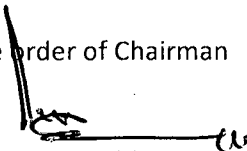


Form- A

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- \_\_\_\_\_ 1372/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/09/2022	<p>The appeal of Mr. Muhammad Nabi presented today by Mr. Noor Muhammad Khattak Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

APPEAL NO. 1372 /2022

**MUHAMMAD NABI V/S EDUCATION DEPTT:**

**INDEX**

S.NO.	DOCUMENTS	ANNEXURE	PAGE
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3.	Impugned Order	B	5
4.	Departmental Appeal & Rejection Letter	C & D	6 - 8
5.	Vakalatnama		9

  
**APPELLANT**

Through:

  
**NOOR MOHAMMAD KHATTAK**  
**ADVOCATE**  
**SUPREME COURT OF PAKISTAN**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

**APPEAL NO. \_\_\_\_\_/2022**

MUHAMMAD NABI, Chowkidar (BPS-01),  
GGPS, Sigloo Seo, Kohistan.

..... **APPELLANT**

**VERSUS**

- 1- The Secretary, Elementary & Secondary Education Department, Khyber Pakhtunkhwa, Peshawar
- 2- The Director, Elementary & Secondary Education, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer (F), District Kohistan, Khyber Pakhtunkhwa, ~~Peshawar~~

..... **RESPONDENTS**

**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974  
AGAINST THE IMPUGNED ORDER DATED 09-09-2021  
WHEREBY MAJOR PENALTY OF COMPULSORY  
RETIREMENT FROM SERVICE HAS BEEN IMPOSED UPON  
THE APPELLANT AND AGAINST THE APPELLATE ORDER  
DATED 05-09-2022 WHEREBY THE DEPARTMENTAL  
APPEAL OF THE APPELLANT HAS BEEN REJECTED WITH  
NO GOOD REASONS.**

**PRAYER:**

**That on acceptance of this appeal the impugned order  
dated 09.09.2021 and appellate order dated 05.09.2022  
may very kindly be set aside and the appellant may  
kindly be re-instated into service with all consequential  
back benefits. Any other remedy which this august  
Tribunal deems fit that may also be awarded in favor of  
the appellant.**

**R/SHWETH:**

**ON FACTS:**

- 1. That the appellant was appointed as chowkidar in the respondent department vide order dated 19.12.2008 after fulfilling all the legal & codal formalities required for the post. Copy of the Appointment Order dated 19.12.2008 is attached as annexure .....

**A.**

2. That after posting in GGPS Saglo Seo, Kohistan the appellant took over the charge of his post and started performing duty with full devotion.
3. That the appellant started performing his duty quite efficiently, whole heartedly and to the entire satisfaction of his high ups.
4. That astonishingly the appellant was compulsory retired from his service vide impugned order dated 09.09.2021 without any lawful justification and without fulfilling the codal formalities. Copy of the Impugned order is attached as annexure .....**B.**
5. That the appellant filed departmental appeal against impugned order dated 09.09.2021 to the respondent but was rejected by the respondents vide appellate order dated 05.09.2022 without any good reason. Copy of Departmental Appeal and Rejection Letter are attached as Annexure .....**C & D.**
6. That appellant feeling highly aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others.

**GROUND:**

- A- That impugned orders dated 09-09-2021 and 05.09.2022 issued by the respondents are void in nature, against the law, facts and norms of natural justice hence not tenable and are liable to be set aside.
- B- That appellant has not been treated by the respondent department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the codal formalities required for the major penalty has not been fulfilled by the respondents while issuing the impugned orders dated 09-09-2021 and 05.09.2022.
- D- That, the respondents acted in an arbitrary and malafide manner while issuing impugned orders dated 09-09-2021 and 05.09.2022.
- E- That, no show cause notice has been issued before the issuance of the impugned orders.
- F- That no right of personal hearing and personal defense has been provided before the issuance of the impugned orders.

- G- That, no regular or fact-finding inquiry is conducted in the matter which is pre-requisite as per the judgments of the Apex Supreme Court of Pakistan in punitive matters.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that appeal of the appellant may be accepted as prayed for, please.

Dated:

  
**APPELLANT**  
**MUHAMMAD NABI**

THROUGH:

  
**NOOR MUHAMMAD KHATTAK**

  
**WALEED ADNAN**

  
**UMAR FAROOQ MOMAND**

  
**MUHAMMAD AYUB**

**ADVOCATES**

**CERTIFICATE:**

No such like appeal is pending or filed between the parties on the subject matter before this Honorable Tribunal.

  
**ADVOCATE**

**AFFIDAVIT**

I, Muhammad Nabi s/o Jamdad r/o Siglo Seo, Tehsil Daso, District Kohistan do hereby solemnly affirm on oath that the contents of the above appeal are true and correct to the best of my knowledge and believe and nothing has been concealed from this Honorable Tribunal.

  
**DEPONENT**

PA  
4-

**CONDITIONS**

The candidate concerned shall be required to produce a Health Certificate from EDD Health Kohistan District Office in charge.

Executive District Officer  
E&S Education Kohistan

Copy to 6265-711 Dated Kohistan 11/19/2008

- 1. Copy to Director Schools & Literacy NWFP Peshawar.
- 2. District Nazim Kohistan.
- 3. District Coordination Officer Kohistan.
- 4. District Accounts Officer Kohistan.
- 5. D.D.O (F) E&S Education Kohistan.
- 6. Candidate concerned.

Executive District Officer  
E&S Education Kohistan

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**OFFICE OF THE EXECUTIVE DISTRICT OFFICER**  
**ELEMENTARY & SECONDARY EDUCATION, KOHISTAN**

**APPOINTMENT:**

Consequent upon the recommendation of District Selection Committee of Department Mr. Muhammad Nabi S/O Jamdad R/O Saglo Seo, Kohistan is hereby appointed as Chowkidar in GGPS Sagleo Seo Kohisan against the vacant post in BPS-1 (Rs.2980-90-5670) plus usual allowance as due and admissible under the rules with immediate effect in the interest of public service, subject to the following conditions.

**CONDITIONS:**

1. Charge report should be submitted to all concerned.
2. No TA/DA is allowed to him
3. His appointments is purely on temporary basis and liable to termination at any time without assigning any reason/notice.
4. He will be governed by such rules & regulation enforced and as prescribed by the Government servahts to which he belong.
5. In case the above candidate failed to assume the charge of his post within 15-days, his appointment will automatically stand cancelled.
6. He should not be allowed to take over charge if his age is less than 18-years and above 35-years.
7. He should produce Age & Health Certificate from EDO Health Kohistan before taking over Charge.

**Executive District Officer**  
**E & S Education Kohistan**

Endst: No. 6266-71

**DATED: 19/12/2008**

**OFFICE OF DISTRICT EDUCATION OFFICER, KASHMIR**



WHEREAS as per the numerous complaints received to the undersigned through various means the following Chowdhars remained absent from their duties without any prior permission of leave for several years.

WHEREAS their schools remained closed/Non-functional during the repeated visits of EMA time and again during the visits of the

WHEREAS they were reported absent by EMA time and again during the visits of the

WHEREAS they will take attendance in the school registers at their home

WHEREAS the concerned ASDEOs were directed to verify their absenteeism as per their report

WHEREAS when called notice was issued to them vide the references made against

WHEREAS they failed to reply their show cause/inconclusive reply within the stipulated period.

WHEREAS they failed to avail the chance of personal hearing.

Therefore the undersigned being the competent authority, do hereby impose Major Penalty of Compulsory Retirement, upon the following Chowdhars under Rule 4(b) of EAD Rules 2011, with immediate effect, in the interest of public service.

S.No	Name of Teacher with destination	Name of School	Show cause reference	Remarks
01	Muhammad Yahi Chow	GGPS Sillioo	No.4152-57 dated:02/08/2021	
02	Ajib Khali Chow	GGPS Thood	No.4164-69 dated:02/08/2021	
03	Muhammad Kabir Chow	GGPS Karang	No.4182-87 dated:02/08/2021	
04	Imran Khan Chaw	GGPS Taryab	No.4217-22 dated:02/08/2021	

**MUHAMMAD AMIN**  
 District Education Officer  
 (Female) Kashmir

Order No. 4597-466 DEO (F) KS Dated: 09/09/2021

Copy of the above forwarded to the:-

01. PS to Secretary Elementary & Secondary Education Department KJK Peshawar.
02. PA to Director Elementary & Secondary Education KJK Peshawar.
03. Deputy Commissioner Kashmir Upper.
04. District Meeting Officer Kashmir Upper.
05. District Accounts Officer Kashmir Upper.
06. SDEBDO (F) concerned with the directors to stop their pay and make necessary entries in the service books.
07. ADEO Circle concerned.
08. PA to DEO (F) local office.
09. Teachers concerned.
10. Other file.

District Education Officer  
 (Female) Kashmir

B=



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**OFFICE OF THE DISTRICT EDUCATION OFFICER KOHISTAN**

**OFFICE ORDER COMPULSORY RETIREMENT.**

01. WHEREAS per the numerous complaint received to the undersigned through various means the following chowkidar remained absent from their duties without any prior permission of leave for several years.
02. WHEREAS their school remained close/non-functional during the repeated visits of EMA.
03. WHEREAS they were report absent by EMA time and again during the visits of concerned DCMAs.
04. WHEREAS they put their fake attendance in the school registers at their home.
05. WHEREAS the concerned ASDEOs were directed to verify their absenteeism.
06. WHEREAS the concerned ASDEOs confirmed/verified their absenteeism as per their report.
07. WHEREAS show cause notices were issued to them vide the references made against their names.
08. WHEREAS they failed to reply their show causes/inconvincible reply within the stipulated period.
09. WHEREAS they failed to avail the chance of personal hearing.

Therefore the undersigned being the competent authority do hereby impose Major Penalty of Compulsory Retirement upon the following Chowkidars under Rules 4(b) ii of E&D Rules, 2011 with immediate effect, in the interest of public service.

S.N	Name of Teacher with designation	Name of School	Show Cause	Remarks
1	Muhammad Nabi Chow	GGPS Siglio	No.4152-57 Dated:02/08/2021	
2	Ajab Khan Chow	GGPS Thooti	No.4164-69 Dated:02/08/2021	
3	Muhammad Kabir Chow	GGPS Karang	No.4182-87 Dated:02/08/2021	
4	Imran Khan Chow	GGPS Tayyab Abad	No.4217-22 Dated:02/08/2021	

**MUHAMMAD AMN**  
District Education Officer  
(Female) Kohistan

Endst: No. 4597-4606/DEO(F)KH

DATED: 09/09/2021



1. The undersigned hereby certifies that the above information is true and correct.

Director, Education Department (KPK)  
Government of Punjab, Lahore

*[Handwritten Signature]*

Director, Education Department (KPK)  
Government of Punjab, Lahore

For the Director, Education Department (KPK) Government of Punjab, Lahore  
The undersigned hereby certifies that the above information is true and correct.

Director, Education Department (KPK)  
Government of Punjab, Lahore

*[Handwritten Signature]*

The undersigned hereby certifies that the above information is true and correct.

The undersigned hereby certifies that the above information is true and correct.

Director, Education Department (KPK)  
Government of Punjab, Lahore

The undersigned hereby certifies that the above information is true and correct.

Director, Education Department (KPK)  
Government of Punjab, Lahore



*[Handwritten Signature]*

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**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION**

**KHYBER PAKHTUNKHWA PESHAWAR**

No. 4054/F.No.20/A-20/C-IV/Vol-6/Kohistan

Dated Peshawar the 10/02/2022

To,

The District Education Officer,  
(Female) Kohistan, Upper

Subject: APPEAL FOR RE-INSTATEMENT.

Memo:

I am directed to refer to refer to this office letter No. 3216 dated 8.2.2022 on the subject cited above and to state that with an appeal in r/o Muhammad Nabi Chowkidar GGPS Sagloo, Ajab Khan Chowkidar GGPS Thooti and Imran Khan GGPS Tayyab Abad and ask for detail report at an early date.

**Assistant Director (Admn)**

Directorate E& Secondary Education

Khyber Pakhtunkhwa, Peshawar

10/02/2022

Endst: No. \_

Muhammad Nabi S/o Javed Ex-Chowkidar GGS Sagio Upper, Mr. Iran  
 (Islam S/o Khusra Ex-Chowkidar GGS Tayyab Abad and Hajab Khan S/o Khan  
 Bahar Ex-Chowkidar GGS Thot Kohistan & Muhammad Kabir Chowkidar  
 PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa  
 Peshawar  
 Master File

Assistant Director (Admin)  
 Directorate of Secondary Education  
 Khyber Pakhtunkhwa, Peshawar

copy forwarded to the:-  
 Assistant Director (Admin)  
 Directorate of Secondary Education  
 Khyber Pakhtunkhwa, Peshawar

It is directed to refer to the subject cited above and to state that the  
 appeal filed by the appellant concerned that  
 the appeal have been rejected by the appellate authority.

The District Education Officer,  
 (Female) Kohistan,  
 Peshawar

Directorate of Elementary & Secondary Education  
 Peshawar  
 P.O. No. 291/A-30/C-1/Kohistan Vol-5-6  
 Dated Peshawar the \_\_\_\_\_/\_\_\_\_\_/2022  
 Email: ddahm.eso@gmail.com  
 Phone: 091-9225341



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**DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR**

No. \_\_\_\_\_/F.No.291/A-20/C-IV/Kohistan/Vol-5-6

Dated Peshawar the 05/09/2022

To,

The District Education Officer,  
(Female) Kohistan.

Subject: **APPEAL FOR RE-INSTATEMENT.**

Memo:

I am directed to refer to the subject cited above and to state that the appeal in r/o Muhammad Naboi S/o Jamdad Ex-Chowkidar GGPS Saglo Kohistan Upper, Mr. Imran Khan S/o Khusra Ex-Chowkidar GGPS Tayyab abad Kohistan and Ajab Khan S/o Khan Badshah Ex-Chowkidar GGPS Thooti Kohistan & Muhammad Kabir Chowkidar has been examined/analyzed by this office. Hence inform the appellant concerned that their appeals have been rejected by the appellate authority.

**Assistant Director (Admn)**  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar

Endst: No. 1265-66/

-9-

**VAKALATNAMA**  
**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**  
**TRIBUNAL, PESHAWAR**

APPEAL NO: \_\_\_\_\_ OF 2022

M. Nabi

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt.

(RESPONDENT)  
(DEFENDANT)

I/We M. Nabi

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. \_\_\_\_/\_\_\_\_/2022

\_\_\_\_\_  
**CLIENT**

**ACCEPTED**  
**NOOR MOHAMMAD KHATTAK**

&

Umar Farooq  
**UMAR FAROOQ**

Waleed Adnan  
**WALEED ADNAN**

M. Ayub  
**M AYUB**

**HAIDER KHAN**  
**ADVOCATES**

**OFFICE:**

Flat No.(TF) 291-292. 3<sup>rd</sup> floor  
Deans trade centre Peshawar cantt:  
Mobile No. 0334-5277323