

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 16444/2020

Date of Institution ... 11.12.2020  
Date of Decision ... 30.06.2022

Muhammad Ishaq, S/O Akbar Zaman Khan, R/O Nar Abu Samand  
Begu Khel, Serai Naurang, Lakki Marwat, Chowkidar Office of DEO (F)  
Lakki Marwat.

... (Appellant)

**VERSUS**

District Education Officer (F), Lakki Marwat and three others.

... (Respondents)

Arbab Saiful Kamal,  
Advocate,

... For appellant.

Naseer Ud Din Shah,  
Assistant Advocate General

... For respondents.

Salah Ud Din  
Rozina Rehman

... Member (J)  
... Member (J)

**JUDGMENT**

**ROZINA REHMAN, MEMBER (J):** The appellant has invoked the jurisdiction of this Tribunal through above titled appeal with the prayer as copied below:

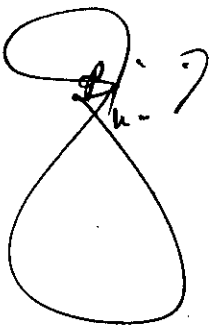
**"That on acceptance of the appeal, order dated 04.08.2020 of R.No.01 and 07.03.2020 be set aside and appellant be restored/posted at GGPS Nar Abu Samand Begu Khel Lakki Marwat with further request to release the withheld monthly salaries".**

2. Brief facts of the case are that appellant alongwith respondent No.4 was appointed as Chowkidar on 24.10.2019 and was posted at

GGPS Nar Abo Samand Begu Khel against vacant post while private respondent No.4 was posted in GGPS Abullah Khan Betani against vacant post. It was on 04.03.2020 when respondent No.1 adjusted respondent No.4 in her office due to the merger of schools but the said School is still functioning at GGPS. Later on, respondent No.4 was transferred to GGPS Nar Abu Samand Begu Khel on 07.03.2020 while appellant was transferred to the office of respondent No.1 by placing his services at the disposal of respondent No.1. He submitted representation for cancellation of order dated 07.03.2020 being based on the recommendation of political vendetta and in this record, proper inquiry was conducted. Despite recommendation of the Inquiry Officer, pay of the appellant was stopped, he therefore, filed writ petition and the Hon'ble Peshawar High Court was pleased to direct respondents to treat the same as departmental appeal and to decide the same within 30 days, hence, the instant service appeal.

3. We have heard Arbab Saiful Kamal, Advocate learned counsel for the appellant and Naseer Ud Din Shah, learned Assistant Advocate General for respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Arbab Saiful Kamal Advocate, learned counsel for the appellant inter-alia contended that the impugned orders are not as per mandate of law as neither the appellant nor respondent No.4 had completed normal tenure at their respective schools. He contended that proper inquiry was conducted to unearth the hidden facts and that the inquiry officer submitted his report but the same was not honored by the respondents. That the respondent No.1 did not show any heed to the



recommendation of the Inquiry Officer and the appellant suffered due to the harsh attitude of the respondents by stopping his salary for no fault of the appellant which act of the respondents is illegal, against law and facts. That the appellant was never dealt in accordance with law nor was treated equally before law in violation of Articles-4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973. He, therefore, requested for acceptance of the instant service appeal.

5. Conversely, learned AAG submitted that the appellant took charge of his duty but from the very first day he became problematic for the administration of school and was not willing to perform his duty. He was, therefore, transferred and posted in the office of respondent No.1 while respondent No.4 was transferred to GPS Nar Abu Samand for smooth working.

6. After hearing the learned counsel for the parties and going through the record of the case with their assistance and after perusing the precedent cases cited before us we are of the opinion that vide office order dated 24.10.2019 upon the recommendation of departmental selection committee appellant was appointed as Chowkidar on merit against vacant post at GGPS Nar Abu Samand Begu Khel while respondent No.4 Abdul Wahid was appointed as Chowkidar against Medical Board quota and was posted at GGPS Abdullah Khan Betani. Appellant assumed charge of his post on 26.10.2019. It was on 04.03.2020, when respondent No.4 was temporary adjusted at the office of District Education Officer (Female) Lakki Marwat due to the merger of school and vide order dated 07.03.2020 respondent No.4 was transferred to his native village GGPS Nar Abu Samand Begu Khel

8/12/20

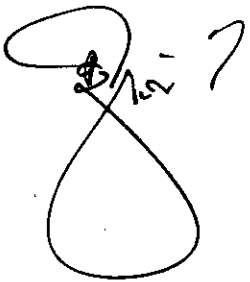
while the appellant was placed at the disposal of DEO (F) and order in respect of temporary adjustment of respondent No.4 was withdrawn. The appellant filed departmental appeal on 16.03.2020 and one Ikram Ullah Deputy DEO (Male) Bannu was appointed as Inquiry officer to conduct proper inquiry in view of appeal filed by the present appellant. Inquiry report is available on file which favors the appellant. The recommendations of the Inquiry Officer are hereby reproduced for ready reference:

- 1. Competent authority should be directed as to why the pension case of Ex-chowkidar Abdul Rashid was perused on Medical grounds though he was fit for premature pension rather on medical board basis as after lapse of 54 days he could be proceeded on 60 years (superannuation pension).**
- 2. Transfer of Muhammad Ishaq chowkidar from GGPS Nar Abusamand Begu Khel to office without any post & stoppage of his pay is against the service laws, hence needs immediate cancellation.**
- 3. Competent authority should be penalized with "CENSURE" under E&D proceedings so that such kind of mal practices could be discouraged which could become basis for unnecessary litigation against government."**

The inquiry report was submitted before the authority on 10.07.2020 and the District Education officer Female Lakki Marwat was directed to adjust appellant properly and his salary may be released. Despite inquiry report and order by the Assistant Director (Admin) Directorate



of Elementary & Secondary Education Peshawar dated 04.08.2020 appellant was neither adjusted nor his salary was released. He, therefore, knocked at the door of Peshawar High Court, Bannu Bench by filing Writ Petition No.89-B which was sent to the respondents with direction to treat the same as representation and decide within a period of 30 days. Again, no step was taken by the authorities with the result that present service appeal was filed. It is crystal clear from the record that Abdur Rasheed Ex-Chowkidar who was father of respondent No.4 was serving in the Department. He had gone through Medical Board though he was not entitled for the same. As per inquiry report, his age at the relevant time was 59 years, 10 month and 06 days. Thus 54 days were less than 60 years and was proceeded through Medical Board which was against rules because in case of fulfillment of 60 years service, he could enjoy 25% quota of the retired employees son but he manipulated and Abdur Rasheed was proceeded through Medical Board where 100% quota is specified and which was availed. Appointing authority had fully supported the respondent No.4 and the appellant was deprived of his posting as well as salary. The present respondent was benefitted being the son of ex-employee Abdur Rasheed. The present appellant was transferred to the office of District Education Officer Lakki Marwat without post and stoppage of pay is against the service laws. There is no departmental proceedings initiated against the appellant in order to show any misconduct on the part of appellant rather the inquiry Officer submitted report which goes against the District Education Officer (Female). A letter No.4828 dated 16.12.2020 was submitted during arguments which shows that Sub

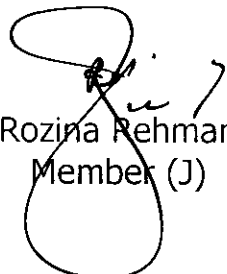
A handwritten signature in black ink, consisting of a large loop and a smaller loop, with the initials 'S/No. 7' written next to it.

Divisional Education Officer (Female) Serai Naurang was directed to adjust appellant against any vacant post of Chowkidar in the respective Sub Division for purpose of pay with further direction to release his pay. It is astonishing that this letter was not annexed with the comments nor it was brought before this Bench. This letter was not acted upon because Assistant Director Admin directed the District Education Officer Female on 04.08.2020 to release her salary but fiasco. The appellant submitted an application before the Director in the light of the inquiry report on 25.08.2020 but to no avail. He, then filed writ petition on 14.09.2020 which was disposed of on 29.09.2020 but even then, no step was taken by the respondents. This letter dated 16.12.2020 in respect of transfer and release of salary was produced today but it was never acted upon.

7. In view of the above discussion, instant service appeal is allowed as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.  
30.06.2022

  
(Salah Ud Din)  
Member (J)

  
(Rozina Rehman)  
Member (J)

7-3-22

Due to Retirement of the Hon,ble Chairman  
the case is adjourned on 30-6-22

*M. Usman*  
Raddi

**ORDER**  
30.06.2022

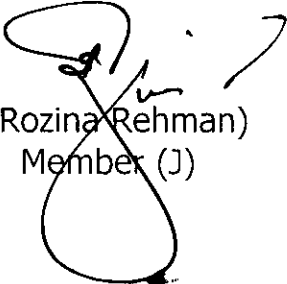
Appellant present through counsel.

Naseer Ud Din Shah, learned Assistant Advocate General for respondents present. Arguments heard. Record perused.

Vide our detailed judgment of today of this Tribunal placed on file, instant service appeal is allowed as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

**ANNOUNCED.**  
30.06.2022

  
(Salah Ud Din)  
Member (J)

  
(Rozina Rehman)  
Member (J)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) LAKKI MARWAT

Dated. 16/12/2020

No. 6828

The Sub Divisional Education Officer  
(Female) Serai Naurang.

Subject: ADJUSTMENT/PAY RELEASE.

You are directed to adjust Muhammad Ishaq Chowkidar (on the disposal of D/O (F) Lakki Marwat) against any vacant post of chowkidar in your respective sub division for the purpose of pay and he may also be further directed to perform his duty at your office, under intimation to this office.

You are further directed to release the pay in R/O Abdul Waheed S/O Abur Rashid Chowkidar GGPS Nar Abu Samand Begu Khel.

District Education officer  
(Female) Lakki Marwat

Dated 1/12/2020

Endst:No. \_\_\_\_\_

Copy to the:-

1. Director (E&S) Education Khyber Pakhtunkhwa Peshawar.
2. Deputy District Education Officer (Female) Lakki Marwat.
3. District Accounts Officer Lakki Marwat.
4. Head Teacher concerned schools.
5. District Monitoring Officer Lakki Marwat.
6. Candidates concerned.
7. Master File

District Education officer  
(Female) Lakki Marwat

o/c



14.12.2021

Learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Sajjad Ahmad, Assistant for official respondents and clerk of counsel for private respondent No. 4 present.


Written reply/comments on main appeal as well as on application on behalf of the respondents submitted which is placed on file. As per order sheet dated 25.03.2021 specific directions were passed regarding presence of DEO (F) Lakki Marwat on application of the appellant for release of pay. No response has ever been received on those directions. Learned District Attorney is therefore directed to contact the concerned quarter to ensure release of pay to the appellant. Adjourned. To come up for written reply/comments on behalf of private respondent No. 4 on 20.01.2022 before S.B.

  
(MIAN MUHAMMAD)  
MEMBER (E)

20.01.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Addl. AG for respondents present. Private respondent No. 4 in person present.

Reply/comments on behalf of official respondent have already been submitted. Private respondents No. 4 seeks time to furnish reply/comments. Last opportunity is granted to private respondent No. 4 to furnish reply/comments on or before next date, failing which his right to submit reply/comments shall be deemed as struck off by virtue of this order. To come up for arguments before the D.B on 07.03.2022.

  
(Atiq-Ur-Rehman Wazir)  
Member (E)

Compluted period passed reply not submitted.

29.07.2021

Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.

  
Chairman

04.11.2021

Counsel for the appellant, Mr. Noor Zaman Khattak, District Attorney alongwith Muhammad Nadeem, ADO for official respondents and counsel for private respondent No. 4 present.

Learned AAG states that according to departmental representative he could not prepare the reply due to non-availability of copies of the appeal with them. The representative of the respondents is directed to obtain copy of the appeal alongwith other documents today. Respondents are directed to submit the reply/comments within 03 days in office, failing which no time shall be extended. The appellant has also submitted an application seeking release of salary. Placed on record. Notice of the application is also given to the respondents for next date. Case to come up for arguments on 14.12.2021 before the D.B.

  
(Rozina Rehman)  
Member(J)

  
Chairman

16444/2020

17.06.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG for official respondents present. Nemo for private respondents.

Learned AAG seeks time to submit reply/comments on behalf of official respondents. He is required to contact the official respondents. Fresh notices be issued to private respondent No. 4. All the respondents are required to submit written reply/comments in office within 10 days, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 04.11.2021 before the D.B.

  
Chairman

25.03.2021

Appellant with counsel present. Preliminary arguments heard.  
Record perused.

Points raised need consideration. Appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notice be issued to the respondents for submission of reply/comments.

An application for release of monthly salaries withheld since April, 2020 was also submitted today. Notice of this application be served upon all the respondents with notice to learned A.A.G to make sure the presence of D.E.O (Female) Lakki Marwat alongwith proper reply on the next date of hearing. Respondent No.1 be put on notice with direction to attend the Tribunal in person as well. To come up for written reply/comments on 27/04/2021 before S.B.

Amount Deposited  
Security & Process Fee  
25/3/21

  
(Rozina Rehman)  
Member (J)

27.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 17.06.2021 for the same as before.




  
READER

Form- A

FORM OF ORDER SHEET

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

Case No.- 16444 /2020


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	31/12/2020	<p>The appeal of Mr. Muhammad Ishaq resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15/02/21</u></p> <p> CHAIRMAN</p>
15.02.2021.		<p>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 <u>29.03</u> 2021.</p> <p> Reader</p>

The appeal of Mr. Muhammad Ishaq Chowkidar Office of the DEO (F) Lakki Marwat received today i.e. on 15.12.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Index of the appeal may be prepared according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Memorandum of appeal may be got signed by the appellant.
- 3- Copy of order of stoppage of salary of the appellant mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 4- Annexures-C and F of the appeal are illegible which may be replaced by legible/better one.
- 5- Annexures of the appeal may be attested.
- 6- Annexures of the appeal may be flagged.
- 7- Six more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 4056 /S.T,

Dt. 15/12 /2020

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Jir

Re-submitted after raising  
the objections.



**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

S.A. No. \_\_\_\_\_ /2020

Muhammad Ishaq

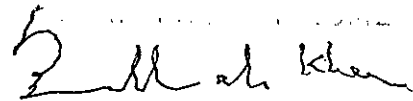
versus

D.E.O & Others

**I N D E X**

S. No.	Documents	Annex	P. No.
1.	Memo of Appeal		1-4
2.	Appointment order of appellant and R. No. 04	"A"	5-6
3.	Charge report dated 26-10-2019	"B"	7
4.	Temporary adjustment of R. No. 04, 04-03-20	"C"	8
5.	Transfer of R. No. 04 to village and placement of appellant in office of R. No. 01, 07-03-20	"D"	9
6.	Rep: for cancellation of transfer order dated 16-03-2020	"E"	10-11
7.	Appointment of Ikramullah Deputy DEO for enquiry dated 12-06-2020	"F"	12
8.	Enquiry Report dated 10-07-2020	"G"	13-16
9.	Direction of R. No. 02 to R. No. 01 to not stop pay of appellant and to proper adjust him dated 04-08-2020	"H"	17
10.	Application of appellant to honor recommendation dated 25-08-2020	"I"	18
11.	W.P. No. 89-B/2020 dated 14-09-2020	"J"	19-27
12.	Judgment dated 29-09-2020	"K"	28-29

Through Appellant



Saadullah Khan Marwat  
Advocate  
21-A, Nasir Mansion,  
Shoba Bazaar, Peshawar  
Ph: 0300-5872676

Dated 10-12-2020

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

S.A No. 16425/2020

Muhammad Ishaq  
S/O Akbar Zaman Khan,  
R/o Nar Abu Samand Begu Khel,  
Serai Naurang, Lakki Marwat,  
Chowkidar Office of DEO (F)  
Lakki Marwat . . . . . Appellant

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 16425

Dated 11/12/2020

**VERSUS**

1. District Education Officer (F),  
Lakki Marwat.
2. Director, Elementary &  
Secondary Education,  
Peshawar.
3. Secretary, Govt. of KP,  
Elementary & Secondary  
Education Department,  
Peshawar.
4. Abdul Wahid  
S/O Abdur Rasheed Khan,  
Chowkidar, Govt. Girls  
Primary School Abdullah Khan  
Bettani, Now Chowkidar GGPS  
Nar Abu Samand Begu Khel,  
Serai Naurang, Lakki Marwat . . . . . Respondents

**Filed to-day**

**Registrar**

11/12/2020

Re-submitted to-day  
and filed.

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974  
AGAINST OFFICE ORDER NO. 29317 DATED 04-08-  
2020 OF R. NO. 01 WHEREBY APPELLANT WAS NOT  
ADJUSTED IN THE SCHOOL AND HIS SALARY WAS  
WITHHELD SINCE APRIL 2020 AND OFFICE ORDER  
NO 782-85 DATED 07-03-20 OF R. NO. 01 WHEREBY  
R. NO. 04 WAS ADJUSTED IN GGPS NAR ABU  
SAMAND BEGU KHEL AGAINST THE POST OF  
APPELLANT:**

31/12/2020  
SAR  
AW



**Respectfully Sheweth;**

1. That on 24-10-2019, appellant along with R. No. 04 was appointed as Chowkidar and he was posted at GGPS Nar Abu Samad Begu Khel against vacant post and R. No. 04 was posted at GGPS Abdullah Khan Bettani against vacant post by R. No. 01. (Copy as Annex "A")
2. That in pursuance of the aforesaid order, appellant assumed the change of the said assignment on 26-10-2019. (Copy as Annex "B")
3. That on 04-03-2020, R. No. 01 adjusted R. No. 04 in her office due to the merger of schools till further orders, but the said school is functioning till date at GGPS Abdullah Khan Bettani. (Copy as Annex "C")
4. That on 07-03-2020, R. No. 04 was transferred to GGPS Nar Abu Samad Begu Khel and appellant was transferred to the office of R. No. 01 by placing his services at the disposal of R. No. 01.

Here it would be not out of place to mention that neither appellant nor R. No. 04 has completed normal tenure of posting and transfer at their respective Stations/Schools. (Copy as Annex "D")

5. That on 16-03-2020, appellant submitted representation before R. No. 02 to cancel order dated 07-03-2020, being illegal and based on the recommendation of Political vendetta, as services of appellant were placed at the disposal of R. No. 01. (Copy as Annex "E")
6. That on 02-06-2020, Ikramullah Khan, Deputy DEO (M) Bannu was nominated to conduct enquiry in to the appeal of appellant and to submit recommendations within fortnight. (Copy as annex "F")
7. That regarding the posting transfer order of R. No. 01 and in pursuance of the representation of appellant enquiry was conducted by Ikramullah Khan DEO (M) Bannu and made recommendations on 10-07-2020 to the effect:-

- i. Competent Authority should be directed as to why pension case of ex-chowkidar Abdur Rasheed (father of R. No. 04) was perused on medical grounds though he was fit for premature pension rather on Medical Board basis as after lapse of 54 days, he could be proceeded on 60 years. (superannuation pension)
  - ii. Transfer of Muhammad Chowkidar from GGPS Nar Abu Samand Begu Khel to office of R. No. 01 without any post and stoppage of his pay is against the service laws, hence needs immediate cancellation.
  - iii. Competent authority (R. No. 01) should penalized with "**CENSURE**" under E & D Rules so that such kind of mal-practices could be discouraged which would become basis for unnecessary litigation against government. (Copy as annex "G")
8. That on 04-08-2020, R. No. 02 wrote letter to R. No. 01, stating there in that no question, whatsoever, arose to stop pay of appellant appointed on merit, the same be released and he be adjusted properly. (GGPS Nar Abu Samad Begu Khel) against the recommendation of the Inquiry Officer. (Copy as Annex "H")
9. That on 25-08-2020, appellant submitted application before R. No. 02 to honor the recommendation of the Inquiry Officer but in-vain. (Copy as annex "I")
10. That on 14-09-2020, appellant filled Writ Petition before Peshawar High Court Peshawar, Circuit Bench Bannu for cancellation of the impugned order and to release withheld monthly salaries, which came up for hearing on 29-09-2020 and then the Hon'ble Court was pleased to direct respondents to treat the same as departmental appeal and to decide the same written 30 days or if appellant is still aggrieved of the decisions of the respondent, he may approach to proper forum for relief. (Copies as annex "J" & "K")

Hence this appeal, Inter Alia, on the following grounds;

## GROUNDS

- a. That the impugned orders are not per the mandate of law as neither appellant nor R. No. 04 has completed normal tenure at their respective schools.
- b. That the enquiry was conducted to dig-out the misshape in the matter and has submitted its recommendation which was binding upon on R. No. 01 but the same were not honored due to personal interest by R. No. 01 to favor R. No. 04.
- c. That even R. No. 01 was recommended for penalty in the matter.
- d. That R. No. 01 did not show any heed either to the recommendation of the Inquiry Officer or to the direction of the judgment of the hon'ble court, so is required to be dealt with under the law.
- e. That no one can stop salary of a servant but R. No. 01 showed her high handedness and appellant is serving the department till date without any salary.
- f. That the impugned orders are based on favoritism, malafide and political vendetta so is liable to set aside.

It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 04-08-2020 of R. No. 01 and 07-03-2020 be set aside and appellant be restored / posted at GGPS Nar Abu Samand Begu Khel Lakki Marwat with further request to release the withheld monthly salaries.

*M. Ishaq*

Appellant

Through

*Saadullah Khan Marwat*

Saadullah Khan Marwat

*Miss Rubina Naz*

Miss Rubina Naz

*Arbab Saiful Kamal*

Arbab Saiful Kamal

*Amjad Nawaz*

Amjad Nawaz

Dated: 10-12-2020

Advocates

A

5

24-10-19

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) LAKKI MARWAT

OFFICE ORDER:-

Consequent upon the recommendation of Departmental Selection Committee the appointment of the below named candidates are hereby ordered as Class-IV in BPS-03 RS: (9610-390-21310) plus usual allowance as admissible under the rules on regular basis, under the provision of Establishment & Administration Department circular bearing No. SOR-69E&AD) 13-01/2005 & with under Notification issued by Director (E&S) Education Khyber Pakhtunkhwa No.3391-3441/Estab: Dated 24-02-2014, on the terms & conditions given below in the interest of Public Service from the date of their taking over charge.

RETIRED EMPLOYEE SON QUOTA

S.No	Name	Father/Mother/Husband Name & Address	Post	To be posted at	Remarks
1	Daniyal Khan	Muhammad Khan R/o Sarfaraz Landaka Serai Naurang	Chowkidar	GGPS Sarfaraz Landaka	Against vacant post
2	Tousif Ullah	Asif Suhail Khan R/o Jabu Khel Mama Khel S.Naurang	Chowkidar	GGPS Sugar Mills S/Nourang	Against vacant post
3	Abdur Razaq	Sattar Khan R/o Wanda Amir	Chowkidar	GGCMS Wanda Amir	Against vacant post

DECEASED EMPLOYEE SON/MEDICAL BOARD QUOTA

S.No	Name	Father/Mother/Husband Name & Address	Post	To be posted at	Remarks
1	Abdul Wahid	Abdur Rashid Khan R/o Nar Abu Samand Begu Khel Serai Naurang	Chowkidar	GGPS Abdullah Khan Bhattani	Against vacant post

OPEN MERIT

S.No	Name	Father/Mother/Husband Name & Address	Post	To be posted at	Remarks
1	Abdul Latif Khan	Ghazi Marjan R/o Land Ahmad Khel	Chowkidar	GGPS Land Ahmad Khel	Against newly created post
2	Umar Ayaz Khan	Falak Naz Khan R/o Mughal Manjiwala	Chowkidar	GGPS Mughal Manjiwala	Against vacant post
3	Syed Muhammad Awais Shah	Syed Abdus Samad Shah R/o Serai Naurang	Chowkidar	GGPS Serai Naurang	Against vacant post
4	Muhammad Ishaq	Akbar Zaman Khan R/o Nar Abu Samand Begu Khel	Chowkidar	GGPS Nar Abu Samand Begu Khel	Against vacant post
5	Habib Ullah	Gul Shadim R/O Abasa Wazir	Chowkidar	GGPS Abasa Wazir	Against Vacant Post

Terms & Conditions:-

1. Their appointment will be considered on regular basis.
2. Their services will be liable to termination on one month notice from either side. In case of resignation without notice one month pay/allowance will be refunded to Government.

*Handwritten signature/initials*

3. Their services will be governed by such rules as the Govt: may issue regulations as from time to time.
4. Their services will be terminated at any time in case their performance are found unsatisfactory during probationary period, in case of misconduct preceded against them under the Khyber Pakhtunkhwa Govt: Servants (Efficiencies and Discipline) rules 2011 and the rules framed from time to time therein.
5. Charge reports should be submitted to all concerned.
6. No TA/DA is allowed.
7. The undersigned will check and verify the certificates/Degrees of the above named candidates from the concerned Board/University before the drawl of pay if any.
8. The order should stand cancelled if the appointee failed to take over charge within fifteen days of the commencement date or not performance of duty due to enmity or other reason.
9. The undersigned reserves the right of amendment of appointment order or cancellation in case of any mistake/error or omission.
10. They are required to produce their health and age certificate from the Medical Superintendent DHQ Hospital Lakki Marwat.
11. The undersigned will not be responsible for any dispute arising during the course of time in the performance of duty in the said station.
12. Their services will be liable to termination if it is pointed out at any stage of their service that they are their legal heirs have availed the prescribed Employee-Son quota.
13. They are required to produce their clearance certificate from concerned police station before taking over charge.

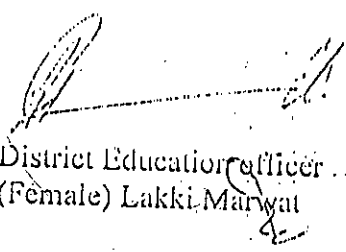
(Azra Bibi)  
District Education officer  
(Female) Lakki Marwat

Endst: No. 4781-89

Dated 24/10/2018

Copy to the:-

1. Director (E&S) Education Khyber Pakhtunkhwa Peshawar.
2. Deputy District Education Officer (Female) Lakki Marwat.
3. District Accounts Officer Lakki Marwat.
4. Sub Divisional Education Officer (Female) Lakki Marwat.
5. Sub Divisional Education Officer (Female) Scrai Naurang.
6. Principals/Head Mistress/Head Teacher concerned schools.
7. District Monitoring Officer Lakki Marwat.
8. Candidates concerned.
9. Master File.

  
District Education officer  
(Female) Lakki Marwat

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B

7

26-10-19

## چارچ رپورٹ

بحوالہ بھرتی آرڈر آمدہ از دفتر ڈسٹرکٹ ایجوکیشن آفیسر زمانہ لکی مروت نمبر 4781-89 مورخہ 24/10/2019 آج مورخہ 26/10/2019 کو قبل از دوپہر میں نے چوکیدار کی

خالی اسامی پر چارج سنبھال لیا۔

لہذا اطلاعاً رپورٹ عرض ہے۔

چارچ گرینڈہ  
M. Ishaq

Shahideh چارج دھند

Headmistress  
G.G.P.S. Nar Abu Samara  
Bagu Khel Distt. Lakkhi Manwa

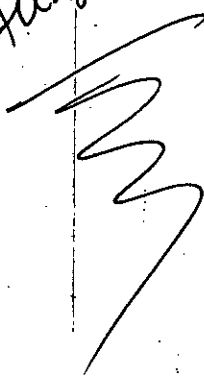
نقول چارج رپورٹ برائے ضروری کارروائی ارسال خدمت ہے۔

(1) - DEO فی میل لکی مروت۔

(2) - SDEO فی میل سرائے نورنگ۔

(3) - ڈسٹرکٹ اکاؤنٹ آفیسر لکی مروت۔

(4) - ASDEO سرکل سرائے نورنگ۔

Autos  


C 8

4-3-20

**OFFICE OF THE DISTRICT EDUCATION OFFICER  
(FEMALE) LAKKI MARWAT.**

**OFFICE ORDER**

Mr. Abdul Waheed Chowkidar GGPS Abdullah Khan Bethani is hereby temporary adjusted at office of the District Education Officer (Female) Lakki Marwat due to the Merging of school till for further order.

Note.

1. The above employee will draw his salary from the DDO code SDEO (F) Lakki Marwat GGPS Abdullah Khan Bethani.
2. The post may not be considered as vacant.
3. IMU will take the attendance report of said employee from DEO (F) Office on monthly basis.

Sd/-

District Education  
Officer (Female)  
Lakki Marwat.

Dated 04-03-2020

Endst: No. 683-85

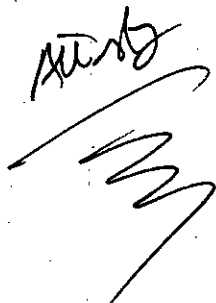
Copy to the:-

1. SDEO (F) Lakki Marwat.
2. District Monitoring Officer Lakki Marwat.
3. M. File

Sd/-

Sd/-

District Education  
Officer (Female)  
Lakki Marwat.



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7-3-20

OFFICE OF THE DISTRICT EDUCATION OFFICER FEMALE LAKKI MARWAT.

Office Order:-

Mr. Abdul Waheed S/O Abdur Rashid appointed in 100% quota is hereby transferred to his native village GGPS Nar Abu Samand begu Khel while Mr. Muhammad Ishaq may be placed at the disposal of DEO (F) office for further order with immediate effect in the best inters of public service.

Note: Vide order Endost: No. 683-85 dated 04-03-2020 is hereby withdrawn.

District Education officer  
(Female) Lakki Marwat.

Endst: No. 782-85

Dated: 07 /03/2020.

Copy to the:-

1. Director (E&S) Education Khyber Pakhtunkhwa Peshawar.
2. Deputy District Education Officer (F) Local Office.
3. SDEO (F) Naurang with direction for release of pay.
4. Master File.

District Education officer  
(Female) Lakki Marwat

Amir





خدمت جناب ڈائریکٹر صاحب ایشیائی و قافلی تعلیم ایشیاء

گھانا ڈیپل (بابت نیٹل زمانہ الحکامات ڈائری لود ہلم 85-82-782)

مرد 15 2020-03-07 لوہا مینڈاؤلی بیورڈ اریسی لیریڈیٹی سیاسی اثر

در سوچ لو لوچ ن نزل

جناب عالی اسپیشل سٹاف

1) یہ من مسائل نار او سینڈ بیڈو ویل جس لفریڈ لکی تھ مگوتی بولیا اور  
موجودہ طور پر گورنمنٹ گزٹ پبلیک کول نار او سینڈ بیڈو ویل پر

لہذا فور سیدار تعینات بولیا

2) یہ ڈیپلٹ ایجوکیشن آفیسر صاحبہ (زنانہ) ملی ہے من مسائل 2  
24<sup>15</sup> 2019

تعمیناتی احکامات سوان لہلم 82-81-4781 اور 2019  
فاری لکے ہے اور من مسائل سڈیل لعل ٹنٹس ٹیفیلیٹ ڈیپارٹمنٹ  
ماصل با ماعتل سے ایسی ڈیویژن سراجام کے لہ بولیا (من تعیناتی حکم نمبر  
سڈیل ٹیفیلیٹ ڈیپارٹمنٹ، رتیکہ لہ بولیا)

3) یہ من مسائل 2 تعیناتی احکامات لہ بولیا چار سینے کمی نہیں ہوئے کہ  
ڈیپلٹ ایجوکیشن آفیسر (زنانہ) ملی ہے لہذا مافول، یا ایسی  
من مسائل 2 احکامات لیریڈیٹی سیاسی اثر و سونے استعمال کرتے ہوئے  
فاری لکے ہیں جو مافول سے لکے لکے اختیار حاصل نہ ہے

4) یہ لہ بولیا ڈیپلٹ لکے کم از کم سبب سے طلبہ یا ایسی تو سال 2  
اس من مسائل کو بدوردان پروجیکشن پیڈ ڈیپلٹ لہ بولیا ہے  
جس سے ایجوکیشن آفیسر صاحبہ (زنانہ) ملی لیریڈیٹی اظہم و زانی  
صاف ظاہر ہے

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(5) یہ کم من مسائل نہ تو جان چھوڑے گا اور نہ ہی جانے  
 والے لیا گیا ہے جس کے من لینا اس سفارشی کو تیار  
 تو جان دیا گیا ہے کہ وہ نہ تیار ہو سکا (زندہ)  
 Head mistress کا یہ عمل سیاسی خلاف قانون ہے

(6) یہ کم من مسائل یہ کہ وہ اس سے تعلق رکھتا ہے اور اس کی سفارش  
 وغیرہ نہ ہوگی بلکہ یہ مسائل تو عنقریب قانونی طور پر  
 ڈال دیے جائیں گے، حالانکہ وہ مسائل ایسی طرحی بنا کر  
 سے نہ انجام دے رہے ہیں اور وہ مسائل کے خلاف عمل کو  
 کسی قسم کی قلم شکنی سے بھی نہ روک سکیں اور جو اس سے  
 (7) DEO نے اپنی اختیار کے ساتھ اس کے استعمال کے لیے  
 من مسائل کے خلاف ان کے اہلکاروں کے لیے

ہو کر قابل مذکور ہیں

(7) یہ کم من مسائل کے لیے (زندہ) کے خلاف اور اس کے  
 کے لیے اور اس کے لیے آئیے (زندہ) کے لیے اور اس کے لیے  
 کے لیے اور اس کے لیے آئیے (زندہ) کے لیے اور اس کے لیے  
 کے لیے اور اس کے لیے آئیے (زندہ) کے لیے اور اس کے لیے  
 کے لیے اور اس کے لیے آئیے (زندہ) کے لیے اور اس کے لیے

(8) یہ کم من مسائل کے لیے اور اس کے لیے آئیے (زندہ) کے لیے اور اس کے لیے  
 کے لیے اور اس کے لیے آئیے (زندہ) کے لیے اور اس کے لیے  
 کے لیے اور اس کے لیے آئیے (زندہ) کے لیے اور اس کے لیے  
 کے لیے اور اس کے لیے آئیے (زندہ) کے لیے اور اس کے لیے  
 کے لیے اور اس کے لیے آئیے (زندہ) کے لیے اور اس کے لیے

مدرسہ: 24-3-16  
 247 9679-305  
 محمد اسحاق ولد امیر زمان خان سکنہ نار ایسٹنگ پبلک اسکول، نور پور ضلع

M. Ishaq

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2-6-20

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

**NOTIFICATION.**

Mr. Ikram Ullah Deputy DEO (M) Banu is hereby nominated as Enquiry Officer to conduct enquiry in the appeal lodged by Mr. Muhammad Ishaq Chowkidar GGPS Nar Abu Samand Bego Khel Serai Nourang District Lakki Marwat.

Note. The Inquiry Officer is directed to submit his recommendation / findings within a fortnight.

Sd/-

Director Elementary  
& Secondary  
Education, Khyber  
Pakhtunkhwa,  
Peshawar

Endst: No. 2651-54/A-20/C-IV/ Lakki Marwat

Dated 02-06-2020

Copy to the:-

1. Mr. Ikram Ullah Deputy DEO (M) Bannu along with copy of appeal etc.
2. District Education Officer (Female) Lakki Marwat.
3. Principal / HM Concerned.
4. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

Sd/-

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

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INQUIRY REPORT :

In continuation to Director E&SE KPK Notification NO. 2651-54/A-20/C-IV/Lakki Marwat. Dated the Peshawar the 02/06/2020, the undersigned is entrusted with assignment of conducting inquiry on the appeal of Muhammad Ishaq Chowkidar GGPS Nar Abusamand Begu Khel, hence conducted inquiry proceedings as per procedure under the rules.

TITLE OF INQUIRY :

ILLEGAL TRANSFER & STOPPAGE PAY OF MUHAMMAD ISHAQ CHOWKIDAR GGPS NAR ABU SAMAND BEGU KHEL DISTRICT LAKKI MARWAT.

PROCEEDINGS OF INQUIRY.

As per grievances mentioned in the appeal by Muhammad Ishaq chowkidar, submitted to Director Elementary & Secondary Education Khyber Pakhtunkhwa, served questionnaire on DEO (F) District Lakki Marwat, reproduced again here for further proceedings.

- Q.NO.1 As per budget book there exist one post of chowkidar at GGPS Nar Abu Samand Begu Khel, against which complainant Mr, Muhammad Ishaq was appointed as chowkidar against vacant post vide your Endst NO. 4781-89 Dated 24.10.2019, whether you endorse the said information ?
- Q.NO.2 Whether recommendation of Mr. Muhammad Ishaq were on open merit basis, keeping in view free of cost mutation etc ?
- Q.NO.3 What were the circumstances when the services of the said chowkidar have been placed at the disposal of DEO(F) office, where there exist no vacant post of chowkidar?
- Q.NO.4 Can the Medical board of Ex-chowkidar Abdur Rasheed be justified who was proceeded after acquiring age (59:10:06 YY,MM,DD) ?, whether he was not fit to be proceeded through pre-mature pension ?
- Q.NO.5 If Abdul Waheed S/O Abdur Rasheed was fit for appointment against MB son quota then why he was not appointed as junior clerk etc, whether office was reluctant or candidate ? Whether office is bound to go through whims & wishes of any candidate or through procedure?
- Q.NO.6 In MB & deceased son quota appointment, adjustment is made any where in the district as was made in case of Abdul Waheed chowkidar but why a unilateral decision has been taken by transferring him to the school from where his father had gone through Medical Board? Whether his initial appointment at GGPS Ahmad Khan

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Battani was wrongly made, duly approved in DSC ?, or there were other reasons ?

Muhammad Ishaq chowkidar duly recommended in DSC on 23.10.2019 against the vacant post of chowkidar at GGPS Nar Abu Samand Begu Khel , pay release order issued on the said school & even pay bill passed on the said school then why lapses of law ,rules & violation of policy seems obvious in his case ?

Brief of the case is that there exist one sanctioned post of chowkidar at GGPS Nar Abu Samand Begu Khel District Lakki, where Mr. Muhammad Ishaq was appointed against open merit vide DEO (F) NO. 4781-89 Dated 24-10-2019, through DSC . On further scrutiny it became clear that father of Mr. Ishaq chowkidar i.e Mr. Akbar Zaman S/O Mehrullah Khan had mutated one Kanal (1--0 K--M) piece of land in Khasra NO. 30 Khata NO. 13 Mutation NO. 557 confirmed on 26.02.1987 free of cost, in favour of Education Department, which was the basic determining factor for consideration of Mr. Ishaq Khan chowkidar on open merit basis against the said post of chowkidar at GGPS Nar Abu Samand Begu Khel. It is added that vide NO. 860 Dated 19-02-2019 29 candidates were called on for interview scheduled to be held on 25.02.2019 where Mr. Muhammad Ishaq was at S. NO.07 . When the appellant informed that his right was going to be jeopardized by someone else then he approached to the court of civil judge NO.V Lakki Marwat where the learned court emphasized the matter to continue as per schedule on 24.04.2019. Appointment order of three (03) candidates issued against retired son quota of 25% ,one against Medical Board son quota & five(05) against open merit quota including the appellant at s.no.04 of the appointment order issued under Endst NO. 4781-89 Dated 24.10.2019. On going in detail pay was released vide DEO(F) NO. 6436 Dated 05/12/2019 against the said post of chowkidar at GGPS Nar AbuSamand Begu Khel Lakki Marwat.

After lapse of few months Mr. Abdul Waheed s/o Abdur Rasheed who was appointed as chowkidar under the same Endst : NO. 4781-89 Dated 24.10.2019. at GGPS Abdullah Khan Bhattani, was transferred to GGPS Nar Abu Samand Begu Khel & services of Muhammad Ishaq chowkidar were placed on the disposal of DEO (F) where there exist no vacant post & his pay was stopped vide office order NO.782-85 Dated 07.03.2020.

When the case of Abdul waheed was further scrutinized , it became clear that his father Abdul Rasheed had gone through Medical Board though he was not entitled for the same. As per CNIC , Mr Abdul Rasheed Ex-chowkidar was born on 18-12-1958 & as per Sanction of MB retirement on 24.10.2018, the acquired age was (yy,mm,dd 59,10,06) . Thus 54 days less than 60 years , Abdul Rasheed chowkidar was proceeded through medical board which is quite against the rules & astonishing case. In case he fulfilled 60 years service

then he could enjoy 25% quota retired son but he manipulated the game with assistance of appointing authority & proceeded Abdul Rasheed through medical board where 100% quota is specified which he availed.

Another malafide is obvious where abdul waheed S/O Abdul Rasheed is/was qualified for appointment up to BPS 11 but he preferred the post of chowkidar at GGPS Nar Abu Samand Begu Khel from where his father had retired because as per local customs he has ambitious designs of occupation of school building for personal usage after school hours.

Appointing authority had fully supported & pleased Abdul waheed in fulfilling his ambitious whims by transferring him from GGPS Ahmadullah Khan Bhattani to GGPS Nar Abu Samand Begu Khel & expelling the real land donor.

CROSS EXAMINATION OF EVIDENCES.

During the proceedings, the documentary evidences produced by appellant were cross examined with official documents produced by Mr. Shafqatullah Khan Superintendent of the office of DEO(F). After having authentication, made exhibition, statements were recorded & perused all evidences present in documentary form accordingly.

RECOMMENDATIONS.

After hearing the defence & examining evidences, following preliminary recommendations are hereby submitted.

1. Competent authority should be directed as to why the pension case of Ex-chowkidar Abdul Rashid was perused on Medical grounds though he was fit for premature pension rather on medical board basis as after lapse of 54 days he could be proceeded on 60 years (superannuation pension).
2. Transfer of Muhammad Ishaq chowkidar from GGPS Nar Abusamand Begu Khel to office with out any post & stoppage of his pay is against the service laws, hence needs immediate cancellation.
3. Competent authority should be penalized with "CENSURE" under E&D proceedings so that such kind of mal practices could be discouraged which could become basis for unnecessary litigation against government.

*AA/AS*  
*[Handwritten signature]*

*[Handwritten signature]*  
10-07-2020  
Inquiry Officer

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10-7-20

OFFICE OF DISTRICT EDUCATION OFFICER (M) BANNU.

NO. P.File/155

Dated: 10.07.2020

To

Director,

Elementary & Secondary Education Khyber Pakhtukhwa Peshawar.

SUBJECT: INQUIRY PROCEEDINGS ON THE APPEAL LODGED BY MUHAMMAD ISHAQ CHOWKIDAR GGPS NAR ABU SAMAND.

MEMO.

In continuation to Director E&SE KPK Notification NO. 2651-54/A-20/C-IV/Lakki Marwat Dated the Peshawar the 02/06/2020, the undersigned was entrusted with assignment of conducting inquiry on the appeal as cited above, hence conducted inquiry therefore submitted the same with supporting documents for your kind perusal please.

*[Signature]*  
10 7 2020  
Inquiry Officer

*[Signature]*  
DDSO (M) Bannu

*[Signature]*  
*[Signature]*  
Admin

233  
22-7-2020



14 17 4-8-20  
DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION  
KHYBER PAKHTUNKHWA PESHAWAR.

No 291317 /F.No. /A-20/C-IV/Lakki Marwat Vol 7

Dated Peshawar the 4/8 /2020

Phone: 091-9225344

Email: ddadmn.ese@gmail.com

To

The District Education Officer  
(Female) Lakki Marwat

Subject: **INQUIRY PROCEEDING ON THE APPEAL LODGED BY MUHAMMAD ISHAQ CHOWKIDAR GGPS NAR ABU SAMAND**

Memo:

I am directed to refer to the subject noted above and to enclose herewith a letter No P.File/155 dated 10/07/2020 received from DEO (M) Bannu in r/o Muhammad Ishaq Chowkidar GGPS Nar Abu Samand District Lakki Marwat as per inquiry report no question arise to stop the pay of Mr. Ishaq Chowkidar appointed on merit, so he may be adjusted properly and his salary may be released.

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

04/08/2020

Endst; No. \_\_\_\_\_

Copy forwarded to the: -

1. PA<sup>to</sup> Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.

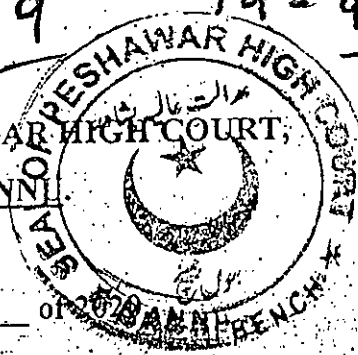
Assistant Director (Admn)  
Directorate E& Secondary Education  
Khyber Pakhtunkhwa, Peshawar





BEFORE THE HON'BLE PESHAWAR HIGH COURT,  
BANNU BENCH, BANNU.

Writ Petition No. 891-B of 2018

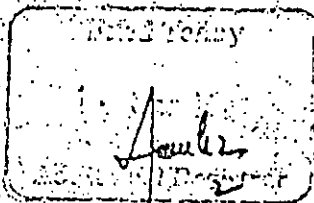


Muhammad Ishaq S/O Akbar Zaman R/O village Nar Abu Samand Begu Khel, presently posted as Chowkidarin the office of District Education Officer (Female), District Lakki Marwat, ..... Petitioner.

VERSUS

- 1-Government of Khyber Pakhtunkhwa through Secretary Education (E & S) Peshawar.
- 2-The Director Education (E & S), Peshawar.
- 3-The District Education Officer (F), District Lakki Marwat.
- 4-The Sub Divisional Education Officer (F), Lakki Marwat.
- 5-The Headmistress, Govt. Girls Primary School, Nar Abu Samand Begu Khel, Serai Naurang, District Lakki Marwat,
- 6-The District Account Officer, District Lakki Marwat, and
- 7-Abdul Waheed S/O Abdur Rashid Khan R/O village Nar Abu Samand Begu Khel, Tehsil Serai Naurang, District Lakki Marwat..... Respondents.

WRIT PETITION UNDER ARTICLE 199 OF THE  
CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN.



ATTESTED  
EXAMINER  
Peshawar High Court  
Bannu Bench

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Respectfully Sheweth:

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1. That, petitioner is the permanent resident of village Nar Abu SamandBeguKhel, Tehsil Serai Naurang, District Lakki Marwat. *(Copy of the CNIC of the petitioner is annexed as Annexure-A).*
2. That, petitioner was appointed as Chowkidar at Government Girls Primary School Nar Abu SamandBeguKhel, Tehsil Serai Naurang, District Lakki Marwat vide order bearing Endorsement No.4781-89 dated 24.10.2019, by the District Education Officer (F), Lakki Marwat. Similarly, Respondent No.7 Abdul Waheed was also appointed as Chowkidar at Govt. Primary School Abdullah Khan Bhetani through the above referred order of the District Education Officer (F), Lakki Marwat. *(Copy of the appointment order of the petitioner and respondent No.7 is annexed as Annexure-B).*
3. That, after his appointment and observing the legal formalities, the petitioner started his official duties at Government Primary School, Nar Abu SamandBeguKhel, Serai Naurang, District Lakki Marwat with full devotion and regularity. *(Copy of the Charge report, Medical fitness Certificate and Duty Certificate, issued by Headmistress, GGPS Nar Abu SamandBeguKhel, District Lakki Marwat are annexed as Annexure-C).*
4. That, vide order bearing Endst: No.683-85 dated 04.03.2020, issued by the District Education Officer (F), Lakki Marwat, the respondent No.7 Abdul Waheed was adjusted at the office of the

10/11/20

10/11/20  
Attested  
[Signature]

ATTESTED  
EXAMINER  
Peshawar High Court

Auxiliary  
[Signature]

District Education Officer (F), Lakki Marwat. (Copy of the order Endst: No.683-85 dated 04.03.2020, of the DEO (F), Lakki Marwat is attached as Annexure-D).

5. That, just after three days of the adjustment of respondent No.7 Abdul Waheed at the office of District Education Officer (F), Lakki Marwat, vide order dated 04.03.2020, the petitioner was illegally and on the basis of political influence, transferred from Govt. Primary School, Nar Abu SamandBeguKhel, Serai Naurang, District Lakki Marwat and his services were placed at the disposal of District Education Officer (F), Lakki Marwat office for further order, whereas the respondent No.7 Abdul Waheed was transferred to GGPS Nar Abu SamandBeguKhel in place of the petitioner, vide office Order bearing Endst: No.782-85 dated 07.03.2020, issued by the District Education Officer (F), Lakki Marwat. (Copy of the office Order No.782-85 dated 07.03.2020 is annexed as Annexure-E).

ATTESTED  
EXAMINER  
Peshawar High Court  
Banaru Bench

6. That, since no vacant post of Chowkidar was available there in the office of District Education Officer (F), Lakki Marwat, therefore, petitioner has not been paid his monthly salaries till date.

7. That, although, after his transfer from Govt. Primary School, Nar Abdu SamandBeguKhel, District Lakki Marwat, the petitioner had not yet relinquished the charge for the post of Chowkidar, but even then the Headmistress, GGPS Nar Abu SamandBeguKhel, Serai Naurang, District Lakki Marwat

Ad. [Signature]

[Signature]

(Respondent No.5 herein), illegally handed over the charge to the Chowkidar of their choice, i.e. Abdul Waheed respondent No.7.

8. That, after issuance of the illegal transfer order, the petitioner submitted Departmental Appeal to the Director Education (E & S), Peshawar/ Respondent No.2 for his redressal. (Copy of the Departmental Appeal filed by the petitioner is annexed as Annexure-F).

9. That, upon the Departmental Appeal filed by the petitioner against his illegal transfer, the Director Education (E & S), Peshawar/ Respondent No.2 nominated Mr. IkramUllah, Deputy District Education Officer (M), District Bannu as Inquiry Officer to conduct inquiry in the appeal, lodged by the petitioner, vide Notification bearing Endst: No.2651-54/A-20/C-IV/Lakki Marwat dated Peshawar the 02.06.2020. (Copy of the Notification bearing Endst: No.2651-54/A-20/C-IV/Lakki Marwat dated 02.06.202 is annexed as Annexure-G).

10. That, the Inquiry Officer/ Deputy District Education Officer (M), Bannu, after conducting thorough inquiry into the matter, submitted his detailed report to the Director Education (E & S) Peshawar, vide letter No:P.File/155 dated 10.07.2020, wherein it was recommended by the Inquiry Officer that,

- (i) Competent Authority should be directed as to why the pension case of Ex-Chowkidar Abdul Rashid was perused on Medical grounds though he was fit for premature pension rather on medical board basis as after lapse of 54

ATTESTED  
EXAMINER  
Peshawar High Court  
Bannu Bench

Attested by  
*[Signature]*

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days, he could be proceeded on 60 years (Superannuation pension).

(ii) The transfer of Muhammad Ishaq Chowkidar (Petitioner herein) from GGPS Nar Abu Samand Begu Khel to the office without any post and stoppage of his pay is against the service laws, hence need immediate cancellation.

(iii) Competent authority should be penalized with "CENSURE" under E&D proceedings so that such kind of mal practices could be discouraged which could become basis for unnecessary litigation against Government.

*(Copy of the letter No.P.File/155 dated 10.07.2020, issued by the Deputy District Education Officer (M), Bannu/ Inquiry Officer, alongwith his detailed Inquiry Report is annexed as Annex-H).*

11. That, after submission of Inquiry Report by the Inquiry Officer/ Deputy District Education Officer (M), Bannu, the District Education Officer (F), Lakki Marwat was directed by the Assistant Director (Admn), Directorate (E & S) Education, Khyber Pakhtunkhwa, Peshawar that the petitioner may be adjusted properly and his salary may be released, vide letter No.26317/F.No./A-20/C-IV/Lakki Marwat Dated Peshawar the 04.08.2020. *(Copy of the letter No.26317/F.No./A-20/C-IV/Lakki Marwat Dated Peshawar the 04.08.2020, is annexed as Annexure-I).*

**ATTESTED**  
EXAMINER  
Peshawar High Court  
Banna Bench

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*Amir*  
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12. That, when the petitioner approached the District Education Officer (F), Lakki Marwat for cancellation of his transfer order and release of his pay, in the light of directions of the Director Education, Peshawar, contained in letter No. No.29317/F.No./A-20/C-IV/Lakki Marwat Dated Peshawar the 04.08.2020, she flatly refused.

13. That, after the refusal of District Education Officer (F), Lakki Marwat to cancel the illegal transfer order of the petitioner and to release his pay, the petitioner submitted an application to the Director Education (E. & S), Peshawar for directing the District Education Officer (F), Lakki Marwat to make compliance of his directions, contained in letter No.29317/F.No./A-20/C-IV/Lakki Marwat Dated Peshawar the 04.08.2020, but of no avail. (Copy of the application moved by the petitioner to the Director Education is annexed as Annexure-J).

14. That, now the petitioner having no other adequate remedy, approaches to this Hon'ble Court through the instant writ petition, inter-alia on the following grounds:-

GROUND:

A. That, the Office Order bearing Endst: No.782-85 dated 07.03.2020, passed by the District Education Officer (F), Lakki Marwat is illegal, against the law, Policy and rules and thus ineffective upon the rights of the petitioner.

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- B. That, the above mentioned office order of the District Education Officer (F), Lakki Marwat is based on mala fide, political influence and collusion.
- C. That, the Inquiry Officer has clearly opined that transfer of Muhammad Ishaq Chowkidar (petitioner herein) from GGPS Nar Abu Samand Begu Khel to office without any post and stoppage of his pay is against the service laws, hence, needs immediate cancellation. Similarly, the District Education Officer (F), Lakki Marwat was directed by the Assistant Director (Admin), Directorate E & S Education, Khyber Pakhtunkhwa, Peshawar to adjust the petitioner properly and his salary may be released, but even then the District Education Officer (F) Respondent No.3 ignored the all such recommendations and directions of the High-ups.
- D. That, the high handedness of the Respondents is very much clear from the office Order bearing Endst: No:683-85 dated 04.03.2020, of the District Education Officer (F), Lakki Marwat, vide which the respondent No.7 Abdul Waheed was adjusted at the office of district Education Officer (F), Lakki Marwat, but soon after three of the said order, he was transferred to GGPS Nar Abu Samand Begu Khel in place of petitioner.
- E. That, this Hon'ble Court has the administrative and supervisory powers to control an administrative action, when it infringes the fundamental rights of a citizen or where it goes beyond the spirit of constitution and ensure the rule of Law, therefore, the above

**ATTESTED**  
 EXAMINER  
 Peshawar High Court  
 Bannu Bench

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illegal order of the District Education Officer (F), Lakki Marwat are liable to be struck down and may be declared as null and void.

F. That, the petitioner has neither been dealt with in accordance with law nor has been treated equally before the law, in violation of Articles-4 and 25 of the Constitution of Republic of Pakistan.

G. That, the above referred order of the Respondent No.3 is the result of malfeasance and misfeasance.

H. That, the very act of Respondents regarding non-payment of monthly salaries to the petitioner, is unjust, unlawful and discriminatory.

I. That, due to non-payment of monthly salaries by the respondents No.1 to 6, the petitioner is facing great inconvenience and hardships in daily life.

J. That, learned counsel for the petitioner may kindly be allowed to submit further grounds during the hearing of instant writ petition.

In wake of above submissions, it is humbly prayed that on the acceptance of instant Writ Petition, the Office Order bearing Endst: No:782-85 dated:07.03.2020, issued by the District Education Officer (F), Lakki Marwat may graciously be struck down/cancelled and may be declared as null and void. The respondent No.1 to 6 may also be directed to release the monthly salaries of the petitioner, with all back benefits/ privileges, alongwith any other relief, which the Hon'ble Court may deem fit and not specifically asked for.

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INTERIM RELIEF:

Interim relief to the effect that the Officer Order bearing Endst: No.782-85 dated 07.03.2020, issued by the District Education Officer (F), Lakki Marwat may kindly be suspended and the Respondents No.1 to 6 may be directed to pay the current as well as onward salaries to the petitioner, till disposal of instant petition.

Dated: 14/09/2020.

Yours humble Petitioner

M. Ishaq  
(Muhammad Ishaq)

Through Counsel

Younas  
(Younas Ali Khan)  
Advocate, High Court,  
Lakki Marwat.

CERTIFICATE

Certified that no such writ petition has previously been submitted by the petitioner before this Honorable Court and the same is in the jurisdiction of Divisional Bench.

Younas  
(Younas Ali Khan)  
Advocate, High Court,  
Lakki Marwat.

List of Books:

1. The Constitution of Islamic Republic Of Pakistan
2. Any other book as per need.

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EXAMINER  
Peshawar High Court  
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29-9-20

JUDGMENT SHEET  
IN THE PESHAWAR HIGH COURT, BANNU BENCH  
(Judicial Department)



W.P No.891-B/2020.

Muhammad Ishaq

Vs

Govt: of KPK etc.

JUDGMENT

Date of hearing \_\_\_\_\_ 29.9.2020.

Petitioner( s)by: *Mr. Younis Ali Khan Marwat Advocate.*

Respondent(s) by: (In motion).

MUSARRAT HILALI, J--- Through this constitutional petition filed under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner seeks the following relief:-

*"It is humbly prayed that on the acceptance of instant Writ Petition, the Office Order bearing Endst: No.782-85 dated 07.3.2020, issued by the District Education officer (F), Lakki Marwat may graciously be struck down/cancelled and may be declared as null and void. The respondent No.1 to 6 may also be directed to release the monthly salaries of the petitioner, with all back benefits/privileges, along with any other relief, which the Hon'ble Court may deem fit and not specifically asked for."*

*Amir*  
*[Signature]*

ATTESTED

EXAMINER  
Peshawar High Court  
Bannu Bench

29

2. At the very outset learned counsel for the petitioner stated at the bar that he would be satisfied if the instant writ petition is converted in representation and is sent to the respondents for favourable consideration.

3. In view thereof this petition is sent to the respondents with the direction that the same be treated as representation and be decided within a period of 30 days. In case the petitioner is still aggrieved of the decision of respondents, he may thereafter approach the proper forum. This writ petition is disposed of in the above terms.

Announced.  
29.9.2020.

Sd/ Justice Ms. Musarrat Hilali, J  
Sd/ Mr. Justice Sahibzada Asadullah, J

Ihsan (D.B) Hon'ble Justice Musarrat Hilali and Hon'ble Justice Sahibzada Asadullah

CERTIFIED TO BE TRUE COPY

*[Handwritten Signature]*  
19/9/20

Examiner  
Peshawar High Court, Bannu Bench  
Authorized Under Article 87 of  
The Qanun-e-Shahadat Ordinance 1984

*[Handwritten Signature]*  
12/10/2020

SCANNED

*[Handwritten Signature]*  
Khalid Khan

*[Handwritten Signature]*

یعدالت چھاپ سروس ٹریڈ پورٹل صوبہ سندھ ایسٹ اور

منجانب ایڈووکیٹ

محمد اسحاق

دعویٰ اپیل

باعضویت

مستقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام اپنا اور  
کیس میں اسٹیک انڈسٹری سروس سے ایڈووکیٹ ہائی کورٹ کو وکیل مستقر کر کے اقرار کیا جاتا ہے کہ صاحب  
مستوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے راہی نامہ و اقرار ثالثہ وغیرہ برتلاف  
دینے جواب دہی اور اقبال دعویٰ اور لہذا ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور بعضی دعویٰ اور درخواست  
ہر قسم کی تقصیر اور اس پر دستخط کرنے کا اختیار ہوگا نیز لہذا عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی  
اور مستوفی نیز دائر کرنے اپیل ٹرانسفر و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور لہذا ضرورت مقدمہ مندرجہ  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تفریکہ اختیار ہوگا  
اور وہ اپنے مقدمہ کو پیش کریں وہی جملہ مندرجہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پروا ختم نہ ہوا  
قبول ہوگا اور دوران مقدمہ میں جو خرچہ و ترہ جائز التوا مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب  
مستوف ہوں گے نیز بقایا و فریبہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مستقام روزہ  
پیر ہو یا عدت باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا نکالت نامہ رکھ دیا کہ سند ہے۔

المترقوم

العقد

العقد

العقد

ارباب شیعہ اہل مال  
ایڈووکیٹ

M. Ismail Khan  
سید محمد اسماعیل خان  
ایڈووکیٹ

M. Ismail  
محمد اسحاق

Robina  
س روبینہ خان  
ایڈووکیٹ

1

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

C.M. No. \_\_\_\_\_/2021

IN

S.A. No. \_\_\_\_\_/2020

Muhammad Ishaq

versus

DEO (F) & Others

**APPLICATION FOR RELEASE OF THE MONTHLY  
SALARIES WITHHELD SINCE APRIL 2020:**

**Respectfully Sheweth;**

1. That appellant filed the subject appeal before this hon'ble Tribunal and is fixed for today hearing.
2. That applicant is performing his duties with R. No. 01 but his salaries were withheld for no obvious reason.
3. That salary is not a bounty but a vested right of every servant as is held by the apex Supreme Court of Pakistan in numerous judgments.
4. That even this hon'ble Tribunal also withheld in numerous judgments that salaries cannot be stopped especially when servant is performing his official duties.
5. That without salary domestic expenditure and other requirements could not met.

It is, therefore, most humbly prayed that the application be accepted as prayed for.

*M. Ishaq*

Appellant

Through

*Saadullah Khan Marwat*

Saadullah Khan Marwat  
Advocate

Dated 25-03-2021

**BEFORE KPK SERVICE TRIBUNAL PESHAWAR**

C.M. No. \_\_\_\_\_/2021

IN

S.A. No. \_\_\_\_\_/2020

Muhammad Ishaq

versus

DEO (F) & Others

**APPLICATION FOR RELEASE OF THE MONTHLY  
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**Respectfully Sheweth:**

1. That appellant filed the subject appeal before this hon'ble Tribunal and is fixed for today hearing.
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5. That without salary domestic expenditure and other requirements could not met.

It is, therefore, most humbly prayed that the application be accepted as prayed for.

*M. Ishaq*

Appellant

Through

*Saaduliah Khan Marwat*  
Saaduliah Khan Marwat  
Advocate

Dated 25-03-2021

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

Service appeal No. 16444/2020

**MUHAMMAD ISHAQ**

**VERSUS**

**D.E.O (F) LAKKI MARWAT, AND OTHERS**

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS No.1,2,3**

**Index**

S/No	Subject	Annexure	Page No
1	Written reply / comments	-----	1-4
2	Affidavit	-----	5
3	Authority letter.	-----	6

4. Reply To Application

7

197/20



①

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE  
TRIBUNAL, PESHAWAR**

**Service appeal No.16444/2020**

**MUHAMMAD ISHAQ      VERSUS      D.E.O (F) LAKKI, ETC**

**PARA WISE COMMENTS ON BEHALF OF RESPONDENTS No.1,2,3**

**Respectfully Sheweth,**

The Respondents humbly submits as under:

**PRELIMINARY OBJECTIONS:**

- i. That the appeal is badly time barred.
- ii. That the appellant has got no locus-standi to file the instant appeal.
- iii. That the appellant has not come to this tribunal with clean hands.
- iv. That the appeal is not maintainable in the present from and also in the present circumstances.
- v. That the appellant has filed the instant appeal just to pressurize the respondents.
- vi. That the appeal is against the facts, rules and laws.
- vii. That the appellant is precluded and estopped from filing the instant appeal due to his own conduct.
- viii. That the appellant has concealed some material facts from this Hon'ble Tribunal. That after the appellant appointment, he only took charge but was not willing to perform his duty and from the very first day he became problematic for the school administration. Therefore the respondent No.4 was transferred to the said school just for public interest and for the GPS Nar Abu Samand's smooth working, while the appellant was posted in office of respondent No.1 (by previous D.E.O) but till date the appellant didn't take charge and is not ready to be adjusted at any other school.
- ix. That the appointing authority is competent to transfer employee from one place to another. It is pertinent to mention that appellant's only wish and demand is posting at GPS Nar Abu Samand from which he was transferred due to his non-performance of duty.
- x. That due to non-performance of duty, appellant is not entitled to pay.

**FACTS:**

1. That Para No-1 is correct, hence needs no reply.
2. That Para No-2 is correct. The appellant took charge of his duty but from the first day he became problematic for the administration of school. He interferes in the school's administrative matters.

3. That Para No-3 is incorrect. The respondent NO.4 was adjusted in respondent No.1's office due to merging of schools.
4. Para No-4. That as mentioned above the appellant became troublemaker for the school administration therefore in the best interest of the school, appellant was transferred from the said school to office of respondent No.1 and respondent No.4 was transferred to GPS Nar Abu Samand Begu Khel.

Here it is pertinent to mention that due to non-performance of duty the case of appellant became special and the appointing authority has the competency to transfer employee in special circumstances.

5. Para No-5. That the appellant agitated matter before respondent No.2.
6. That Para-6 was correct. Hence need no reply.
7. Para-7. That it is evident from the enquiry report that the matter was not properly addressed, all the questions were not answered, no opportunity was given to the respondent No1 & 4, as well as respondent No.4's father to defend their case. Recommendations were based on ex-parte enquiry.
8. That Para No.8 is correct. The respondent No.2 directed the respondent No.1 to adjust the appellant and release his pay but after the said directions the appellant again filed civil suit and verbally demanded (literally ordered) his posting at GPS Nar Abu Samand Begu Khel. He was neither accepting the adjustment at any other place of duty nor was he joining the duty in the office of respondent No.1, therefore, his pay was not released.
9. Para No.9. That from the application it is evident that the appellant's only demand is posting at the disputed school from which he was transferred due to his non-performance of duty and undue interference.
10. Para No.10. That without giving proper notice to the respondents, the appellant's counsel requested the Hon'ble High Court to convert the writ petition to representative appeal, which was done by the Hon'ble Court without touching the merits of the case.
11. That the present appeal is filed just to pressurize the department, therefore liable to be dismissed on the following grounds interalia:-

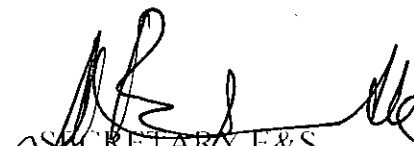
**GROUNDS:**


- A. That Para No. A is incorrect, hence expressly denied. The appellant is troublemaker / problematic and due to his rude behaviour with the school administration and interference in school matters, he was transferred from the said school.
- B. Para No.B. That the enquiry report was conducted ex-parte wherein irrelevant issues were addressed, therefore, enquiry was not honored by the competent authority. The appellant's main issue is not stoppage of salary but his transfer from the GPS Nar Abu Samand Begue Khel.
- C. Para No.C. That the said enquiry was conducted without giving opportunity to all parties i.e (previous D.E.O) respondent No.1, 4 and father of respondent No.4.
- D. Para No.D. That the respondent No.1 was not competent to act on the recommendation of enquiry. Moreover the respondent No.2 on the recommendation of enquiry, directed the respondent No.1 to adjust the appellant and release his pay, whereupon the respondent No.1 was ready and is ready to adjust him and release his salary but the appellant only demand is his posting on GPS Nar Abu Samand Begu Khel and dismissal of respondent No.4 which is based on personal grudge.
- E. Para No.E is incorrect. In special circumstances when the employee refused to perform duty, the appointing authority / department is not bound to pay the salary. Moreover till date the appellant never reported / appeared before respondent No.1 for joining of duty but every time he came to the office with demand of his posting at GPS Nar Abu Samand Begu Khel and dismissal of respondent No.4. He neither performed his duty nor willing to perform at any other place of duty.
- F. Para F is incorrect. The transfer order of appellant was legally correct due to his problematic behaviour and non-performance of duty. The respondents / department is ready to release the pay of appellant after joining the duty in respondent No.1 office and after that on availability of post he will be adjusted at any other school.

- G. That the respondents may be allowed to raise / advance additional ground at the time of arguments.

**It is therefore most humbly prayed that this Hon'ble Tribunal may very graciously be pleased to dismiss the instant appeal with cost.**

**Dated: /10/2021**

  
SECRETARY E&S  
EDUCATION, KPK  
PESHAWAR  
RESPONDENTS NO.3

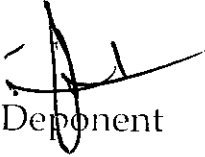
  
DIRECTOR E&S  
EDUCATION, KPK,  
PESHAWAR  
RESPONDENTS NO.2

  
DISTRICT  
EDUCATION OFFICER (F)  
LAKKI MARWAT,  
RESPONDENT NO. 1

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## AFFIDAVIT

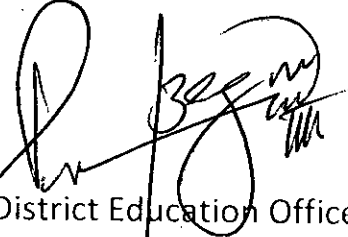
I Muhammad Nazir Litigation Officer office of the District Education Officer (Female) Lakki Marwat declare upon oath that the contents of the attached para Wise comments are correct to the best of my knowledge and belief and nothing has been intentionally concealed.

  
Deponent

6

## AUTHORITY

Mr. Muhammad Nazir Khan Litigation Officer office of the District Education Officer (Female) Lakki Marwat is hereby authorized to submit the para wise reply in service appeal No.16444/2020 Mr. Muhammad Ishaq VS Govt: of PKP in the Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar.



District Education Officer,  
(Female) Lakki Marwat.

7

**BEFORE THE HON'BLE KHYBER PAKHTOON KHWA SERVICE  
TRIBUNAL, PESHAWAR**

**Service appeal No.16444/2020**

**MUHAMMAD ISHAQ      VERSUS      D.E.O (F) LAKKI, ETC**

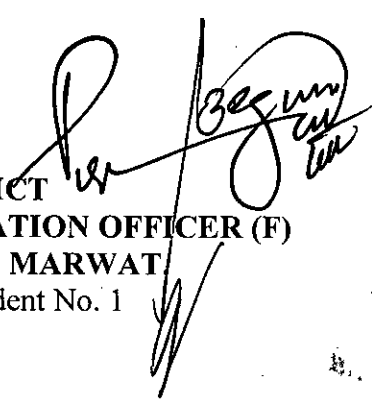
**Reply to application for release of salary**

Respectfully Sheweth:

1. That the appeal is pending adjudication before this Hon'ble Tribunal.
2. That Para No.2 of application is totally incorrect. The applicant never took charge in the office of the respondent No.1 rather he demanded his posting on the previous school.
3. Para No3 is replied that the August Supreme Court held in various judgments that "No duty No pay". The applicant never joined his duty therefore, he is not entitled to salary. It is pertinent to mention that when the applicant took charge in the office of respondent No.1 and performed his duty, his salary will be released from the date of taking charge.
4. That Para No.4 is replied that applicant is not performing his duties, therefore not entitled for any pay / salary.
5. Para No.5. That the department / state is not responsible for the employee expenditure, who refused to perform duty. The applicant has to join duty and perform his duty in the office of the respondent No.1, thereafter he can claim his salary.

It is therefore humbly requested that the application may please be rejected.

**Dated: 06 /12/2021**

  
**DISTRICT  
EDUCATION OFFICER (F)  
LAKKI MARWAT  
Respondent No. 1**