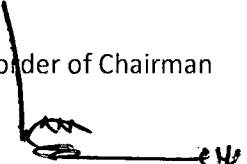


Form- A

## FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 1375/2022

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 Kabeer 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. 1375 /2022

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

**I N D E X**

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of appeal with Affidavit	.....	1-3
2.	Appointment Order	A	4
3.	Impugned Order	B	5
4.	Departmental Appeal & Rejection Letter	C & D	6-8
5.	Vakalatnama		89

  
**APPELLANT**

Through:

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

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

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

MUHAMMAD KABEER, Ex-Chowkidar  
GGPS, Karang, District Kohistan.

..... **APPELLANT**

**VERSUS**

- 1- The Secretary, Elementary & Secondary Education, 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 APPELLATE HAS BEEN REJECTED ON NO**  
**GOOD GROUNDS.**

**PRAYER:**

**That on acceptance of this appeal the impugned orders**  
**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 of the respondent department vide order dated 01.07.1996 after fulfilling all the legal & codal formalities required for the post. Copy of the Appointment Order dated 01.07.1996 is attached as annexure ..... **A.**

2. That after posting in GGPS Karang, District Kohistan the appellants 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 compulsorily 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 the 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 KABEER**

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 Kabeer s/o Umar Sadiq r/o Karang Kandia, Karang No.1 P.O Gamyar, Tehsil Kandian, 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**

A 4

REPORT OF THE UNITED STATES DEPARTMENT OF JUSTICE

APPROBATION of William Sabers, who over several years has been in receipt of a pension as hereby appointed on month 11, 1955. The amount of the pension is \$1,000.00 per month and he is to be paid the same as if he were a member of the Civil Service. The pension is to be paid to the wife of the deceased, Mrs. Sabers, who is now living at 1234 1st Street, N.W., Washington, D.C. The pension is to be paid to the wife of the deceased, Mrs. Sabers, who is now living at 1234 1st Street, N.W., Washington, D.C. The pension is to be paid to the wife of the deceased, Mrs. Sabers, who is now living at 1234 1st Street, N.W., Washington, D.C.

TERMS AND CONDITIONS

1. The pension is to be paid to the wife of the deceased, Mrs. Sabers, who is now living at 1234 1st Street, N.W., Washington, D.C.
2. The pension is to be paid to the wife of the deceased, Mrs. Sabers, who is now living at 1234 1st Street, N.W., Washington, D.C.
3. The pension is to be paid to the wife of the deceased, Mrs. Sabers, who is now living at 1234 1st Street, N.W., Washington, D.C.

U.S. DEPARTMENT OF JUSTICE  
DIVISION OF INVESTIGATION  
WASHINGTON, D.C. 20535  
MAY 11 1955

FOR INFORMATION OF THE DEPARTMENT OF JUSTICE AND THE FEDERAL BUREAU OF INVESTIGATION

The attached report, dated 11/11/55, contains information regarding the activities of the Communist Party, U.S.A., in the District of Columbia, and is being furnished to you for your information.

Very truly yours,  
Special Agent in Charge

**OFFICE OF DISTRICT EDUCATION, KUSTAN**

GENERAL ADMINISTRATIVE DEPARTMENT

5-B

01 WHEREAS as per the minutes complaints received to the undersigned through various means the following Chowdars remained absent from their duties without any prior permission for several years.

02 WHEREAS the schools remained closed/Non-functional during the reported months of EMA.

03 WHEREAS they were reported absent by EMA time and again during the months of the concerned EMA.

04 WHEREAS they did not take attendance in the school register at their home.

05 WHEREAS the concerned ASDEOs confirmed that absenteeism as per their report.

06 WHEREAS the concerned ASDEOs confirmed that absenteeism as per their report.

07 WHEREAS show cause notice was issued to them vide the references made against their names.

08 WHEREAS they failed to reply their show cause/noteworthy 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 Chowdars under Rule 4(b) of ERD Act 2011 with immediate effect, in the interest of public service:

S.No.	Name of Teacher with designation	Name of School	Show cause reference	Remarks
01	Muhammad Nabi	GPS Sirho	No.4152-57 dated:02/08/2021	
02	Ajab Khan Chow Chow	GPS Thooth	No.4164-69 dated:02/08/2021	
03	Muhammad Kabir	GPS Karang	No.4182-87 dated:02/08/2021	
04	Mirza Khan Chow Chow	GPS Tajwab	No.4217-22 dated:02/08/2021	

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

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

Copy of the above forwarded to /for:-  
 01. AS to Secretary, Elementary & Secondary Education Department KPI, Peshawar.  
 02. PA to Director, Elementary & Secondary Education KTK, Peshawar.  
 03. Deputy Commissioner, Kustan Office.  
 04. District Monitoring Officer, Kustan Upper.  
 05. District Account Officer, Kustan Upper.  
 06. SP/DO (F) concerned with the directions to stop their pay and make necessary entries in the service books.

07. AS/DO Circle concerned.  
 08. PA to DEO (F) local office.  
 09. Teachers concerned.  
 10. Office file.

**Mirza Khan Chow Chow**  
 District Education Officer  
 (Female) Kustan

Better copy

OFFICE OF THE SUB DIVISIONAL OFFICER (FEMALE) KOHISTAN AT PATTAN.

APPOINTMENT:

Mr. Muhammad Kabeer s/o Umar Saddiq R/O Karang Kayin Tehsil & District Kohistan is hereby appointed as Chowkidar in BPS-1 @Rs.1200/PM fixed) plus usual allowance as due and admissible to him under the rule at Govt: Girls Primary School Kayan Karang in the interest of public service and land owner with effect from 24/06/96 with the following terms and conditions.

TERMS AND CONDITIONS:

1. No TA/DA is allowed.
2. Charge report should be submitted to all concerned.
3. He should produce Age & Health Certificate from Medical Superintendent DHQ Hospital.
4. He should be not handed over charge if his age is below 18 years and above 40 years.
5. The appointment is purely temporarily and liable to be terminated any time without any reason.

SUB DIVISIONAL EDUCATION  
OFFICER (F) KOHISTAN

No. 236-39

Dated: 01/07/1996



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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 Thootl	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 above information is for the use of the Department of Education only.

Assistant Director (Admin)  
Directorate for Secondary Education  
Ministry of Education, Ashgabat

MS

The Ministry of Education & Secondary Education Department (MSE) has received  
a letter from the Ministry of Education, Ashgabat dated 12/12/2022  
concerning the application for the admission of students to the  
Department of Education, Ashgabat for the year 2023.  
The Ministry of Education, Ashgabat has requested that the  
Department of Education, Ashgabat be informed of the results of the  
admission process.

12/12/2022  
Assistant Director (Admin)  
Directorate for Secondary Education  
Ministry of Education, Ashgabat

The Ministry of Education, Ashgabat has requested that the  
Department of Education, Ashgabat be informed of the results of the  
admission process. The Ministry of Education, Ashgabat has  
requested that the Department of Education, Ashgabat be informed  
of the results of the admission process. The Ministry of Education,  
Ashgabat has requested that the Department of Education, Ashgabat  
be informed of the results of the admission process.

MINISTRY OF EDUCATION, ASHGABAT  
Directorate for Secondary Education  
Ministry of Education, Ashgabat

DIRECTORATE FOR SECONDARY EDUCATION  
MINISTRY OF EDUCATION, ASHGABAT  
12/12/2022  
Assistant Director (Admin)  
Directorate for Secondary Education  
Ministry of Education, Ashgabat



12/12/2022

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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. \_

DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
 KHYBER PAKHTUNKHWA PESHAWAR  
 P.O. No. 291/A-20/C-14/Kohistan Vol-5-6  
 Dated Peshawar the \_\_\_\_\_/\_\_\_\_\_/2022  
 Email: ddadmm.ese@gmail.com  
 Phone: 091-9225344

10-8-22

The District Education Officer,  
 Kohistan, Kohistan

In attached to refer to the subject cited above and to state that the  
 Muhammad Nabi S/o Jamdad Ex-Chowkidar GGS Saglo Kohistan Upper,  
 Khan S/o Khusra Ex-Chowkidar GGS Tayyab Abad Kohistan and Hajab Khan  
 and Jamshah Ex-Chowkidar GGS Thool Kohistan & Muhammad Kabir Chowkidar  
 have been examined/analyzed by this office hence inform the appellant concerned that  
 their appeal have been rejected by the appellate authority.

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

Muhammad Nabi S/o Jamdad Ex-Chowkidar GGS Saglo Upper, Mr. Inqas  
 Khan S/o Khusra Ex-Chowkidar GGS Tayyab Abad and Hajab Khan S/o Khan  
 Jamshah Ex-Chowkidar GGS Thool Kohistan Muhammad Kabir Chowkidar  
 PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa  
 Peshawar  
 Member File

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

Muhammad Nabi S/o Jamdad Ex-Chowkidar GGS Saglo Upper, Mr. Inqas Khan S/o Khusra Ex-Chowkidar GGS Tayyab Abad and Hajab Khan S/o Khan Jamshah Ex-Chowkidar GGS Thool Kohistan Muhammad Kabir Chowkidar

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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. Kabeev

(APPELLANT)  
(PLAINTIFF)  
(PETITIONER)

**VERSUS**

Education Deptt

(RESPONDENT)  
(DEFENDANT)

I/We Muhammed Kabeev

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. 20/7 /2022

\_\_\_\_\_  
CLIENT

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

Umar Farooq  
**UMAR FAROOQ**

Waleed Adnan  
**WALEED ADNAN**

M Ayub  
**M AYUB**

Haider Khan  
**HAIDER KHAN**  
**ADVOCATES**

**OFFICE:**

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