Vendor Number: -
Pay and Allowances: Pay scale: BPS For - 2017 Pay Scale Type: Civil BPS: 16 Pay Stage: 9

Wage type		Amount	Wage type		Amount
0001	Basic Pay	32,590.00	1000	House Rent Allowance	2,727.00
1210	Convey Allowance 2005	5,000.00	1300	Medical Allowance	1,500.00
2148	15% Adhoc Relief All-2013	600.00	2199	Adhoc Relief Allow @10%	410.00
2211	Adhoc Relief All 2016 10%	2,135.00	2224	Adhoc Relief All 2017 10%	3,259.00
2247	Adhoc Relief All 2018 10%	3,259.00	2264	Adhoc Relief All 2019 10%	3,259.00

Deductions - General

Wage type		Amount	Wage type		Amount
3016	GPF Subscription	-3,340.00	3501	Benevolent Fund	-800.00
3609	Income Tax	-178.00	3914	Education (ROP)	-2,000.00
3990	Emp.Edu. Fund KPK	-150.00	4004	R. Benefits & Death Comp:	-650.00

Deductions - Loans and Advances

Loan	Description	Principal amount	Deduction	Balance

Deductions - Income Tax

Payable: 2,843.35 Recovered till October-2020: 712.00 Exempted: 710.47 Recoverable: 1,420.88

Gross Pay (Rs.): 54,739.00 Deductions: (Rs.): -7,118.00 Net Pay: (Rs.): 47,621.00

Payee Name: UMAR FAROOQ SHAH

Account Number: 0084010320181-8

Bank Details: ASKARI BANK LIMITED, 100084 ASKARI COMMERCIAL BANK NOWSHERA CANTT,

Leaves: Opening Balance: Aailed: Earned: Balance:

Permanent Address:

City: NOWSHERA

Temp. Address:

City:

Domicile: -

Email:

Housing Status: No Official

Attested for
for



D

OFFICE OF THE
EDUCATION OFFICER (MALE)
NOWSHERA

☎ & ☎ 0923-9220228

No. 2036-91 /DEO (M) NSR/S&P

Dated Nowshera the 25/08/2020

NOTIFICATION

In compliance of the order dated: 30-10-2019 passed in service appeal No. 1402/2018 titled Umar Farooq Shah VS Director E&SE KPK Peshawar, notification vide Endst: No. 8100-05 dated: 20-06-2018 regarding minor penalty imposed on Umar Farooq Shah CT is set aside. However the amount of Rs. 27290 shall be recovered from him in the monthly installment.

[Signature]
District Education Officer (M)
Nowshera

Copy forwarded for information to the:-

1. Registrar Service Tribunal KPK Peshawar
2. Director E&SE KPK Peshawar
3. Deputy Commissioner Nowshera
4. District Account Officer Nowshera
5. Principal GHSS Risalpur Cantt
6. Official Concerned
7. Office Copy

[Signature]
District Education Officer (M)
Nowshera

8۔ یہ کہ حکمہ کی طرف سے اس 17/8/17 کے فیصلہ پر کوئی خاطر خواہ عمل درآمد نہ کیا گیا۔ (Page: 2 of 3)

9۔ یہ کہ بندہ نے بعد ازاں اپنے سرورس ٹریبیونل میں اپنا کیس درج و اسٹریٹ دائر کی۔
10۔ یہ کہ 20/6/2018 میں صبا - D.E.O صاحبہ نے ESD رولز کا استعمال کرتے ہوئے بندہ پر -27290 روپے کا جرمانہ عائد کیا۔

11۔ یہ کہ بندہ کی نخواست سے یہ کھڑی جولائی 2018 کے قاسم کسٹا 2000/- روپے پر قاسم سے شروع ہوئی اور نا حال جاری ہے۔

12۔ یہ کہ بندہ نے صبا - D.E.O صاحبہ کا وہ نوٹیفیکیشن No 8100-5 Endst No 20-6-2018 سرورس ٹریبیونل میں 11-13 کو جمع کیا۔

13۔ یہ کہ بندہ کے اصل کو منظور کرتے ہوئے عدالت نے 30/6/2019 کو بندہ کے حق میں فیصلہ دیا۔ اور 20/6/18 کا نوٹیفیکیشن مسترد کر دیا۔

14۔ یہ کہ اس فیصلے میں صبا - D.E.O صاحبہ کے 20/6/18 والے حکم و کالعدم قرار دینے پر - اصرار جاری کیا گیا۔

15۔ یہ کہ بندہ نے 22/02/2020 کو اپنے مقام بالا کی وسعت سے صبا - D.E.O صاحبہ کی خدمت میں اس فیصلے پر عمل داری کی درخواست کی۔

16۔ یہ کہ صبا - D.E.O صاحبہ نوٹیفیکیشن 25/6/2020 کو نوٹیفیکیشن

91-2086 طاری کیا۔ جس میں سرورس ٹریڈ سونل کے قسط

فرارہ 30/10/2019 کی تائید اور اعادہ بھی کیا گیا۔ (Page 3 of 3)

27-2۔ یہ کہ تائید اور اعادہ کے ساتھ مزید سے مزید رقم کی کٹوتی کے اعداد میں جاری کئے گئے جو کہ سراسر نا انصافی اور بددیانتی پر مبنی ہے۔

صاف۔ اس میں آج صحت سے قرار دیا گیا کہ مزید کی اسدعا کو منظر کرنے پر جولائی 2018 سے جو کٹوتی جاری ہے 20000 PM اس کو تائید کیا گیا اور قسط ٹریڈ سونل کاٹن وین راجو کیا گیا۔ کیونکہ جو رقم لہروئے نوٹیشن نمبر 8100-5 Endlet صاف۔ D.E.O صاف نوٹیشن 20-6-2018

کیا تھا۔ وہ تو عدالت میں نے کالعدم قرار دے دیا ہے۔

اور مزید مزید نے حکیم حفیظ سے کہیں حد میں بھی کوئی اضافی رقم وصول نہیں کی۔ جسکی واپسی نیزہ کیے لارہی ہے۔

لقد اس نوٹیشن 2086-91 کو 25-6-20 کالعدم قرار دیا گیا۔

العارض
محمد فاروق شاہ
ریٹورننگ آفیسر - GHS - SCT

22/07/2020

District Government, Nowshera,
DCO Secretariat.

NO.14/DCO/EA/NSR/7053-60

17 November, 2009

NOTIFICATION.

In pursuance to Deputy Secretary (Regulation) Finance Department Government of NWFP Peshawar Notification No.FD (PRC) 1-1/89 dated 07-08-1991, No.FD (SR-1)2-123/2004 dated 13-8-2005, No..FD (SR-1)6-4/2005 dated 23-5-2006 and No.FD/SO (FR).10-22/2007 dated 20-01-2008, the competent authority is pleased to accord Sanction for BPS-15 / 14 on passing BA/B.Sc; and are trained in respect of the following teachers of Elementary and Secondary Education Department Nowshera w.e.from the dates mentioned against their names as recommended by the Executive District Officer, (Elementary and Secondary) Education Department Nowshera:-

S.No	Name and Designation	Name of School	BP	Awarding date
1.	Mr Umer Farooq CT	GMS Sadiq Abad	15	23-7-2009
2.	Mr Muhammad Abid Ali CT	GHS Bara Banda	15	1-10-2007
3.	Mst Nelaufar AT	GGHS Kheshki Payan	15	23-5-2006

*Attested
by
Sd/-*

District Coordination Officer
Nowshera

Endst: Even No. and date.

Copy forwarded for information and necessary action to:-

1. The Deputy Secretary (Regulation) Finance Department Govt of NWFP Peshawar.
2. The Director Elementary & Secondary Education Department NWFP Peshawar.
3. The EDO, Elementary & Secy: Education Department Nowshera.
4. The District Accounts Officer Nowshera.
5. The Principal / Headmaster / Head Mistress concerned.
6. The Teachers concerned.
7. Office Copy.

[Signature]
Human Resource Development Office
Nowsh

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
Peshawar
Service Appeal No.2020

Umar Farooq Shah vs Govt of Khyber Pakhtunkhwa etc

Subject: Application for the injunction

Respected sir,

It is submitted that the applicant has filed an appeal before this honorable tribunal No. _____ dated: - 23-11-2020, against the impugned notification of the Distt.: Education Officer(M) No. 2086-91 dated: - 25-06-2020.

That a recovery of Rs. 27290 was initiated from the pay of the applicant since 01-07-2018 which is continued till 01-11-2020, being a minor penalty under Efficiency and Disciplinary rules 2011, Rs. 2000 p.m.

That as the notification has been set aside by this honorable tribunal the department has no right to recover the said amount Rs. 27290.

That as the recovery was initiated since 01-07-2018 which is continued till 01-11-2020 is unjustified and beyond the limits of law.

Therefore, it is requested that recovery may be stopped and the recovered amount from the pay of the applicant since 01-07-2018 kindly be refunded.

Umar Farooq Shah

Applicant
Umar Farooq Shah(SCT)
23-11-2020

Affidavit

I Mr. Umar Farooq Shah do hereby affirm on oath that the above contents of the application are true and correct to the best of my knowledge and belief. Nothing has been kept secret from this honorable Service Tribunal.

Umar Farooq Shah

Deponent
Umar Farooq Shah(SCT)
23-11-2020



23/11/20

1913

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Second main section of handwritten text, continuing the list or notes.

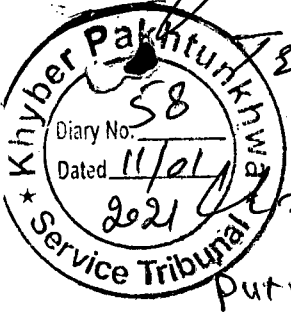
A section of text that appears to be a signature or a specific heading.

Handwritten text block, possibly a date or a specific reference.

Text block at the bottom of the page, possibly a footer or a concluding note.

Final handwritten text at the very bottom of the page.

Before the Hon'ble Chairman Service



Tribunal KPK. Appeal No = 15184/20

Umar Farooq Shah vs Director Edu (KPK)

Put up to the court ^{CT} next date: 25/03/21
with relevant appeal.

Sub-Application for Early hearing before
your good self, due to unjustified
monthly deduction

Respected Sir, with due respect I have
submitted that the appellant has filed
an appeal on 23/11/20, against the impugned
order of Dist Edu Officer (M) Nomena.

→ That, in the above mentioned appeal date
was fixed for 01-01-21.

→ That due to ~~to~~ winter vacations I was
unable to be acknowledge

→ That the hearing is being moved to
25/03/21

Now Respected Sir, again I have requested
that appeal may be heard on sympathetic
grounds because the deduction is still
continue, therefore I have requested to
accept this application for early hearing.

Dated
11/1/21

Thanks
Umar Farooq Shah CT Sykhar Dal (O/L)

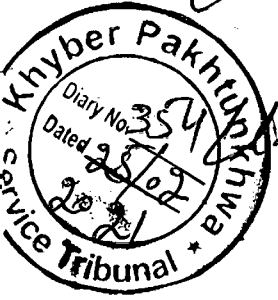
In P.H. Be accelerated
to a date in 2nd/3rd week of
February, 2021.

Am

12/1/21

25/02

Before the Chairman Services Tribunal KPK
Peshawar.



Mar farooq Shah vs Director Eds Edu KPK

Fixed for 15-06-2021 ANo = 15184/20

Subj. Application for Early Hearing due to unjustified recovery from the pay of the appellant.

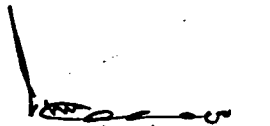
Venerated Sir,

with due apology As submitted that the date / was fixed for today 25/2/21 but due to the strike of lawyers it is shifted to 15-06-21.

Respected Sir, I'm stumbling at the door of justice since 20-02-2016.

Therefore As kindly requested to grant me an opportunity of Early Hearing.

put up to the court with relevant appmt.


25/2/2021.

Thanks.

Yours most obedient.



By Khooq Farooq Shah

22/04/21 25/02/21

At preliminary stage. May be accelerated to a date in 3rd week of April, 2021.


4/3/21

“B”

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

No.

Appeal No. *15784* of 20 *20*

Umar Farooq Shah Appellant/Petitioner

Versus

Director ERSE KPK Respondent

Respondent No. *3*

Notice to: —

Distt. Account Officer Now Shera.

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 3/2/22* 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.

Pre-admission Notice

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 *9/15*

Day of *Distt* 20 *21*

(for Reply)

[Signature]
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.

THE BOARD OF DIRECTORS
OF THE COMPANY

1/18/11
James J. ...

Director ...

3
Dirt Account Officer ...

3/2/11

...

...

...

(for ...)

...

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, 7B
PESHAWAR.

No.

Appeal No. 15184 of 20 20

Umar Farooq Shah Appellant/Petitioner
Versus

Director ERSE KPK Respondent

Respondent No. 2

2
egd

Notice to: — Distt: Education Offices (M)
Now Sheva.

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 3/2/22 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.

Pre-Admission

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 9th.....

Day of Dec 20 21

(for Reply)

[Signature]
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.

18

30

1/18/87

UNMOF Forward (KBR)

Director Base KBR

100

Now Press.
Dist: Information Officer (M)

2/2/87

✓ No - AB - 111

20

100

100

(for KBR)

Received Appeal of

Mrs. Amar Basu of Chit

Pr. Ct. of B. H. S. Risalpur.

on 23-07-20

Witnessed by Mr. Pr.

	1-6/20/Shibzada		4516/14 High Court
ct	CT Teacher		SA Shibzada CT,
	dt/23/9/20		
3397	-	Muhammad Bilal / Petitioner	Original Order / Action inaction Complaint Non-appointment
3398	-	Umair Farooq Shah (Miss Risalpur (SCT))	Appeal,
3399	1765 / dt 22/7/20	Service Tribunal Pesh	Order in Execution Petition no. 181/2019 Master of Court.

BEFORE THE KHYBER PAKHTUNKHAWA SERVICE
TRIBUNAL PESHAWAR.

Service Appeal NO. 15184/2020

Umar Farooq VS Director E&SE, KPK and others

INDEX

S.No	Documents	Annexure	Page No
1.	Para wise Comments	_____	01-02
2.	Affidavit	_____	03


Deponent

**BEFORE THE KHYBER PAKHTUNKHAWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal NO. 15184/2020

**Umar Farooq Shah VS Director E&SE, KPK and
others**

Para wise Comments On Behalf Of Respondent No 1-3

Respectfully sheweth,

Respondents humbly submit as under:-

Preliminary objections:

- 1) That the appellant has no cause of action/locus standi to file the instant appeal.
- 2) That the appellant is estopped by his own conduct, by deed and by law to file the instant appeal.
- 3) That the instant appeal is not maintainable in its present form.
- 4) The present appeal is badly time barred and barred by law.
- 5) That the present appeal is bad for non-joinder and mis-joinder of unnecessary and proper parties.


REPLY ON FACTS:-

- 1-2) Denied as drafted, Though the impugned order of 20-06-2018 has been set aside by the service tribunal vide judgment dated 30-10-2019, however the judgment placed the department at liberty to recover the excess amount if drawn by the appellant. The respondents have acted in accordance with the honorable service tribunal judgment.

3-4) In-Correct ,The impugned order was duly set aside by the respondents, however the excess amount of Rs.27290/- as received by the appellant and it's recovery entered by the pay fixation party in the service book of the appellant was ordered to be recovered by the notification dated 25/06/2020 mentioned by the appellant as annexure-E.

5). In-Correct, no departmental appeal has been filed by the appellant.

6) As explained in para 5 ibid.

7) Incorrect, the appellant was wrongly upgraded to BPS-15 through Notification dated 17 Nov 2009 as he was not entitled for such up gradation because the Finance Department Up gradation Notification 2008 was one time only for present in-service eligible employees while the appellant entered into service in 2009, this wrong upgradation was later on rectified by the pay fixation party along with the recovery of excess amount. 

REPLY ON GROUNDS:

A) Incorrect, the respondents duly acted according to law and rules, The recovery as allowed by this Hon'ble Service Tribunal has been notified on dated 25/06/2020 by setting aside the previous/impugned notification dated 20/06/2018.


B) Incorrect, the appellant was wrongly awarded BPS 15 instead of BPS 14 vide DCO Nowshera notification dated 17-11-2009 which was duly rectified by pay fixation party by making entries in the appellant service book and also ordered the recovery of excess amount paid.

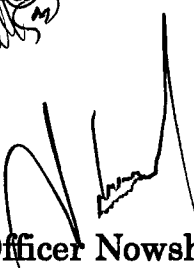
- C) Incorrect as explained, above.
- D) Incorrect, The E&D rules has not been imposed in the present impugned notification by the Department however the recovery as allowed by the service Tribunal has been ordered.
- E) Incorrect, as explained in para ibid.
- F) Incorrect The Department is just following the law and rules.

It is therefore most humbly prayed that the instant appeal being meritless, erroneous and against the facts may kindly be dismissed.

RESPONDANTS:


1) Director E&SE, KPK


2) DEO (M), Nowshera


3) District Account Officer Nowshera



BEFORE THE KHYBER PAKHTUNKHAWA SERVICE

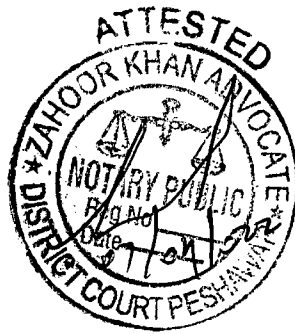
TRIBUNAL PESHAWAR

Service Appeal NO. 15184/2020

**Umar Farooq Shah VS Director E&SE, KPK and
others**

AFFIDAVIT

I Masood khan Litigation Officer, office of The District Education Officer (M) Nowshera do solemnly affirm and declare on oath that the contents of Par wise comments on behalf of respondents are true and correct to the best of my knowledge and nothing has been concealed from this Honourable Tribunal.




Deponent