

07.09.2022

Learned counsel for the appellant present.

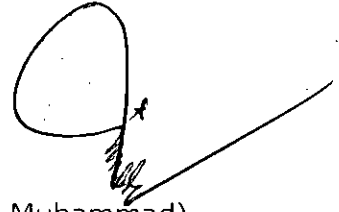
2. Learned counsel for the appellant submitted an application for withdrawal of the instant Service Appeal No. 23/2022, wherein he stated that the grievance of the appellant has been redressed and hence, he wants to withdraw the instant service appeal. Application is placed on file. Dismissed accordingly. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 7th day of Septemeber, 2022.*


(Farzeha Paul)
Member (E)

25.05.2022

Clerk to counsel for the appellant present and requested for adjournment on the ground that counsel for the appellant is not available today. Adjourned. To come up for preliminary hearing on 07.07.2022 before S.B.



(Mian Muhammad)
Member (E)

7th July, 2022

Clerk of learned counsel for the appellant present.

Counsel are on strike. To come up for preliminary hearing on 07.09.2022 before S.B.



(Kalim Arshad Khan)
Chairman

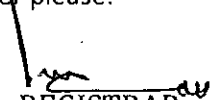


SCANNED
KPST
Peshawar

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - _____ 23 / 2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/01/2022	<p>The appeal of Mr. Naeem Ahmad Khan resubmitted today by Mr. Taimur Ali Khan Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR,</p>
2-	25.02:2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>25/02/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 25.05.2022 for the same as before.</p> <p style="text-align: right;"> Reader.</p>

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST

Case Title: Nasim Ahmed Khan vs Education Deptt.

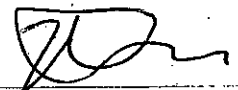
S.#	Contents	Yes	No
1.	This appeal has been presented by: _____	✓	
2.	Whether Counsel / Appellant / Respondent / Deponent have signed the requisite documents?	✓	
3.	Whether Appeal is within time?	✓	
4.	Whether the enactment under which the appeal is filed mentioned?	✓	
5.	Whether the enactment under which the appeal is filed is correct?	✓	
6.	Whether affidavit is appended?	✓	
7.	Whether affidavit is duly attested by competent oath commissioner?	✓	
8.	Whether appeal/annexures are properly paged?	✓	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	✓	
10.	Whether annexures are legible?	✓	
11.	Whether annexures are attested?	✓	
12.	Whether copies of annexures are readable/clear?	✓	
13.	Whether copy of appeal is delivered to A.G/D.A.G?	✓	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15.	Whether numbers of referred cases given are correct?	✓	
16.	Whether appeal contains cuttings/overwriting?		✓
17.	Whether list of books has been provided at the end of the appeal?	✓	
18.	Whether case relate to this Court?	✓	
19.	Whether requisite number of spare copies attached?	✓	
20.	Whether complete spare copy is filed in separate file cover?	✓	
21.	Whether addresses of parties given are complete?	✓	
22.	Whether index filed?	✓	
23.	Whether index is correct?	✓	✓
24.	Whether Security and Process Fee deposited? on _____		✓
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? on _____		✓
26.	Whether copies of comments/reply/rejoinder submitted? on _____		✓
27.	Whether copies of comments/reply/rejoinder provided to opposite party? on _____		✓

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: _____

Taimur Ali Khan

Signature: _____



Dated: _____

The appeal of Mr. Naem Ahmad Khan, Ex-Chowkidar, GGSS Landi Arbab, Peshawar received today i.e. on 29.12.2021 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

1. Checklist is not attached with the appeal.
2. Appeal has not been flagged/marked with annexure marks.
3. Annexures of the appeal may be attested.
4. Certificate be given to the effect that appellatant has not been filed any service appeal earlier on the subject matter before this Tribunal.
5. Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 2684 /S.T,

Dt. 29/12 /2021

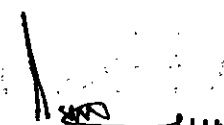
Mr. Taimur Ali Khan Adv. Pesh.

- 1- Removed
- 2- Removed
- 3- Removed
- 4- Removed
- 5- Removed

Submitted after compliance



07/01/2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 23 /2024

SCANNED
KPST
Peshawar

Naeem Ahmad Khan

V/S

Education Deptt:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Memo of Appeal	-----	01-05
2.	Affidavit	-----	06
3.	Application for condonation of delay	-----	07-8
4.	Application for provision of inquiry report	-----	09-10
5.	Copy of appointment order dated 10.04.2017	A	11
6.	Copy of sanctioned order dated 02.12.2019	B	12
7.	Copies of certificate dated 21.09.2021, application dated 31.03.2020 and certificate of principal	C,D&E	13-15
8.	Copies of relevant page of passport and removal order dated 17.03.2021	F&G	16-18
9.	Copies of departmental appeal, letter dated 13.10.2021 and rejection order dated 08.12.2021	H,I&J	19-21
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APPELLANT

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

Room No. Fr-8, 4th Floor,
Bilour Plaza, Peshawar Cantt:
Contact No. 03339390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8/21

Dated 29/12/2021

SERVICE APPEAL NO. 23 /2021

Mr. Naeem Ahmad Khan Ex-Chowkidar,
GGHSS Landi Arbab, Peshawar.

(APPELLANT)

VERSUS

1. The Secretary (E&SE) Khyber Pakhtunkhwa, Peshawar.
2. The Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female), Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974
AGAINST THE ORDER DATED 17.03.2021, WHEREBY
THE APPELLANT WAS REMOVED FROM SERVICE
AND AGAINST THE ORDER DATED 08.12.2021,
WHEREBY THE DEPARTMENTAL APPEAL OF THE
APPELLANT WAS REJECTED FOR NO GOOD
GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE
ORDER DATED 17.03.2021 AND REJECTION ORDER
DATED 08.12.2021 MAY KINDLY BE SET ASIDE AND
THE RESPONDENTS MAY KINDLY BE DIRECTED TO
REINSTATE THE APPELLANT INTO SERVICE WITH
ALL BACK AND CONSEQUENTIAL BENEFITS. ANY
OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL
DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE
AWARDED IN FAVOUR OF APPELLANT.

Filed to-day
Registrar
29/12/2021

Re-submitted to-day
and filed.

Registrar
21/1/22

RESPECTFULLY SHEWTH:

FACTS:

1. That the appellant was appointed on the post of Chowkidar vide order dated 10.04.2017 and has performed his duty up to the entire satisfaction of his superiors and no complaint has been filed against the appellant regarding his performance. **(Copy of appointment order dated 10.04.2017 is attached as Annexure-A)**
2. That the brother of the appellant was working in the Kingdom of Oman, who was died in Pakistan when he came here, however, he has some business issue in Kingdom of Oman, therefore the appellant applied for ex-Pakistan leave from 04.12.2019 to 01.04.2020 (120 days) to solve the business issues of his bother in Oman, which was sanctioned vide sanctioned order dated 02.12.2019. **(Copy of sanctioned order dated 02.12.2019 is attached as Annexure-B)**
3. That after sanctioning Ex-Pakistan leave, the appellant went to Oman, but after some time the pandemic of Covid-19 is spread-out through the world and due to Covid-19, the Kingdom of Oman declared strict lockdown and also suspended the operation of flights which is evident from the certificate dated 21.09.2021 and after lockdown and operation of flights in the Kingdom of Oman the appellant filed application on 31.03.2020 and submitted it through his relative to the Principal of the concerned School and also SMS her through whatsapp for extension of his leave for one year without pay, which is evident from the certificate issued by the Principal of the concerned School, however, the appellant has never informed about the fate of his application. **(Copies of certificate dated 21.09.2021, application dated 31.03.2020 and certificate of principal are attached as Annexure-C,D&E)**
4. That when relaxation occurred in lockdown and flight operation was restored in Kingdom of Oman, the appellant came to Pakistan on 03.09.2021 which is evident from relevant page of his passport. The appellant went to join his duty, but he was informed that he has been removed from service vide order dated 17.03.2021 and handed over his removal order dated 17.03.2021. **(Copies of relevant page of passport and removal order dated 17.03.2021 are attached as Annexure-F&G)**
5. That the appellant after receiving removal order dated 17.03.2021 filed departmental appeal within the stipulated period on 30.09.2021, on which inquiry committee was constituted on 13.10.2021 to scrutinize and inquire in the matter. The inquiry committee conducted

inquiry against the appellant in which the appellant mentioned to the inquiry committee that due to lockdown and suspension of flights in kingdom of Oman on the reason of Covid-19 he could not return to Pakistan and properly filed application for extension of leave and the statement of the principal of the concerned School was also recorded by the inquiry committee in which she also clarified to the committee that the appellant has properly filed application and SMS her on whatsApp for extension of his leave without pay due to lockdown and suspension of operation of flights in the Kingdom of Oman, but despite that departmental appeal was rejected on 08.12.2021, however the inquiry report was not provided to the appellant. **(Copies of departmental appeal, letter dated 13.10.2021 and rejection order dated 08.12.2021 are attached as Annexure-H,I&J)**

6. That the appellant has no other remedy except to file the instant appeal in this Honourable Tribunal for redressal of her grievance on the following grounds amongst others.

GROUND:

- A) That the impugned orders dated 17.03.2021 and rejection order dated 08.12.2021 are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That no proper procedure was adopted by the authority before passing the impugned orders, which is against the law and rules and as such the impugned removal order dated 17.03.2021 and rejection order dated 08.12.2021 are liable to be set aside on this ground alone.
- C) That no show cause was issued to the appellant before passing the impugned removal order dated 17.03.2021, which is violation of law and rules.
- D) That inquiry was conducted against the appellant on his departmental appeal, however that inquiry report was not provided to the appellant which is against the law and rules.
- E) That after sanctioning Ex-Pakistan leave, the appellant went to Oman to solve the business issue of his deceased bother, but after some time the pandemic of Covid-19 is spread-out through the world and due to which the Kingdom of Oman, declared strict lockdown and also

suspended the operation of flights, due to which the appellant was unable to return to Pakistan and was compelled to remain absent from his duty.

- F) That after lockdown and suspension of flights in Kingdom of Oman due to Covid-19, the appellant properly filed application on 31.03.2020 and submitted it through his relative to the Principal of the concerned School and also SMS her on her WhatsApp for extension of his leave for one year without pay and interest of justice demands that his leave should be sanctioned but no action has taken on his application for leave, which is against the norms of justice and fair play.
- G) That inquiry was conducted against the appellant on his departmental appeal in which the appellant mentioned to the inquiry committee that due to lockdown and suspension of flights in kingdom of Oman on the reason of Covid-19, he could not return to Pakistan and properly filed application for extension of leave and the principal of the concerned School was also admitted the stance of the appellant during the inquiry proceeding conducting on the departmental appeal of the appellant, but despite that departmental appeal of the appellant was rejected on 08.12.2021 without giving any reason, which is against the norms of justice and fair play.
- H) That the appellant was not willfully remain absent from his duty, but due to lockdown and suspension of flights in the kingdom of Oman on the reason of Covid-19, he could not return to Pakistan and was compelled to remain absent from his duty, therefore, needs to be treated with a lenient view.
- I) That the penalty of removal from service is very harsh which is passed in violation of law and rules, therefore, the same is not sustainable in the eyes of law and liable to be set aside.
- J) That the appellant has been condemned unheard and has not been treated according to law and rules.
- K) That the appellant seeks permission of this Honourable Tribunal to advance others grounds and proofs at the time of hearing.

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


APPELLANT

Naeem Ahmad Khan

THROUGH:


(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT

CERTIFICATE

It is certified that no other similar service appeal between the parties has been filed earlier.


DEPONENT

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. _____/2021

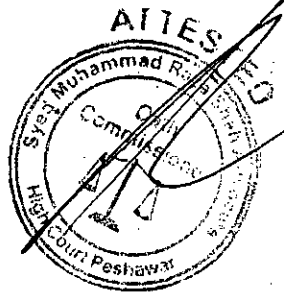
Naeem Ahmad Khan

V/S

Education Deptt:

AFFIDAVIT

I, Naeem Ahmad Khan Ex-Chowkidar, GGHSS Landi Arbab, Peshawar, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honourable Tribunal.



DEPONENT

Naeem Ahmad Khan
(APPELLANT)

29 DEC 2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2021

Naeem Ahmad Khan

V/S

Education Department


.....
APPLICATION FOR CONDONATION
OF DELAY IN THE INSTANT APPEAL

RESPECTFULLY SHEWETH:

1. That the instant appeal is pending before this Honourable Tribunal in which no date is fixed so far.
2. That the appellant was removed from service on 17.03.2021, however, due to Covid-19 there was strict lockdown in Kingdom of Oman and the operation of flight was suspended and when the lockdown was relaxed he returned to Pakistan on 03.09.2021 and received his removal order dated 17.03.2021 and after receiving his removal order he filed departmental appeal on 30.09.2021 within the stipulated period of 30 days.
3. That the august Supreme Court of Pakistan has held that decision on merit should be encouraged rather than knocking-out the litigants on technicalities including limitation. Therefore, appeal needs to be decided on merit (PLD-2003(SC)-724).
4. That the the instant appeal may kindly be decide on merit as the appellant has good case to be decided on merit.

It is therefore most humbly prayed that on the basis of above submission, the instant appeal may be decided on merit by condoning the delay to meet the ends of justice.

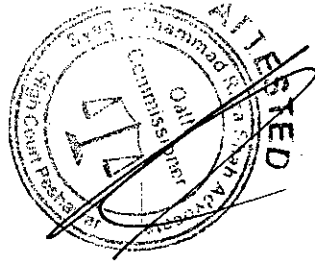
THROUGH:

APPELLANT

(TAIMUR ALI KHAN)
ADVOCATE PESHAWAR

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief and nothing has been concealed from this august Tribunal.


DEPONENT



29 DEC 2021

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2021

Naeem Ahmad Khan

V/S

Education Department


.....
APPLICATION FOR PROVISION OF INQUIRY REPORT
CONDUCTED ON THE DEPARTMENTAL APPEAL OF THE
APPELLANT

RESPECTFULLY SHEWETH:

1. That the instant appeal is pending before this Honourable Tribunal in which no date is fixed so far.
2. That the appellant filed departmental appeal against the removal order dated. 17.03.2021 on which inquiry committee was constituted on 13.10.2021 to scrutinize and inquire in the matter. The inquiry committee conducted inquiry against the appellant, however that inquiry report was not provided to the appellant.
3. That as the inquiry report was not provided to the appellant so he was unable to annex that inquiry report with his appeal, therefore, the respondents may kindly be to provide inquiry report along with the comments/reply for interest of justice and for fair conclusion of the case.

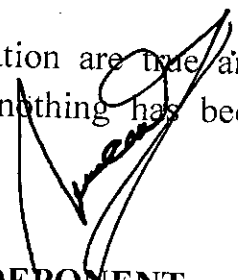
It is therefore most humbly prayed that on the acceptance of this application the respondents may kindly be directed to provide inquiry report along with the comments/reply for fair conclusion of the case.

THROUGH:

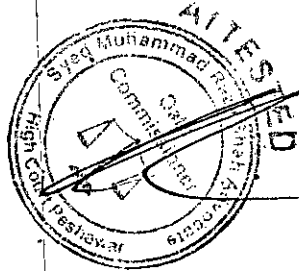
APPELLANT

(TAIMUR ALI KHAN)
ADVOCATE PESHAWAR

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief and nothing has been concealed from this august Tribunal.



DEPONENT



29 DEC 2021



Office of the
District Education Officer, Female
Peshawar

A (11)

APPOINTMENT:-

Consequent upon the approval of the Departmental Selection Committee in its meeting held on 01/12/2016 & relaxation in upper age limit by the Government of Khyber Pakhtunkhwa, Establishment and Administration Department to the extent 04-year & 02-months the competent authority is pleased to appoint Naeem Ahmad Khan S/O Abdul Hameed Khan against the vacant post of Chowkidar at Govt. Girls Higher Secondary School Landi Arbab, Peshawar in BPS-03 (Rs.8040-325-17790) @ Rs. 8040/- fixed plus usual allowances as admissible under the rules on adhoc basis on contract Fresh Quota & under the existing policy of the Provincial Government, on the terms and condition given below with effect from the date of his taking over charge:-

TERMS & CONDITIONS:-

1. NO TA/DA etc is allowed.
2. Charge reports should be submitted to all concerned in duplicate.
3. He will be governed by such rules and regulations as may be prescribed by the Govt. from time to time for the category of the Govt. Servant to which he belongs.
4. His service will be liable to termination at any time/state without any notice.
5. In case of resignation one month prior notice should be given by the official concerned.
6. His service is on purely temporary basis and liable to termination/reversion at any state without assigning any notice/reason.
7. He will produce health and age certificate from the civil surgeon concerned before taking over charge.
8. Health and Age Certificate should be produced from the Medical Superintendent concerned before taking over charge.

Note:-

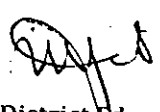
This appointment order shall be verified by the concerned DDO personally from the office of the DEO(Female) Peshawar before handing over charge to the official.

(ULFAT BEGUM)
District Education Officer
Female Peshawar

Endst: No. 7259-64 Dated Peshawar the 10/4 /2017.

Copy forwarded for information and necessary action to the:-

1. Accountant General Khyber Pakhtunkhwa, Peshawar.
2. PA to Director E&SE, Khyber Pakhtunkhwa, Peshawar
3. Principal Concerned with the remarks to verify the testimonials from the concerned agencies and sent to this office for release of pay.
4. Superintendent Local Office.
5. Officials Concerned.
6. M/File


District Education Officer
Female Peshawar



B (12)

OFFICE OF THE DISTRICT EDUCATION OFFICER (FEMALE) PESHAWAR

SANCTION.

Under the provision of revised leave rules 1981, sanction is hereby accorded to the grant of Ex-Pakistan leave from 04.12.2019 to 01.04.2020 (120-days) on full pay in favor of Mr Nacem Ahmad Khan, Chowkidar GGHSS Landi Arbab Peshawar as due and admissible to his under the rules.

Note: - Necessary entry to this effect should be made in his service record.

THIS OFFICE HAS NO OBJECTION ON PROCEEDING ABROAD IN R/O THE ABOVE NAMED OFFICIAL.

(SAMINA GHANI)
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Endst: No. 6724-25 /Estb:- 17 P.F/ 99 Dated Peshawar the 02/12 /2019.

Copy of the above is forwarded to the :-

1. Accountant General Khyber PakhtunKhwa Peshawar.
2. Principal/ GGHSS Landi Arbab Peshawar along with service book with reference to her letter No. 1135 dated 28.11.2019.
3. Official concerned.
4. Master file

S. Ghani
02/12/19
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Nighat Akbar
PRINCIPAL
GGHSS
LANDI ARBAB PESHAWAR

[Signature]

عمر بن خلفان النظيري للتجارة

OMER KHALFAN AL-NADHAIRI TRAD.

13

TO WHOM IT MAY CONCERN

It is to certify Mr.Naeem Ahmed Khan S/O Mr.Abdul Hameed Khan (Late) arrived in Muscat, Oman for the purpose to solve the business issues of his late brother Najeeb Ullah Khan S/O Mr. Abdul Hameed Khan (late).

It is further certified that COVID-19 was confirmed to have reached Oman on 24th of February 2020, after that a strict lock down/curfew imposed in Oman and suspended flight operation. Now, after vaccination, there is relaxation occurred in lock down in August 2021

Dated. 21-09-2021

Umar Khalfan Al Nazeeri

Handwritten signature



Handwritten signature

س.ت: ١٣٢١٤١٧ ص.ب: ٢٠٨ الرمز البريدي: ١١٩ سلطنة عمان نقال: ٩٥٦٣٥٧٤٨، ٩٣٤٠٤٧٧
C.R.1321417 P.O.Box:208 P.C: 119 Sultanate of Oman GSM:95635748, 93340477

بخدمت جناب پرنسپل صاحبہ گورنمنٹ گرلز ہائیر سیکنڈری سکول، لنڈی ارباب پشاور

عنوان: درخواست بمراد ایک سال چھٹی بغیر تنخوا

جناب عالیہ!

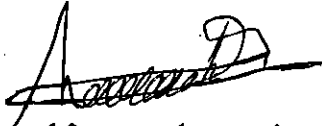
عرض خدمت ہے کہ سائل نے اپنے کچھ ضروری کام نمٹانے کیلئے Ex-Pakistan چھٹی کی درخواست دی تھی جس کی منظوری کے بعد سائل اپنے کام کے سلسلے میں سلطنت عمان آیا اور اپنے کام نمٹائے۔

جناب عالی!

جیسا کہ آپ کو علم ہے کورونا وائرس (COVID-19) کی وجہ سے پوری دنیا میں لاک ڈاؤن ہے تو اسی طرح سلطنت عمان میں بھی مکمل طور پر لاک ڈاؤن ہے جس کی وجہ سے نہ صرف ایئر پورٹس بلکہ ٹریول ایجنسیز سمیت تمام کاروبار بند کئے گئے ہیں لہذا آپ صاحبان کے حضور میں استدعا کی جاتی ہے کہ مذکورہ حالات کو مد نظر رکھتے ہوئے سائل کو حفظ ماتقدم کے طور پر ایک سال کی بغیر تنخواہ چھٹی عنایت کر کے مشکور فرمائیں جس کیلئے سائل آپ کا تاحیات دعا گورہیگا۔

المرقوم: 31 مارچ 2020

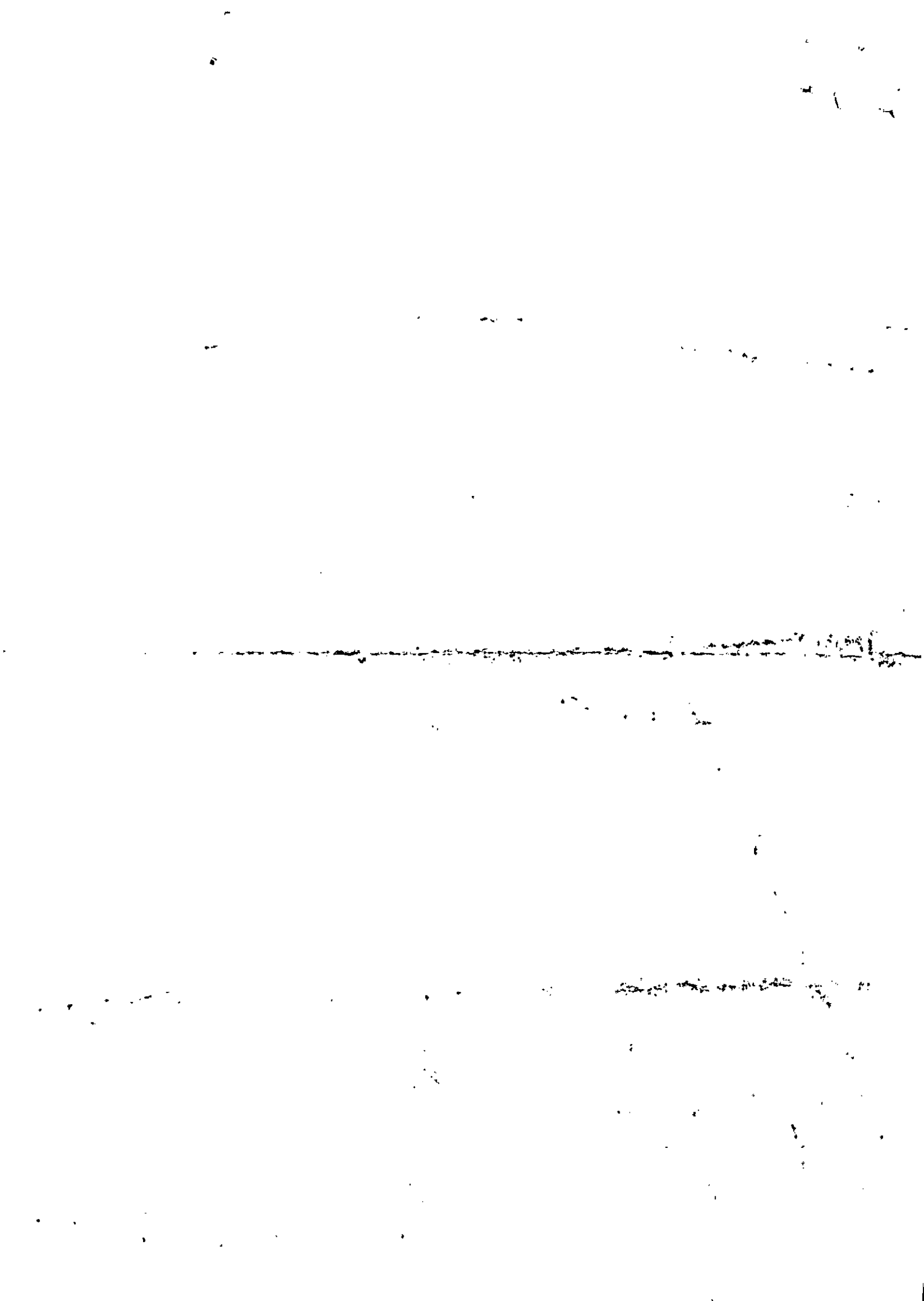
آپ کا فرمانبردار



نعیم احمد خان

چوکیدار

RECEIVED



(15)
E 11

The ...
...
...
...
...
He had sent ...
as well as ...

I told this to ...
also.

Nazhat N...

Principal
GGHSS Lodi Arbat
Peshawar

Handwritten signature or mark on the right margin.

To whom it may concern

It is certified that Mr. Naeem Ahmad Khan S/O Abdul Hameed Khan was Chowkidar in School GGHSS Landi Arbab Peshawar.

He had sent me an application for leave as well as SMS on Wapp.

I told this to the inquiry officers also.

Nuzhat

ATTACHED


F. 10

496894.86
19.2.2020
17.2.2022
NIC

مجلس القضاء الأعلى

Signature



1510

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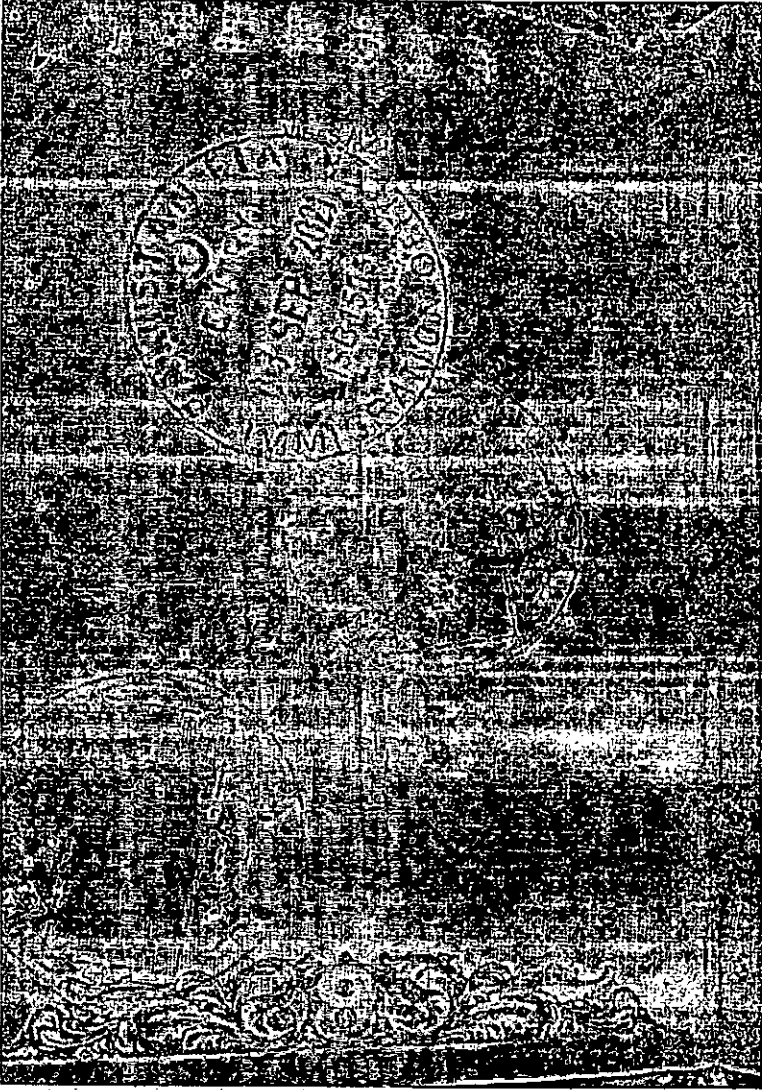
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17



ATTACHED



6 (18)

**OFFICE OF THE DISTRICT EDUCATION OFFICER
(FEMALE) PESHAWAR. Email I.D. emisfpehwar@gmail.com**

NOTIFICATION.

1. WHEREAS the Principal, GGHSS Landi Arbab Peshawar has reported that Mr. Naeem Ahmad, Chowkidar, Govt: Girls Higher Secondary School Landi Arbab Peshawar is absent from duty w.e.from 02.04.2020.
2. AND WHEREAS He was proceeded against under Khyber Pakhtunkhwa Govt: Servant rules 2011 for the charge of willful absence and show cause notice was published in leading Newspaper daily Mashriq dated 17.01.2021 to attend the Office of the DEO (F) Peshawar but neither he resumed the duty nor responded to these notices.
3. AND WHEREAS The competent authority, District Education Officer (Female) Peshawar, after having considered the charges, evidence on record, and facts of the case is of the view that the charges of misconduct/willful absence from duty against the accused has been proved.
4. NOW THEREFORE, in exercise of the powers under Rules-4(b)iii of Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary Rules 2011), the competent authority District Education Officer (Female) Peshawar is pleased to impose Major Penalty of "Removal from Service" upon Mr. Naeem Ahmad, Chowkidar, GGHSS Landi Arbab Peshawar with immediate effect. The period of his absence with effect from 02.04.2020 till date is hereby treated as unauthorized absence from duty without pay.

(SAMINA GHANI)
DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

Endst: No. 2463-65,

Dated Peshawar the 17-03 /2021

Copy of the above is forwarded to the: -

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. Director (E&SED) Khyber Pakhtunkhwa Peshawar
3. Deputy Commissioner Peshawar.
4. District Monitoring Officer Peshawar.
5. Principal, GGHSS Landi Arbab, Peshawar.

Dy: DISTRICT EDUCATION OFFICER,
(FEMALE) PESHAWAR.

ڈائریکٹر، ایلی مینٹری اینڈ ایجوکیشن خیبر پختونخوا۔

عنوان :- درخواست برآمد نوکری بحالی۔

محترم جناب!

عرض خدمت ہے کہ سائل کا بھائی مسقط، عمان میں اور پاکستان آنے کے بعد ہی دل کا دورہ کے باعث فوت ہو گیا، بھائی کے تین چھوٹے بچے تھے، مسقط میں ان والد کے کاروبار میں بقایا جات کے سلسلے میں سائل نے 04 دسمبر 2019 سے 01 اپریل 2020 تک چارہ ماہ کی ایکس پاکستان چھٹی لی تاکہ اپنے یتیم بھتیجیوں کیلئے کچھ کر سکے۔

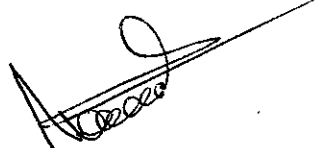
محترم جناب!

سائل جب مسقط، عمان چلا گیا تو کچھ ہی عرصے بعد کورونا و باء کے باعث تمام کاروباری مراکز بند ہو گئے حتیٰ کے سائل کیساتھ اپنے خرچ کے پیسے ختم ہو گئے اور کورونا لاک ڈاؤن کے باعث سائل حتی الامکان کوشش کے باوجود اپنی مقررہ چھٹی کے دوران مرحوم بھائی کا کاروبار اور بقایا جات کے مسئلے ادھورے چھوڑ کر آنے لگا تو عمان حکومت نے فلائٹس آپریشن معطل کی جو ایک طویل عرصے تک بند رہی۔ جب سائل پاکستان اپنی ڈیوٹی پر حاضری دینے آیا تو معلوم ہوا کہ سائل کو نوکری سے برخاست کیا گیا ہے۔

محترم جناب!

سائل کے خود بھی تین چھوٹے بچے ہیں جبکہ مرحوم بھائی کے بھی تین چھوٹے بچے ہیں، لہذا آپ صاحبان کے حضور میں استدعا کی جاتی ہے۔ کہ سائل کو دوبارہ نوکری پر رکھ کر مشکور فرمائیں، سائل تاحیات دعا گورہے گا۔

المرقوم: 30 ستمبر 2021


(نعیم احمد خان)

چوکیدار
گورنمنٹ گرلز ہائیر سیکنڈری سکول
لنڈی ارباب، ضلع پشاور

ATTACHED



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION

KHYBER PAKHTUNKHWA PESHAWAR.

Phone: 091-9225344

Email: ddadm.ee@gmail.com

NOTIFICATION

A committee comprising the following officer/official is hereby constituted in connection with appeal of Mr. Naeem Ahmad Khan Chowkidar GGSS Landi Arbab Peshawar.

- | | |
|--|-----------------|
| 1. Mr. Khaista Rehman Assistant Director (Litigation) Local Directorate. | Chairman |
| 2. Mr. Shah Rehman Account Officer. | Member |

T.O.Rs.

The committee shall scrutinize & enquire the matter and submit finding with recommendation within 10 (ten) days

DIRECTOR
Elementary & Secondary Education
Khyber Pakhtunkhwa Peshawar

Er:dst. No. ²⁰¹⁶⁻¹⁷ / F.No.12/A-20/C-IV/Peshawar V.

Dated Pesh: the 13 / 10 / 2021

Copy forwarded to the: -

1. Officers (Concerned) along with copy of appeal etc.
2. District Education Officer Female Peshawar
3. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
4. Master File.

Deputy Director (F&A)
Directorate of Elementary & Secy Edu:
Khyber Pakhtunkhwa Peshawar.

(Signature)
12/10/21

(Signature)



DIRECTORATE OF ELEMENTARY & SECONDARY EDUCATION
KHYBER PAKHTUNKHWA PESHAWAR.

No. _____ /F.No.12 /A-20/C-IV/PeshawarVol-03

Dated Peshawar the 8/11 /2021

Phone: 091-9225344

Email: ddadmn.ese@gmail.com

J21

To

The District Education Officer,
(Female) Peshawar.

Subject: **INQUIRY REPORT.**

Memo:

I am directed to refer to the subject cited above and to ask you that the Inquiry in r/o Mr.Naeem Ahmad khan Ex-Chowkidar GGHSS Landi Arbab peshawar, has been examined/analyzed by this office. Hence inform the appellant concerned that his appeal has been rejected by the appellate authority.

Deputy Director (F&A)

Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

Endst; No. 384

Copy forwarded to the: -

1. PA to Director Elementary & Secondary Education Khyber Pakhtunkhwa Peshawar.
2. Mr.Naeem Ahmad khan Ex-Chowkidar GGHSS Landi Arbab Peshawar.
3. Master File.

Deputy Director (F&A)

Directorate E& Secondary Education
Khyber Pakhtunkhwa, Peshawar

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VAKALAT NAMA

NO. _____/2021

IN THE COURT OF KP Service Tribunal, Peshawar

Naeem Ahmad Khan

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Education Deptt.

(Respondent)
(Defendant)

I/We, Naeem Ahmad Khan

Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT**, 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 costs.

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. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2021



(CLIENT)

ACCEPTED


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

Before the KP Service Tribunal, Peshawar

Appeal NO. 23/2022.

Naeem Ahmad Khan vs Education Deptt:

Subject: Application for withdrawal of instant appeal.


Respectfully Sheweth:

- 1- That the appellant was removed from service on 17/3/2021 and his departmental appeal was also rejected on 18/12/2021.
- 2- That ~~as~~ the appellant was reinstated by the department and ~~his~~ wants to withdraw the instant appeal.

It is therefore most humbly prayed that the instant appeal may be withdrawn.

Appellant

through


Taimur Ali Khan
(Adv)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 23 /2022

8/21
29/12/2021

Mr. Naeem Ahmad Khan Ex-Chowkidar,
GGHSS Landi Arbab, Peshawar.

(APPELLANT)

VERSUS

1. The Secretary (E&SE) Khyber Pakhtunkhwa, Peshawar.
2. The Director (E&SE) Khyber Pakhtunkhwa, Peshawar.
3. The District Education Officer (Female), Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 17.03.2021, WHEREBY THE APPELLANT WAS REMOVED FROM SERVICE AND AGAINST THE ORDER DATED 08.12.2021, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 17.03.2021 AND REJECTION ORDER DATED 08.12.2021 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY KINDLY BE DIRECTED TO REINSTATE THE APPELLANT INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

Filed by
Mr. Naeem Ahmad Khan
29/12/2021
RECEIVED
7/1/22

FOR SUBMISSION TO THE
SECRETARY

07.09.2022

Learned counsel for the appellant present.

2. Learned counsel for the appellant submitted an application for withdrawal of the instant Service Appeal No. 23/2022, wherein he stated that the grievance of the appellant has been redressed and hence, he wants to withdraw the instant service appeal. Application is placed on file. Dismissed accordingly. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 7th day of Septemeber, 2022.*


(Faraha Parul)
Member (E)