

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**
FAREEHA PAUL ... MEMBER (Executive)

Service Appeal No.7725/2021

**Mr. Muhammad Alam Khan, Ex: Junior Clerk, GHS Chappari,
District Kurram.**

.....(*Appellant*)

Versus

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

.....(*Respondents*)

Present:

Mr. Noor Muhammad Khattak,
Advocate.....For appellant.

Muhammad Adeel Butt,
Additional Advocate General.....For respondents.

Date of Institution.....04.11.2021
Dates of Hearing.....03.10.2022
Date of Decision.....03.10.2022

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST
THE IMPUGNED ORDER DATED 15.07.2021 WHEREBY THE
APPOINTMENT ORDER OF THE APPELLANT HAS BEEN
CANCELLED BY THE RESPONDENTS AND AGAINST NO
ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF
THE APPELLANT WITHIN THE STATUTORY PERIOD OF
NINETY DAYS.**



JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Brief facts, as per memorandum of appeal, are that the appellant was appointed as Junior Clerk (BPS-11) at GHS Makhizai, District Kuram vide order dated 21.01.2013; that the respondents, without any justification, removed the appellant from service vide order dated 11.12.2015; that the appellant preferred service appeal No. 377/2016 against the order dated 11.12.2015, which was decided/disposed of vide judgment dated 09.04.2019 in favour of the appellant; that in pursuance of the judgment the appellant was reinstated in service vide order dated 03.10.2019 with effect from 01.08.2019 and was posted at GHS Chapri, District Kurram against the vacant post; that after taking over charge and starting performing duties, the respondents issued the impugned notification/order dated 15.07.2021 whereby the appointment order of the appellant was cancelled; that the appellant filed departmental appeal which was not responded hence, the instant service appeal.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned, who, on putting appearance, contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.



3. We have heard learned counsel for the appellant and learned Additional Advocate General for the respondents.

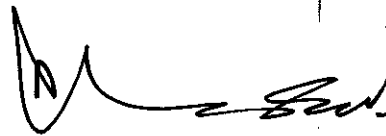
4. The learned counsel for the appellant argued that the impugned order dated 17.05.2021 issued by the respondents was void in nature, against the law, facts and norms of natural justice, hence not tenable and was liable to be set aside; that the codal formalities required for the major penalty had not been fulfilled by the respondents while issuing the impugned order; that no regular inquiry had been conducted in the matter which was pre-requisite as per the judgments of the apex Supreme Court of Pakistan.

5. Learned Addl: AG while controverting the arguments of learned counsel for the appellant argued that the appellant had been treated in accordance with law and rules. He was reinstated in service and posted at GHS Chapri Lower Kurram but he did not performed duty. Due to habitual absence the appellant was imposed major penalty of removal from service. He requested that the appeal might be dismissed.

6. The 1st round the appeal No. 296/2016 filed by the appellant was decided in his favour directing the respondent department to reinstate the appellant for the purpose of enquiry without back benefits. The respondent department was also to conduct proper enquiry against the appellant and conclude the same in accordance with law and rules. It was then vide order dated 03.10.2019, in



compliance of the judgment of the Tribunal dated 09.04.2019 and on the recommendations of the enquiry committee that the appellant was reinstated without back benefits. He also assumed the charge of a post of Junior Clerk at GHS Chapri, District Kurram on 02.08.2019, where-after vide order dated 15.07.2021 (given the name of notification) the Deputy District Education Officer, while imposing the major penalty cancelled the appointment order from the date of reinstatement. In the reply, the respondents, in para-4, submitted that the appellant was reinstated, who also submitted arrival report but did not attend the school and remained habitually absent; that his absence was reported three times and once vide letter No. 702 dated 16.12.2019. In the said letter it is reported that the appellant was allegedly absent from 06.11.2019 to 16.12.2019. Similarly vide letter No. 732-36 dated 10.08.2020, the detailed report was sought from the Head Master, GHS, Chapri Lower Kurram. It is noted with great concern that the impugned order dated 15.07.2021 has been given the name of notification which too was passed by Dy: DEO, who is admittedly not the authority of the appellant thus the impugned order is at the very outset *courm-non-judice*. The word "cancelling" is totally alien to the Khyber Pakhtunkhwa (Efficiency & Discipline) Rules 2011. Similarly the procedure provided under Rule-9 of the above rules was required to be adopted by the Competent Authority in case of absence of a civil servant which has admittedly not been adopted in this case. Last but not the least the alleged enquiry report



has not been annexed with the reply. The above situation has constrained us to allow this appeal and set aside the impugned order, reinstating the appellant into service. The department is, however, at liberty to proceed against the appellant strictly in accordance with the provisions of the relevant law and rules in case he is found absent or commits any other misconduct.

7. Before parting with, we deem it appropriate that copy of this judgment be sent to the worthy Secretary/respondent No.1 with the observation to look into the conduct of his sub-ordinates and to arrange training courses for the District Education Officers and other competent authorities to train them on the disciplinary matters so that the above illegalities and irregularities could be avoided. Costs shall follow the event. Consign.

8. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 3rd day of October, 2022.*



KALIM ARSHAD KHAN
Chairman



FAREEHA PAUL
Member (Executive)

ORDER

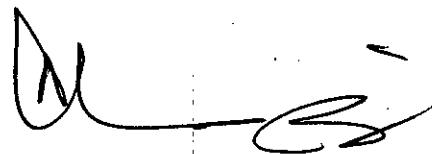
3rd Oct, 2022

1. Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.

2. Vide our detailed judgement of today placed on file (containing 05 pages), the situation has constrained us to allow this appeal and set aside the impugned order, reinstating the appellant into service. The department is, however, at liberty to proceed against the appellant strictly in accordance with the provisions of the relevant law and rules in case he is found absent or commits any other misconduct.

3. Before parting with, we deem it appropriate that copy of this judgment be sent to the worthy Secretary/respondent No.1 with the observation to look into the conduct of his sub-ordinates and to arrange training courses for the District Education Officers and other competent authorities to train them on the disciplinary matters so that the above illegalities and irregularities could be avoided. Costs shall follow the event. Consign.

4. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 3rd day of October, 2022.*



(Kalim Arshad Khan)
Chairman



(Faneeha Paul)
Member(Executive)



OFFICE OF THE DISTRICT EDUCATION OFFICER
(MALE) DISTRICT KURRAM



Ph. No: 0926-310095

Email :deokurram110@gmail.com

NOTIFICATION

Consequent upon the proposals/recommendations submitted by DDEOs (Male) LK/CK vide his office No 505-08 dated 21/7/2022, the DEO (Male) Kurram is pleased to nominate Mr. Muhammad Shah SCT GCMHS Sadda Lower Kurram to act as Litigation Officer till further order with immediate effect, in the interest of public service.

The DEO (Male) Kurram is further pleased to withdraw the nomination order issued vide this office No 1869 dated 14/4/2022 in r/o Muhammad sharif SDEO (Male) Lower Kurram in the interest of public service.

Note:

1. No TA/DA is allowed.
2. Charge Report should be submitted to all concerned.

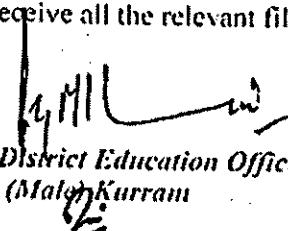
(LIAQAT ALI)
District Education Officer
(Male) Kurram

Endst No & Date 9593 /Adjustment/Estb:

Dated 13 /8/2022

Copy to the:

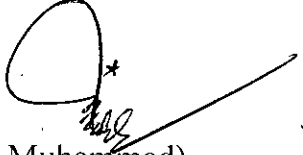
- 1) Director Elementary & Secondary Education Khyber Pakhtunkhwa, Peshawar please.
- 2) District Accounts Officer Kurram at Parachinar.
- 3) Principal Concerned
- 4) DMO Kurram
- 5) Officers/officials concerned with the direction to hand over/receive all the relevant files.
- 6) Office copy.


Deputy District Education Officer
(Male) Kurram

21.06.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Reply/comments on behalf of respondents are still awaited. Learned Additional Advocate General requested for time to submit reply/comments. Last opportunity is extended till the next date. In case, the respondents failed to submit reply/comments on the next date, their right for submission of reply/comments shall be deemed as struck off. Adjourned. To come up for reply/comments on 29.07.2022 before S.B.



(Mian Muhammad)
Member (E)

29.07.2022

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate General alongwith Liaqat Ali Khan DEO and Asif Nawaz Assistant for respondents present.

Reply on behalf of respondent No.3 submitted. Learned AAG stated that the respondents No.1 & 2 rely on the reply of respondent No.3. In this respect, reliance report was also submitted which is placed on file. To come up for rejoinder, if any and arguments on 03.10.2022 before D.B.


(Rozina Rehman)
Member (J)

03.01.2022

Junior to counsel for the appellant present. Preliminary arguments heard. Record perused.

Points raised need consideration. The appeal is admitted for hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments 10.03.2022 before the S.B.

Appellant Deposited
Security & Process Fee

[Handwritten signature]
10/1/22

[Handwritten signature]

(Rozina Rehman)
Member (J)

10.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 30.05.2022 for the same as before.

[Handwritten signature]
Reader.

30th May, 2022

Counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General respondents present.

Written reply/comments not submitted. Learned AAG seeks time to submit written reply/comments on the next date. Granted but as a last chance. To come up for written reply/comments on 21.06.2022 before the S.B.

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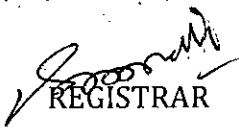

(Kalim Arshad Khan)
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 7725 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/11/2021	<p>The appeal of Mr. Muhammad Alam Khan presented today by Mr. Noor Muhammad Khattak 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> <p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>03/01/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: center;">D</p> <p style="text-align: center;">D</p>

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
CHECK LIST**

Case Title: **MUHAMMAD ALAM KHAN** V/S **EDUCATION DEPTT:**

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: NOOR MOHAMMAD KHATTAK	✓	
2	Whether Counsel/Appellant/Respondent/Deponents 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?	x	✓
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 AG/DAG?	✓	
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 cutting/overwriting?	x	✓
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: **NOOR MOHAMMAD KHATTAK**

Signature: _____

Dated: _____

2021

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

SERVICE APPEAL NO. 7725 /2021

M. ALAM KHAN

V/S

EDUCATION DERTT:

I N D E X

S.N O	DOCUMENTS	ANNEXURE	PAGE
1	Memo of appeal	1-3
2	Affidavit	4
2	Judgment	A	5-8
3	Re-instatement	B	9
4	Charge report	C	10
5	Education testimonial	D	11-20
6	Service book	E	21-24
7	Impugned order	F	25
8	Departmental	G	26
9	Wakalat Nama	27

Dated: 4. 11.2021

APPELLANT

Through:

**NOOR MOHAMMAD KHATTAK
ADVOCATE**

FLATE NO. 04, 2ND FLOOR,
JUMA KHAN PLAZA, NEAR FATA SECRETARIAT,
WARSAK ROAD, PESHAWAR

0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 7725 /2021

Diary No. 7853

Dated 04/11/2021

Mr. Muhammad Alam Khan Ex: Junior Clerk
GHS Chappari, District Kurram.

..... **APPELLANT**

VERSUS

- 1- Secretary E&S Education Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Director E&S Education Department, Khyber Pakhtunkhwa, Peshawar.
- 3- The District Education Officer, District Kurram.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 15.07.2021 WHEREBY THE APPOINTMENT ORDER OF THE APPELLANT HAS BEEN CANCELLED BY THE RESPONDENTS AND AGAINST NO ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 15.07.2021 may very kindly be set aside and the appellant may kindly be re-instated into service with all consequential back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHWETH:

ON FACTS:

- 1- That the appellant was employee of your Department and was initially appointed as Junior Clerk BPS-11 at GHS Makhizai District Kurram vide order dated 21-01-2013 on the proper recommendation of departmental selection committee. That in response the appellant got himself medically examined and also submitted arrival report. That where

Filed to day
04/11/21
Registrar

after the appellant started performing his duty at the concerned station quite efficiently and up to the entire satisfaction of his superiors.

- 2- That the respondent without any justification removed the appellant from service vide order dated 11.12.2015. That appellant feeling aggrieved filed departmental appeal fallowed Service Appeal No.377/2016 which was decided/disposed of vide Judgment dated 09.04.2019 in favor of appellant and the appellant was reinstated. Copy of the Judgment is attached as annexure..... **A.**
- 3- That in pursuance to the above mentioned Judgment of the Honorable Service Tribunal the appellant was reinstated into service vide reinstatement Notification/Order dated 03/10/2019 with effect from 01-08-2019 and posted at GHS Chapri against vacant post. Copy of the re-instatement order is annexed as annexure **B.**
- 4- That after reinstatement the appellant submit his charge report on 02.08.2019 and the department dully verified the educational documents prepared Service Book of the appellant and posted him as Junior Clerk at GHS Chapri District Kurram. That where after the appellant started performing his duty at the concerned station quite efficiently and up to the entire satisfaction of his superiors. Copies of Charge report, Educational Documents and service book are attached as annexure..... **C, D & E.**
- 5- That astonishingly the respondent issued the impugned notification/order dated 15/07/2021 where by the appointment order of the appellant was canceled. Copy of the impugned order is attached as annexure..... **F.**
- 6- That, the appellant feeling aggrieved from the impugned order dated 17.05.2021 filed Departmental appeal before the appellate authority but the same has not been responds till date. Copy of the Departmental appeal is attached as Annexure **G.**
- 7- That appellant feeling highly aggrieved and having no other remedy but to file the instant appeal on the following grounds amongst the others.

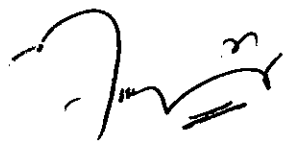
GROUND:

- A- That the impugned order 17.05.2021 issued by the respondents are void in nature against the law, facts and norms of natural justice hence not tenable and is liable to be set aside.
- B- That appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C- That the codal formalities required for the major penalty has not been fulfilled by the respondents while issuing the impugned order dated 17.05.2021.
- D- That neither notice nor chance of personal hearing/defense has been provided to the appellant before issuing the impugned order.
- E- That the enquiry officer neither recorded any statement of witnesses in the presence of the appellant nor was afforded an opportunity to cross-examine them, the appellant was condemned unheard thus the impugned order is illegal.
- F- That, the respondent Department acted in arbitrary and malafide manner while issuing the impugned order dated 17.05.2021.
- G- That, no regular inquiry has been conducted in the matter which is pre-requisite as per the judgments of the Apex Supreme Court of Pakistan in punitive matters.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

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

Dated:3.11.2021

APPELLANT



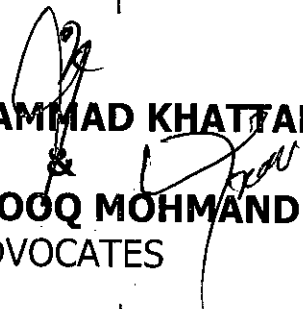
MUHAMMAD ALAM KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK

UMAR FAROOQ MOHMAND

ADVOCATES



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

SERVICE APPEAL NO. _____/2021

MUHAMMAD ALAM KHAN VS EDUCATION DEPTT:

AFFIDAVIT

Stated on oath that the contents of the accompanying service appeal are correct to best of my knowledge and belief and nothing has been concealed from this Honorable Service Tribunal.



[Handwritten Signature]
DEPONENT

CERTIFICATE:

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

[Handwritten Signature]
CERTIFICATION

ANNEXURE - A"

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
Service Appeal No. 293/2016

Date of Institution 28.03.2016
Date of Decision 09.04.2019

Zubair Khan Ex-Junior Clerk S/o Ghafoor Khan R/o Village Bagan.

Appellant

Versus

1. Additional Chief Secretary FATA, FATA Secretariat Warsak Road Peshawar.
2. Director of Education (FATA) Khyber Pakhtunkhwa Warsak Road, Peshawar.
3. Add: Agency Education Officer Sadda Kurram Agency.
4. Agency Account Officer Parachinar.
5. Political Agent Kurram Agency.
6. Assistant Political Agent Central Kurram.

Respondents

09/04/2019

Mr. Muhammad Hamid Mughal-----Member (J)
Mr. Ahmad Hassan -----Member (E)

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: - Noor

Muhammad Khattak learned counsel for the appellants and Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

2. This single/common judgment in the above captioned service appeal, shall also dispose of appeal No. 295/2016 filed by S

TESTED

TESTED
Khyber
Pakhtunkhwa
Service
Tribunal

TESTED

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Dir. bearing No.297/2016 filed by Muhammad Sadiq, bearing No.376/2016 filed by Sajid Rehman and appeal bearing No.377/2016 filed by Muhammad Alam Khan being identical in nature having arisen from the single order dated 11.12.2015.

3. The appellants have filed the present service appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 being aggrieved against the order dated 11.12.2015 whereby the appellants were terminated from service from the date of their appointments on the basis of decision of oversight committee.

4. Learned counsel for the appellant argued that the appellants were appointed as Junior Clerks vide appointment orders issued in the month of January 2013; that the appellants were appointed in the prescribed manner after participation in the test & interview; that the appellants also served their department about 34 months but without pay; that to the utter surprise of the appellants the respondent No.3 issued the impugned order dated 11.12.2015 whereby the services of the appellants were terminated with retrospective effect; that the appellants were appointed in the light of Appointment, Promotion & Transfer Rules after qualifying the test & interview including the typing test; that the appellants were terminated without regular inquiry and issuance of Show Cause Notice; that the departmental appeals of the appellants against the termination order dated 11.12.2015 were not responded; that the appellants have been denied a fair and no chance of hearing was provided to them against the impugned termination order; that the order dated

10
9.4.2019
ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED



11.12.2015 is against law, facts and norms of justice, hence liable to be struck down.

5. As against that learned Deputy District Attorney argued that Mr. Moeen Gul Additional Agency Education Officer Lower Kurram/Central Kurram made illegal appointments and resultantly committee was constituted to trace out the illegal appointments; that the committee submitted its report and picked out those candidates who were appointed unlawfully; that the appellants were failed in the typing test hence their termination orders were rightly issued.

6. Arguments heard. File perused.

7. It is very unfortunate that the officer who allegedly made illegal appointments was not taken to task.

8. There is no denying the fact that the appointment orders were issued to the appellants.

9. It appeared that the appointment of the appellants was disputed from the day one as admittedly the appellants have not received any salary.

10. During the recruitment process, typing test was also conducted and allegation against the appellants is that they failed the typing test.

11. Plea of the learned counsel for the appellant is that the appellants have qualified all the test & interview including the typing test.

12. It is not disputed that termination order was issued without affording the appellants any opportunity of defense and personal

Similarly no Show Cause Notice was issued to the

12/1/2019

ATTESTED


EXAMINER
Govt of P. F. Kurram
Service Board,
Peshawar

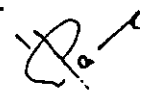
ATTESTED

appellants prior to the issuance of the impugned order.

13: In the light of above, this Tribunal is constrained to set aside the impugned order. Respondent department is directed to reinstate the appellants, for the purpose of inquiry, without back benefits. Respondent department to conduct proper inquiry against the appellants and conclude the same in accordance with law & rules on the subject. The present service appeal and the connected service appeals as mentioned in the para-2 of this judgment are partially accepted in the above terms. Parties are left to bear their own costs.

File be consigned to the record room.


(Ahmad Hassan)
Member

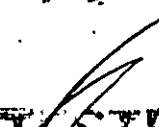

(Muhammad Hamid Mughal)
Member

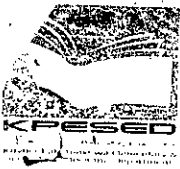
ANNOUNCED
09.04.2019

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MAJISTER
er Fakhankhwa
vice Tribunal
Peshawar

Date of Presentation of Application	25-4-2019
Number of Words	1600-
Copying Fee	10-
Urgent	2-
Total	12-
Name of Copyist	Sar
Date of Completion of Copy	25-4-2019
Date of Delivery of Copy	25-4-2019


ATTESTED



ANNEXURE B
9

Addl: District Education Officer Lower
Central Kurram Satta

No _____ /Edu:

Dated _____ / _____ /2019

Ph 0926-520674 Mail: educationsadda@gmail.c

REINSTATEMENT.

In Pursuance to the Directorate of Education Merged Districts Peshawar vide letter No 351 Dated Peshawar the 06-05-2019 and Honorable court Khyber Pakhtunkhwa Service Tribunal Peshawar No 889/ST Dated 07.05.2019, service appeal No 293/2016, 295/2016, 297/2016, 376/2016 filed by Zubair Khan /Implementation of Judgment dated 09.04.2019 and recommendation of the inquiry committee, The following appellants are hereby reinstated without back benefits as Junior clerk in the following institutions with effect from the reinstatement for the purpose of inquiry order vide No 2086-95/Edu dated 01.08.2019.

S#	Name	Father Name	Desig:	Institution.	Remarks
1	Zubair Khan	Ghafoor Khan	J/Clerk	GHS Paloseen	Against vacant J/C Post
2	Siraj U Din	Walayat Khan	J/ Clerk	GGDC Satta	Against vacant J/C Post
3	Muhammad Saddiq	Gul Mar Jan	J/ Clerk	GHS Manatoo	Against vacant J/C Post
4	Sajid Rehman	Said Aslam Khan	J/ Clerk	GHS Khanano Kali (Pirqayum)	Against vacant J/C Post
5	Muhammad Alam Khan	Salam Khan	J/ Clerk	GHS Chappri	Against vacant J/C Post

Terms/Condition:

1. No Payment will be made to the appellant until and unless their academic certificates are got verified from the concerned issuing authority.
2. Charge report should be submitted to all concerned.

Addl: District Education Officer
Lower & Central Kurram Satta

No 2640-46 /Edu: Dated 03 / 10 /2019

Copy for information to the: -

1. Director of Education Merged Districts Peshawar.
2. Deputy Commissioner Tribal District Kurram.
3. District Account Officer Kurram Parachinar.
4. Assistant Commissioners Lower & Central Kurram Satta.
5. Principals/Headmasters Concerned.
6. Officials concerned.
7. Office file.

ATTESTED

Addl: District Education Officer
Lower & Central Kurram Satta

HEAD MASTER
GHS Chappri
Lower Kurram

ATTESTED

ANNEXURE

C
10

OFFICE OF THE HEADMASTER G.H.S CHAPPRI

District Lower Kurram

CHARGE REPORT

Certified that Mr. Muhammad Alam Khan S/O Salam Khan on this day dated 02-08-2019 for noon took over charge of Junior Clerk (BPS-11) at Govt. High School Chappri District Kurram with reference to vide No.2086-95/Edu: Dated 01/08/2019.

Signature of Relieved Govt Servant: [Signature]

Name of Relieved Govt Servant: Sadar Ayub

Designation of Relieved Govt Servant: JLC

Signature of Govt. Servant Receiving Charge: [Signature]

Name of Govt. Servant Receiving Charge: Muhammad Alam Khan

Designation of Govt. Servant Receiving Charge: Junior Clerk BPS-11

The Charge of the Post of Junior Clerk (BPS-11) was transferred from Mr. Sadar Ayub to Mr. Muhammad Alam Khan S/O Salam Khan on the fore noon on this day dated: 02-08-2019

Endstt: No. 684-90 G.H.S Chappri, dated 02-08-2019

[Signature]
Headmaster

G.H.S Chappri District Kurram

Copies forwarded for information

1. Director of Elementary & Secondary Education KPK Peshawar
2. Director of Education Merged District Peshawar.
3. Deputy Commissioner Tribal District Kurram.
4. District Account Offices Parachinar District Kurram.
5. Add: DEO L&C Kurram Sadda.
6. Headmaster Office Concerned
7. Office File

[Signature]
Headmaster

G.H.S Chappri District Kurram

ATTZSTED

OFFICE OF THE HEADMASTER G.H.S CHAPPRI DISTRICT KURRAM

ANNEXURE D

11

No 33/4 Ag, Dated Parachinar the 13.5.04

OFFICE OF THE POLITICAL AGENT KURRAM AGENCY



KURRAM DOMICILE

Certified that Mr./Mrs. MOHAMMAD ALAM KHAN
Son/Daughter of Mr. SALAM KHAN Belongs
to a recognized Tribe of ZEMOSHT QAKZAI Section WATIZAI
Sub Section BAHADER NAWASI and his/her father is/was a permanent
bonafide resident of village LOWER MANDURI Kurram Agency.

He/She is an eligible candidate to avail himself/herself of the seats reserved for
Tribal Areas Kohat Division Kohat Backward Area Kurram Agency

Tehsildar Mahal/P.T. Alizai
PN 7 (HR) Tehsildar Lower
Kurram Agency
29/4/04

Asstt: Political Agent
Assistant Political Agent
Lower Kurram Agency
29/4/04

Political Agent
Lower Kurram Agency



Zahid Photo State Service Kachhly P & Parachinar

Head Master
G.H.S Chapri
L. Kurram Agency.

REGISTERED

LE

12

S.No. KB 216860

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 66631

BOARD OF INTERMEDIATE & SECONDARY EDUCATION



KOHAT

(N.W.F.P. Pakistan)

Secondary School Certificate Examination

Session: 2005 (ANNUAL)

This is to Certify that MUHAMMAD ALAM KHAN
Son/Daughter of SALAM KHAN and a
student of SIR SYED PUBLIC HIGH SCHOOL ALIZAI KURRAM AGENCY

has passed the *Secondary School Certificate Examination* of the Board of Intermediate and Secondary Education, Kohat held in MARCH, 2005 as a REGULAR candidate. He/she obtained 776 Marks out of 1050 and has been placed in Grade A Representing EXCELLENT.

The Candidate passed in the following subjects:

- | | | | |
|----------------|------------|--------------|----------------|
| 1. English | 2. Urdu | 3. Islamiyat | 4. Pak Studies |
| 5. Mathematics | 6. PHYSICS | 7. CHEMISTRY | 8. BIOLOGY |

Date of birth according to admission form is 05-Mar-1989

[Signature]
Asstt. Secretary

[Signature]
HEAD MASTER
G.H.S Nahaqi
Mohmand Agency

[Signature]
Secretary

This certificate is issued without alteration or erasure

Head Master
G.H.S Nahaqi
Mohmand Agency

ATTESTED

ATTESTED

13

S.No. KB _____

33540

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 30521

BOARD OF INTERMEDIATE & SECONDARY EDUCATION



KOHAT

(N.W.F.P. Pakistan)

INTERMEDIATE EXAMINATION

PRE-MEDICAL GROUP

Session 2007 (Annual)

This is to Certify that Muhammad Alam Khan
 Son/Daughter of Salam Khan
 and a student of Govt Degree College Bagan Kurram Agency
 Registered No 003-BK/GDCBKA-2005 has passed the Intermediate Examination
 of the Board of Intermediate & Secondary Education, Kohat held in May, 2007
 as a Regular candidate. He/She obtained 631 marks out of 1100 and has
 been placed in C Grade Representing Good

The Examination was taken as a whole / in parts.

[Signature]
Asstt Secretary

[Signature]
Secretary

This certificate is issued without alteration or erasure

MUHAMMAD BAKHT
(ORAKZAI)
Lecturer in Pashto
GDC BAGGAN KA

ATTESTED

[Signature]
ATTESTED



B.A Part-II Annual Examination, 2012	2009-SKG-05	Rokhana	Shah Wali Khan
B.A Part-II Annual Examination, 2011	2009-SKG-10	Fozia	Abdul Janan
B.A Part-II Annual Examination, 2009	2007-GCB-03	Zia Ur Rehman	Mazdigar Gul
B.A Part-II Annual Examination, 2010	2008-GDCSK-33	Ihsan Ullah	Muhammad Ghulam
B.A Part-II Annual Examination, 2011	2010-PCKU-1778	Sadiq Rehman	Looth Khan
B.A Part-II Annual Examination, 2010	2007-GDCSK-04	Khaista Rehman	Fazilat Khan
B.A Part-II Annual Examination, 2012	2009-PCKU-1837	Noor Zaman	Noor Jamal
B.A Part-II Annual Examination, 2010	2008-GCB-15	Imran Gul	Haji Miraj Gul
B.A Part-II Annual Examination, 2010	2008-GCB-20	Mohammad Usman	Haji Shah Wazir
B.A Part-II Annual Examination, 2010	2008-GDCSK-34	Abid Ullah	Muhammad Ghulam
B.A Part-II Annual Examination, 2012	2009-PCKU-1965	Khial Bat Khan	Haibat Khan
B.Sc Part-II Annual Examination, 2011	2009-GDCSK-22	Muhammad Saeed	Zarbat Khan
B.Sc Part-II Annual Examination, 2011	2009-GDCSK-32	Shahid Mahmood	Haji Sher Shah
B.A Part-II Annual Examination, 2012	2011-PCKU-2113	Zia Ul Alam	Muhammad Noor Alam
B.A Part-II Annual Examination, 2009	2007-GCB-09	Gul Hassan	Khan Bahadar
B.A Part-II Annual Examination, 2010	2009-PCKU-1867	Kifayat Ullah	Mir Jehan
B.Sc Part-II Annual Examination, 2012	2010-GDCSK-01	Siraj Ud Din	Walayat Khan
B.A Part-II Annual Examination, 2008	2005-SKG-01	Amina Qurashi	Zahir Shah
B.A Part-II Annual Examination, 2009	2007-GCB-20	Muhammad Alam Khan	Salam Khan
B.Sc Part-II Annual Examination, 2012	2010-GDCSK-26	Muhammad Sharif	Moien Shah
B.A Part-II Annual Examination, 2011	2009-SKG-06	Bibi Hajira	Nasir Khan
B.A Part-II Annual Examination, 2012	2011-PCKU-2066	Munib Rehman	Jarnil Khan
B.Sc Part-II Annual Examination, 2009	2007-GDCSK-36	Ishaq Khan	Malik Jan
B.A Part-II Annual Examination, 2008	2006-PCKU-1255	Sabir Gul	Noor Gul

(S)

Kohat University of Science & Technology, Kohat (Pakistan)

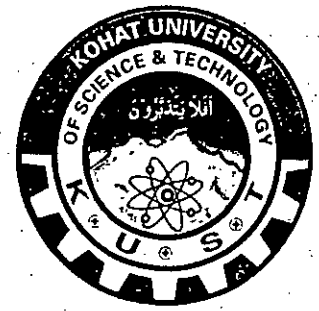
Session 2007-2009

MUHAMMAD ALAM KHAN SON of SALAM KHAN and a student
of GOVT DEGREE COLLEGE BAGAN KURRAM AGENCY having passed the prescribed
examination held in JULY 2009, is this day admitted by

The Kohat University of Science & Technology, Kohat
to the Degree of
Bachelor of Arts
in the FIRST Division

The Examination was taken as a whole / in parts

dated on OCTOBER 24, 2009



Attested by
[Signature]

MUHAMMAD ANWAR
(ORANZI)
Secretary in Charge
CBC BAGGAN

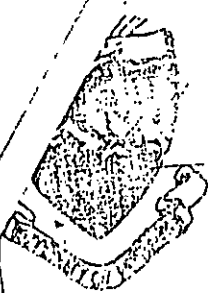
[Signature]
Controller of Examinations

Countersigned
[Signature]
Vice Chancellor

ATTESTED

16

UNIVERSITY OF PESHAWAR
Pakistan
Detailed Marks Certificate



Master of Arts in Political Science
Final

Annual Examination 2011

Department of Political Science, University of Peshawar

Name: MUHAMMAD ALAM KHAN
Father's Name: SALAM KHAN

Gender: Male
Registration No: 2009-U-6: 59

Papers	Marks	In Figures	Grade
Political Development Social Change & Research Methodology-VI(P-Old)	100	73	Seventy Three
Muslim World & its Political Dynamics-VII(Old-P)	100	76	Seventy Six
Political & Institutional Development in Pakistan-VIII(B)	100	58	Fifty Eight
Economy of Pakistan-IX(B)	100	61	Sixty One
Pakistan in World Affairs-X(B)	100	33	Thirty Three
Viva Voce	100	85	Eighty Five
Previous 3052: Annual-2010	500	303	Thirtly Three
Final	1000	719	Seventy One

Checked with record & found correct

DMC Asstt: [Signature]
Programmer Secretary
Countersigned

[Signature]
Controller of Examination
University of Peshawar

Errors & omissions are subject to subsequent rectification

The Examination was taken As a Whole

Examination held From 14-Jul-2011 to 04-Aug-2011
Result Declared on Saturday, January 14, 2012
Issue Date: 16-Jan-2012

[Signature]

Head Master
G.H. [Signature]
L. Kurram Agency

ATTESTED

S.No. KB 216360

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 66631

BOARD OF INTERMEDIATE & SECONDARY EDUCATION
KOHAT
(N.W.F.P. Pakistan)
Secondary School Certificate Examination
Session: 2005 (ANNUAL)



CHECKED & VERIFIED
Amala
ASSISTANT SECRETARY
BOARD OF INTERMEDIATE & SECONDARY EDUCATION KOHAT
18/6/05

This is to Certify that MUHAMMAD ALAM KHAN
Son/Daughter of SALAM KHAN and a
student of SIR SYED PUBLIC HIGH SCHOOL ALIZAI KURRAM AGENCY
has passed the *Secondary School Certificate Examination* of the Board of
Intermediate and Secondary Education, Kohat held in MARCH, 2005 as a
REGULAR candidate. He/She obtained 776 Marks out of 1050 and
has been placed in Grade A Representing EXCELLENT

The Candidate passed in the following subjects:

- | | | | |
|----------------|------------|--------------|-----------------|
| 1. English | 2. Urdu | 3. Islamiyat | 4. Pak. Studies |
| 5. Mathematics | 6. PHYSICS | 7. CHEMISTRY | 8. BIOLOGY |

Date of birth according to admission form is 05-Mar-1989

Asst. Secretary
Asst. Secretary

Secretary
Secretary

This certificate is issued without alteration or erasure

ATTACHED

S.No. KB

43849

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ

Roll No. 30521

BOARD OF INTERMEDIATE & SECONDARY EDUCATION

KOHAT

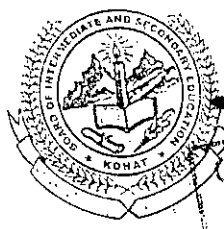
(N.W.F.P. Pakistan)

INTERMEDIATE EXAMINATION

PRE-MEDICAL GROUP

Session 2007 (Annual)

18



CHECKED & VERIFIED
Amalad

KOHAT

ASSISTANT SECRETARY
BOARD OF INTERMEDIATE & SECONDARY EDUCATION
KOHAT

18/6/2007

This is to Certify that Muhammad Alam Khan

Son/Daughter of Salam Khan

and a student of Govt Degree College Bagan Kurram Agency

Registered No 003-BK/GDCBKA-2005 has passed the Intermediate Examination

of the Board of Intermediate & Secondary Education, Kohat held in May, 2007

as a Regular candidate. He/She obtained 631 marks out of 1100 and has

been placed in c Grade Representing Good

The Examination was taken as a whole / in parts.

[Signature]
Assistant Secretary

This certificate is issued without alteration or erasure

[Signature]
Secretary

2. Certificates for verification.
DMC must be sent to Assistant Controller Secrecy.

[Signature]
Assistant Secretary, Board of Intermediate & Secondary Education, Kohat

ATTACHED

University of Peshawar

Pakistan

Annual 2011

MUHAMMAD ALAM KHAN

son of

SALAM KHAN

and a

Student Of

Department of Political Science, University of Peshawar having Passed the

prescribed examination held in July 2011 is this day admitted by the University Of Peshawar to

the Degree of Master of Arts in Political Science in 1st Division

The examination was taken as a Whole

Verified and Found Correct

Controller of Examinations
University of Peshawar

Verified and Correct

Controller of Examinations
University of Peshawar

Registry

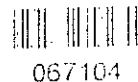
Pro-Chancellor

Registration No. 2009-U-6889

Roll No. 7598

Roll No. 21302-7710045-1

Date of Admission January 14, 2012



ATTESTED

19

Serial No. 002629
Roll No. 14576

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

Registration No. _____

26

Kohat University of Science & Technology, Kohat (Pakistan)

Session 2007-2009

MUHAMMAD ALAM KHAN son of SALAM KHAN and a student
of GOVT DEGREE COLLEGE BAGAN MURRAM AGENCY having passed the prescribed
examination held in JULY 2009 is this day admitted by

ATTESTED

The Kohat University of Science & Technology, Kohat
to the Degree of
Bachelor of Arts

Verified
&
Found Correct

[Signature]
9/16/2009

in the FIRST Division

Controller of Examinations
Kohat University of Science
& Technology Kohat

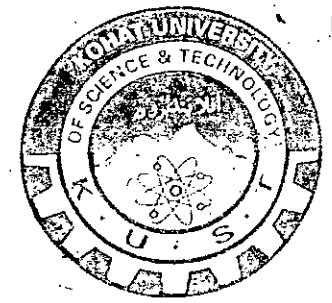
The Examination was taken as a whole / in parts

[Signature]

Controller of Examinations

Countersigned

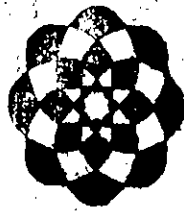
[Signature]
Vice Chancellor



Result declared on OCTOBER 24, 2009

SERVICE BOOK

سروس بک



Name: Muhammed Alam Khan

Father's Name: Salam Khan

Qualifications: Master in Political Science

Designation: Junior Clerk J/c

Department: Education

Address: Lower Mandori District Kurram

1. Name (مت) Muhammad Alam Khan
2. Nationality and Religion Pakistani (Islam)
(قومیت اور مذہب)
3. Residence Village Mandusi P/o Bagan District Kussam
(مستقل رہائش)
4. Father's name and residence Salam Khan (As Above)
(والد کا نام اور پتہ)
5. Date of birth by Christian era as nearly as can be ascertained 05-03-1989 (Fifth March Nineteen Hundred Eighty nine)
(تاریخ پیدائش مطابق سن عیسوی)
6. Exact height by measurement 5-8"
(قد و قامت)
7. Personal mark of identification Nil
(نشان شناخت)
8. Left hand/right hand thumb and finger impressions of (Non-gazetted officer)
(مرد کی صورت میں بائیں اور عورت کی صورت میں دائیں ہاتھ کی انگلیوں کے نشانات)
- Little Finger
(چھنگلیا)
- Ring Finger
(چھنگلیا کے ساتھ انگلی)
- Middle Finger
(انگشت میاں)
- Fore Finger
(انگشت شہادت)
- Thumb
(انگوٹھا)
9. Signature of Government Servant [Signature]
(سرکاری ملازم کے دستخط)
10. Signature and designation of the Head of the office or other Attesting officer [Signature]

HEAD MASTER
G.H.S. Chappri
Lower Kussam

(تصدیق کنندہ افسر کے دستخط اور مہر)

Note: The entries in this page should be renewed or re-attested at least every five years and the signatures in Lines 9 and 10 should be dated. Finger prints need not be taken after every 5 years under this rule.

اس صفحہ کے مندرجات کم از کم پانچ سال بعد تصدیق ہونا ضروری ہیں اور نمبر 9 اور 10 میں دستخطوں کے نیچے تاریخ لکھنی چاہئے۔
انگلیوں کے نشانات کے لئے ہر پانچ سال کے بعد تصدیق کی ضرورت نہیں۔

ATTESTED



Deputy District Education Officer Male
Lower & Central Kurram Sadda

No _____ /Edu:

Dated _____ / _____ /2021

Ph 0926-520674 Mail: education@sadda@gmail.com

NOTIFICATION.

1. WHEREAS Mr Muhammad Alam Khan Junior Clerk GHS Chappri District Kurram was reported as willful absent since 06.11.2019 upto now vide HM letter No 732-36 dated 10.08.2020.
2. AND WHEREAS Mr. Muhammad Alam Khann Junior Clerk GHS Chappri, District Kurram was served with a Show Cause / Willful Absence Notice vide this office No. 1364-67/Edu ated 23.09.2020 for being absentee without proper permission of the competent authority.
3. AND WHEREAS Mr.Muhammad Alam Khan Junior Clerk GHS Chappri District Kurram did not appear for personal hearing in response to the show cause served upon him.
4. NOW THEREFORE In exercise of the powers conferred under Rules 4 (a) (iii) of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011, the competent Authority, ~~the District Education Officer Kurram,~~ is pleased to impose Major penalty of "cancellation of appointment" upon Mr. Muhammad Alam Khan Junior Clerk GHS Chappri, District Kurram with effect from his reinstatement order vide no 2640-46/Edu: Dated 03.10.2019 on account of his being willful absentee.

Deputy District Education Officer
Lower & Central Kurram Sadda

No 7230-38 /Edu: Dated 15 / 7 /2021

Copy for information to the: -

1. Director of Elementary & Secondary Education KPK Peshawar.
2. Director of Education Merged Distracts area Peshawar.
3. Deputy Commissioner Tribal District Kurram.
4. Additional Deputy Commissioner Tribal District Kurram
5. Headmaster GHS Chappri Dist Kurram.
6. Assistant Commissioner Lower Kurram Sadda.
7. ASDEO Concerned.
8. Official Concerned.

Deputy District Education Officer
Lower & Central Kurram Sadda

ATTACHED

ANNEXURE "9"

26

To

The Director,
Elementary & Secondary Education,
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL AGAINST THE NOTIFICATION DATED 15-07-2021
WHERE BY THE APPOINTMENT ORDER OF APPELLANT WAS CANCELLED

Sir,

Most respectfully it is stated that:

Appellant is the employee of your good self Department and was initially appointed as Junior Clerk BPS-11 at GHS Sakhi Ahmad Shah District Kurram vide order dated 21-01-2013 on the proper recommendation of departmental selection committee. That in response the appellant got himself medically examined and also submitted arrival report. That where after the appellant started performing his duty at the concerned station quite efficiently and up to the entire satisfaction of his superiors.

That the authority without any justification removed the appellant from service vide order dated 11.12.2015. That appellant feeling aggrieved filed departmental appeal followed Service Appeal No.293/2016 which was decided/disposed of vide Judgment dated 09.04.2019 in favor of appellant and the appellant was reinstated into service by the august service Tribunal.

That in pursuance to the above mentioned Judgment of the Honorable Service Tribunal the appellant was reinstated into service vide reinstatement Notification/Order dated 03/10/2019 with effect from 01-08-2019.

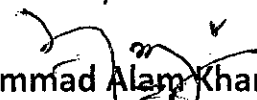
That after reinstatement the appellant submitted charge report on 02.08.2019 and the department dully verified the educational documents prepared Service Book of the appellant and posted him as Junior Clerk at GHS Chapri District Kurram. That where after the appellant started performing his duty at the concerned station quite efficiently and up to the entire satisfaction of his superiors.

That astonishingly the respondent issued the impugned notification/order dated 15/07/2021 where by the appointment order of the appellant was cancelled without any reason and regular inquiry.

It is therefore most humbly requested that on acceptance of this Departmental appeal the impugned Notification dated 15/07/2021, may kindly be set aside and the appellant may be re-instated into service with all back benefits.

Dated: 30.7.2021

Sincerely Yours


Muhammad Alam Khan,
Ex: Junior Clerk
GHS Chappri District
Kurram

ATTACHED

VAKALATNAMA

27

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

APPEAL NO: _____ OF 2021

M. Alam Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

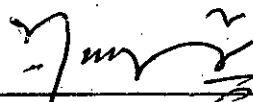
Education Deptt.

(RESPONDENT)
(DEFENDANT)

I/We M. Alam Khan

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

Dated. ____/____/2021



CLIENTS

ACCEPTED

NOOR MUHAMMAD KHATTAK

KAMRAN KHAN

UMER FAROOQ MOHMAND

SAID KHAN

&

**HAIDER ALI
ADVOCATES**

BEFORE THE HONOURABLE SERVICE TRIBUNAL KP PESHAWAR.

Service appeal No: 7725/2021

Title: Muhammad Alam Khan..... (Appellant)

Versus

- 1) Secretary E & SE Education department Khyber-Pakhtunkhwa & others.....
Respondents

INDEX

S.NO	Description of Documents	Annexure	Pages
1	Para wise comments and Affidavit	1-4
2	Report of Head Master GHS Cappri No.702 dated 16/12/2019 & Letter No.732-36 dated 10/8/2020 to Add DEO Office Sadda	A	5-6
3	A letter to the HM by DEO No.6376-79 dated 31/5/2021	B	7
4	Absentee notice to the appellant by Add DEO lower & center Kurram Sadda	C	8
5	Approval of cancellation by DEO Kurram	D	9
6	Cancellation of Appointment	E	10

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

Service appeal No: 7725/2021

Title: Muhammad Alam Khan..... (Appellant)

Versus

- 1) Secretary E & SE Education department Khyber-Pakhtunkhwa..... (Respondents)
- 2) The Director of E&SE Education department Khyber-Pakhtunkhwa.....(Respondents)
- 3) The District Education Officer District Kurram (Respondents)

Parawise Comments on behalf of respondent No.1 to 3.

Respectfully shewith.


1. That the petitioner has got no cause of action/Locus standi to file an instant appeal.
2. That the petitioner has concealed all the material facts from this Honorable tribunal.
3. That the petitioner has not come to this tribunal with clean hands.
4. That the petitioner is estopped by his conduct to bring the instant appeal.
5. The appeal is badly barred by law and limitation.

ON FACTS

1. That para-1 pertains to the record of the appellant, however performance of duties with efficiency and honesty is the core & prior responsibility of the employee.
2. That the appellant had been removed from the service in the light of an inquiry of oversight committee of the FATA secretariat and was reinstated in the light of order/judgement of the Honorable service tribunal vide dated 19/4/2019.

3. That para-3 is correct, hence needs no further comments.
4. That para-4 is correct to the extent that the appellant was reinstated and posted at GHS Chapri lower Kurram. The appellant made arrival, but he did not bother to attend the school/duties and due to his habitual absenteeism the appellant has been reported three times to the competent authority by the head of the institution vide letter No 702 dated 16/13/2019, no732-36 dated 10/8/2020 and No744 dated 7/6/2021. Consequently the competent authority imposed a major penalty of removal from service. **Annexure—A, Annexure—B & Annexure—C**
5. That detailed reply already has been submitted under para-4 above.
6. That para-6 pertains to record.
7. Incorrect.

ON GROUNDS.

- A. Incorrect and denied that appellant has been treated as per rules and policy.
 - B. Incorrect and denied as the appellant was habitually absent from the duties and correctly removed from the service. The respondent did not violate articles 4 & 25 of the constitution of the Islamic Republic of Pakistan.
 - C. Incorrect and denied that appellant was reported three times by the head of the institution, so his habitual absenteeism was known.
 - D. Incorrect and denied that the detailed reply has already been submitted under para-4 on facts above.
 - E. Incorrect and denied as stated above that appellant was reported three times for the habitual absenteeism and was rightly removed from the service.
- 

- F. Incorrect and denied that the respondent department has no personal dilemma with the appellant, therefore no malafide and arbitrary action is involved.
- G. That detailed reply has already been submitted under para-4 on facts.
- H. That the respondent department also seeks permission of the Honorable service tribunal to submit additional grounds at the time of arguments.

PRAYER


It is humbly prayed that because of the legal and factual position the instant appeal may be ordered as dismissed with cost in favor of the Respondent Department.

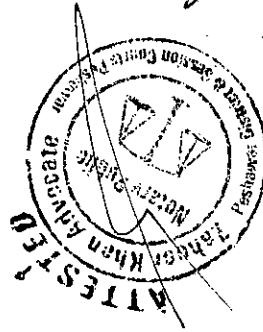
[Handwritten scribbles and signatures]

[Handwritten signature]
29/7/2024
DISTRICT EDUCATION OFFICER
DISTRICT KURRAM
[Handwritten initials] Respondent No.1,2 & 3

AFFIDAVIT

I Liaqat Ali Khan District Education Officer District Kurram Khyber Pakhtunkhwa do hereby solemnly affirm and declare that the documents of the instant Para wise Comments are true & correct to the best of my knowledge & belief.


DISTRICT EDUCATION OFFICER
DISTRICT KURRAM



29 JUL 2022

Ammesur A

(5)

OFFICE OF THE HEADMASTER GHS CHAPPRI LOWER KURRAM

No 702 /

Dated 16 / 12 / 2019

To

The Add: District Education Officer
Lower & Central Kurram Sadda.

Subject:- **Absent Report.**

Memo:-

It is stated for your kind information that Mr Muhammad Alam Junior Clerk of this school absent w.e.f 06.11.2019 up ^{to} now i.e 16.12.2019 without any permission/application.

In this regard the report is hereby submitted for further necessary action please.

Received on 16/12/19
S. Amal.



Headmaster
Govt: High School Chappri
Lower Kurram .

OFFICE OF THE HEADMASTER GHS CHAPRI LOWER KURRAM DISTRICT KURRAM

No. 732-36 dated 10/8/2020

TO

The District Education Officer Kurram

Subject: Absent Report

Memo: Reference this office no 702 dated 16.12.2019 addressed to Add: DEO lower and central Kurram sadda on the above noted subject that Mr. Muhammad Alam Junior clerk of this school was appointed by Add: DEO LK & CK sadda on 03.10.2019. Shortly he has left his duty w.e.f 06.11.2019 and coming absent up to now i.e. 30.07.2020. Personal salary no has not allotted to him nor he has drawn salary up to now. The undersigned forwarded his absent report to Add: DEO. There is no action has taken against him up to now. Once again the report is here by submitted to your honor for further necessary action please.


Headmaster

GHS Chapri Lower Kurram

Copy forwarded for Information:

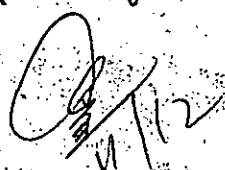
1. Add: DEO LK&CK at Sadda
2. DC Kurram
3. Add: Director Education NMD(ex FATA) warsak Road Peshawar
4. District Account Officer Kurram at Parachinar

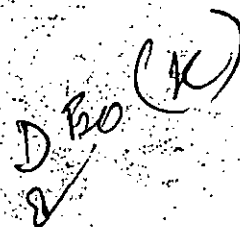
ADEO (circle) / D/A

Trace out the show
Cause notice / Absence reports
of the employees & submit
to this office for further
proceeding against him
v. urgent


Headmaster

GHS Chapri Lower Kurram


11/12

D.Bo (K)




Annexure - B

87

Add: District Education Officer Lower &
Central Kurram Sadda

No 6376-79 /Edu:

Dated 31 / 5 /2021

Ph 0926-520674 Mail: educationsadda@gmail.com

To

Headmaster

Govt: High School Chappri Lower Kurram.

Subject: - Detail Report regarding absentee explanation.

Memo:-

Reference to your letter No 732-36 Dated 10.08.2020 on the subject cited above and to state that to furnish the detail report along with documents/proof to pursue further into the matter. Furthermore, trace out the factual position of show cause notice/absence report within 03 days of the Mr. Noor. Alam Khan Junior Clerk of your school, please.

District Education Officer
Tribal District Kurram.

No _____ /Edu: Dated ____ / ____ /2021

Copy for information to the: -

1. Director of Education E&SE KPK Peshawar.
2. District Monitoring Officer (EMA) Kurram.
3. Teacher Concerned.
4. Office file.

casura
Add: District Education Officer
Tribal District Kurram.

7

Office of the Head Master Govt High School Chapri Lower Kurram

No 744 Dated 07-6-2021

To

The District Education officer Kurram

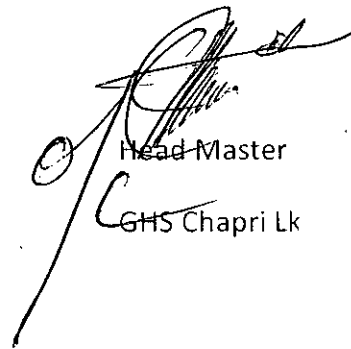
Subject: - Detail report regarding absentee explanation

Memo:- Reference your office letter no 6376-79/edu sadda dated 31.5.2021 and to state that Mr Noor Alam J/C of this school was absent w,e,f 6.11.2019 and had reported to add: D.E.O LK and CK sadda vide this office no 702 dated 16.12.2019 for onward n/a.(copy of letter no 702 attached).The office of Add: D.E.O could not proceed the case. After a long time once again the undersigned submitted report to Add: D.E.O for n/a vide this office no 732-36 dated 10.8.2020.(copy attached)

The Add: D.E.O served single notice to the said J/C vide his office endst no 1364-67 dated 23.9.2020 and copy was also endorsed to the undersigned for information.(copy attached)

Meanwhile the office of ADD: D.E.O adopt silence and could not serve other notices. Now the factual position is that, the said J/C are coming absent up to now.

The report is here by submitted for your honor please.


Head Master
GHS Chapri Lk



Amexure C
(8)

Add: District Education Officer Lower &
Central KurramSadda

No 1364-67 /Edu:

Dated 23 / 09 /2020

Ph 0926-520674 Mail: educationsadda@gmail.com

To

Mr. Muhammad Alam
Junior Clerk GHS Chappri Lower Kurram.

Subject: - **ABSENCE FROM DUTY/EXPLANATION.**

Memo: -

I am directed to state that it has been reported by the Headmaster Govt: High School Chappri Lower Kurram vide letter No 732-36 Dated 10-08.2020 that you are absent from duty since 06.11.2019 upto now.

You are, therefore, directed to explain your position for your willful absence from duty within 07 days of the receipt of this letter otherwise strict disciplinary action will be initiated against you.

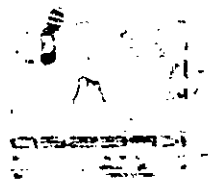
Add: District Education Officer
Lower & Central Kurram Sadda

No 1364-67 /Edu: Dated 23 / 09 /2020

Copy for information to the: -

1. Director of Education Newly Merged Tribal Districts Peshawar.
2. Headmaster GHS Chappri with the remarks to send this letter to the official concerned on his home address under intimation to this office.
3. Office file.

Add: District Education Officer
Lower & Central Kurram Sadda



Abdl District Education Officer Lower &
 Central Kurram Sada
 No 1561 - 67 Edu: /2020
 Dated 22 / 07 / 2020
 PH 0926-250674 Mail: education@sada@gmail.com

To

Mr. Muhammad Alan
 Junior Clerk GHS Chapri Lower Kurram

ABSENCE FROM DUTY EXPLANATION.

Subject -
 Memo -

I am directed to state that it has been reported by the Headmaster Govt. High School Chapri Lower Kurram vide letter No 732-36 Dated 10-08-2020 that you are absent from duty since 08.11.2019 upto now. You are, therefore, directed to explain your position for your wilful absence from duty within 07 days of the receipt of this letter otherwise strict disciplinary action will be initiated against you.

Abdl District Education Officer,
 Lower & Central Kurram Sada

No 1561 - 67 Edu: Dated 22 / 07 / 2020
 Copy for information to the -

1. Director of Education Newly Merged Tribal Districts Peshawar.
2. Headmaster GHS Chapri with the remarks to send this letter to the official concerned on his home address under intimation to this office.
3. Office file

Abdl District Education Officer,
 Lower & Central Kurram Sada

(9)

Annexure D

Office of the Head Master Govt High School Chapri Lower Kurram

No 744 Dated 07-6-2021

To

The District Education officer Kurram

Subject: - Detail report regarding absentee explanation

Memo:- Reference your office letter no 6376-79/edu sadda dated 31.5.2021 and to state that Mr Noor Alam J/C of this school was absent w,e,f 6.11.2019 and had reported to add: D.E.O LK and CK sadda vide this office no 702 dated 16.12.2019 for onward n/a. (copy of letter no 702 attached). The office of Add: D.E.O could not proceed the case. After a long time once again the undersigned submitted report to Add: D.E.O for n/a vide this office no 732-36 dated 10.8.2020. (copy attached)

The Add: D.E.O served single notice to the said J/C vide his office endst no 1364-67 dated 23.9.2020 and copy was also endorsed to the undersigned for information. (copy attached)

Meanwhile the office of ADD: D.E.O adopt silence and could not serve other notices. Now the factual position is that, the said J/C are coming absent up to now.

The report is here by submitted for your honor please.

Head Master

GHS Chapri Lk

DDEO(M)/LK :-
Issue cancellation
of contract / approval
of issuance pl. since the date
case is

Shoukat Ali
19/7.
Process the case and make sure
his cancellation plus

Amir
DY DEO



Annexure E

10

Deputy District Education Officer Male

Lower & Central Kurram Sadda

No _____ /Edu:

Dated _____ / _____ /2021

Ph 0926-520674 Mail: educationsadda@gmail.com

NOTIFICATION.

1. **WHEREAS** Mr Muhammad Alam Khan Junior Clerk GHS Chappri District Kurram was reported as willful absent since 06.11.2019 upto now vide HM letter No 732-36 dated 10.08.2020.
2. **AND WHEREAS** Mr. Muhammad Alam Khann Junior Clerk GHS Chappri, District Kurram was served with a Show Cause / Willful Absence Notice vide this office No. 1364-67/Edu ated 23.09.2020 for being absentee without proper permission of the competent authority.
3. **AND WHEREAS** Mr.Muhammad Alam Khan Junior Clerk GHS Chappri District Kurram did not appear for personal hearing in response to the show cause served upon him.
4. **NOW THEREFORE** In exercise of the powers conferred under Rules 4 (a) (iii) of Khyber Pakhtunkhwa Government Servant (Efficiency and Discipline) Rules 2011, the competent Authority, the District Education Officer Kurram, is pleased to impose Major penalty of "**cancellation of appointment**" upon Mr. Muhammad Alam Khan Junior Clerk GHS Chappri , Disrict Kurram with effect from his reinstatement order vide no 2640-46/Edu: Dated 03.10.2019 on account of his being willful absentee.

Deputy District Education Officer
Lower & Central Kurram Sadda

No 7230-38 /Edu: Dated 15/7 /2021

Copy for information to the: -

1. Director of Elementary & Secondary Education KPK Peshawar.
2. Director of Education Merged Distracts area Peshawar.
3. Deputy Commissioner Tribal District Kurram .
4. Additional Deputy Commissioner Tribal District Kurram
5. Headmaster GHS Chappri District Kurram.
6. Assistant Commissioner Lower Kurram Sadda.
7. ASDEO Concerned.
8. Official Concerned.

Deputy District Education Officer
Lower & Central Kurram Sadda

9 Asif Nawaz representative of Directorate
of E&SE reliance on behalf of
Director of E&SE Respondent No 2.
Relie on reply of Respondent No 3
DEO District Kurram.

A
29/7-22